
Northern Ireland Assembly

Monday 22 March 2010

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

Members observed two minutes' silence.

Assembly Business

Speaker's Ruling

Mr Speaker: Before we begin this afternoon's proceedings, I wish to make some comments on recent debates in the Chamber, especially those of last week. I am concerned by the comments that were made. Some Members have either caused considerable offence to others or fallen short of the standards of debate in this House or displayed a lack of respect, especially to the Chair.

Certainly, in relation to the lack of respect for the authority of the Chair, I was disappointed to note the challenges made by Mr Storey and Mr McNarry during last Monday's sitting. In case there is any doubt, let me make it absolutely clear once more that it is not in order to challenge the Chair in any way, especially in the way that Members did on those two particular occasions. I warn Members: I have raised the issue in this Chamber for some time, yet we still have Members who feel that they can get up in this Chamber and challenge the authority of the Chair. I can assure Members on all sides of the House that that will not happen — that will not happen. I certainly ask Members to reflect on the difficulties that would arise if Members were repeatedly to challenge the authority of the Chair. Members who make such challenges in future may not be called to speak in debates in the Chamber for some time.

In relation to the standards for debate, Members should, by now, be fully aware of my ruling of 24 November 2009, when I introduced a different approach to moderating the use of language in the Chamber. Rather than focus on particular words or phrases that might previously have been described as unparliamentary language, I now judge Members' remarks against the standards of courtesy, good temper and moderation.

Importantly, in making my judgements, I take into account the context in which Members make their remarks.

Let me say to Members on all sides that I understand that on occasions, especially during some of the debates in the Chamber, emotions may rise. I can understand that. However, when Members are warned to temper their language they should do so, rather than trying to repeat it. Once again I say to all sides, when the Chair indicates clearly that Members are about to cross the line, or have crossed the line, it is vitally important that Members reflect on what has been said and try to use different language. Certainly, when I adjudge remarks to have fallen short of those standards, I may ask Members to moderate their remarks, withdraw them, or move on. In future, if a Member feels that they can challenge the authority of the Chair, I intend to ask that Member to take his place, and I will move on to the next Member. It will be as simple as that.

With that in mind, I was very disappointed that, during last Monday's sitting, Mr Bell refused to accept the authority of the Chair. Therefore, I caution Mr Bell that a further challenge of that nature will result in him not being called to speak in the Chamber for some time. When a Member knows that he has crossed the line with unparliamentary language and is asked to withdraw the comment, but further repeats the comment and challenges the Chair, I assure Members that, from here on in, that Member will not only be removed from the House but will not take part in debates in the Chamber for some time.

When the Chair indicates very clearly to a Member that he is using unparliamentary language, I would have thought that that Member would, at least, have respect for the Chair, and would, as far as possible, withdraw the remarks; but to further challenge and repeat the remarks is

something that I, as Speaker of the Assembly, will not have. I will not have it from any Member, whether it is Mr Bell or anybody else. I have made that clear a number of times. However, it is quite obvious that there are Members who are continually rising in their places and are prepared to challenge the authority of the Chair. I can assure Members that that will not happen and will not continue.

Remarks made by other Members during recent sittings have also caused offence, including comments such as those made by Mr Kinahan last Monday. I have read Hansard, and I can understand that, during the cut and thrust of debate, Members may say things and on reflection may think differently about how they express themselves.

Remarks made by Mr Poots on 1 March about Mr Dallat caused particular offence, and certainly the Member has spoken to me about it. At the time the remarks were made, I judged them against the context of a very heated debate, when strong remarks were made by a number of Members from a seated position. At that time, I responded by calling on all Members to temper their remarks. I have since discussed the matter with Mr Poots and have asked him to consider how he might best address the offence taken at those remarks. I understand that Mr Poots will meet with Mr Dallat to try to see if they can reach an understanding on the issue.

Mr Kennedy: *[Interruption.]*

Mr Speaker: Order. I now consider the matter closed, and will not allow it to be reopened by any points of order. Once again, I caution all Members — all Members — on the language that they may use in the House, and especially about making a challenge to the Chair.

The Minister of Finance and Personnel (Mr S Wilson): On a point of order, Mr Speaker.

Mr Speaker: If it is a point of order on the issues that I have raised —

The Minister of Finance and Personnel: It is not a point of order on the issues that you have raised, but it arises from the points that you have raised. On the issue involving one of the Members whom you named, the occasion arose because he was seeking a retraction from the Education Minister in respect of an allegation that she made about my Department and me. Will you give some guidance on how

the incorrect information that was given can be remedied on the Floor of the House, since it was given on the Floor of the House?

Mr Speaker: I am not prepared to open this up to points of order, but let me answer the Minister. If any Member of this House feels that a Minister has not given correct information in the Chamber, there are clear guidelines on how that can be corrected. It is really up to Ministers to decide how they will correct information. In the past, Ministers have written to me with such information. None of us is perfect; we all make mistakes. Ministers have addressed those mistakes through a letter from their Department. There are different ways of addressing incorrect information that Ministers have given, sometimes through no fault of their own, to the House.

I am not prepared to take any further points of order on the issue, because I would feel that Members were trying to challenge the authority of the Chair. That will not happen.

Mr Attwood: On a point of order, Mr Speaker.

Mr Speaker: I am not prepared to take a point of order on what I have said, and I shall now move on.

Mr Attwood: I do not believe that it is on a matter that is particular to what you have just said, Mr Speaker. I wish to confirm what you said on 24 November 2009. You ruled:

“On other occasions, as in the past, Members may make remarks or allegations that fall so far short of the standards that I have outlined that I will ask them to withdraw them.” — [Official Report, Vol 46, No 2, p81, col 2].

That is the ruling that you made. On a matter of general principle, could I ask you to clarify whether, if a Member were to make a remark in the Chamber —

Mr Speaker: I have said that I am not prepared to open up a debate on the matter. I will judge any remark that is made by any Member from any side of the House. I know where the Member is trying to go, and I would prefer it if he did not go there. I shall now move on. As far as I am concerned, the matter is closed.

Suspension of Standing Orders

The Minister of Finance and Personnel (Mr S Wilson): I beg to move

That Standing Orders 10(2) to 10(4) be suspended for 22 March 2010.

Mr Speaker: Before I put the Question, I remind Members that the motion requires cross-community support.

Question put and agreed to.

Resolved (with cross-community support):

That Standing Orders 10(2) to 10(4) be suspended for 22 March 2010.

Mr Speaker: As the motion has been agreed, today's sitting may go beyond 7.00 pm, if required.

Ministerial Statement

North/South Ministerial Council: Transport Sectoral Format

Mr Speaker: I have received notice from the Minister for Regional Development that he wishes to make a statement.

The Minister for Regional Development

(Mr Murphy): Go raibh maith agat, a Cheann Comhairle. In compliance with section 52 of the Northern Ireland Act 1998, I wish to make the following statement on the eighth meeting of the North/South Ministerial Council (NSMC) in transport sectoral format, which was held in Newry on Wednesday 3 March 2010. The Minister of the Environment, Edwin Poots MLA, has approved the report, and I make it on his behalf. I chaired the meeting, and the Executive were also represented by Edwin Poots MLA, the Minister of the Environment. The Irish Government were represented by Noel Dempsey TD, the Minister for Transport.

Ministers discussed progress on the Dublin to Belfast rail link and noted that the collapsed viaduct at Malahide was repaired ahead of schedule. We welcomed the increase in passenger numbers on the line since its reopening and the fact that the rail companies intend to keep fare promotions under review. The council noted that the railway companies have produced costed proposals that are under consideration and which are aimed at improving the reliability of trains on the line by improving the viability of the existing fleet.

We also noted that the two railway companies continue to consider fare harmonisation on the Dublin to Belfast rail service. However, the current focus on growth in passenger numbers limits the potential to advance that at present. The development of integrated ticketing systems across the island of Ireland remains a longer-term objective.

Ministers noted the completion of the northern railway corridor development study and the main findings and recommendations of the report. The main focus of the report is on the development potential along the Ballymena to Derry railway line.

The Council noted that contractors had been appointed to the A5 and A8 road projects and that work is progressing to meet the next key

milestone — the publication of the draft Orders — by late 2010 or early 2011. In December 2009, the Minister for Transport made a payment of €9 million to the NI Consolidated Fund in accordance with the agreed arrangements. We also noted that construction work had begun on the two service stations on the M1 at Castlebellingham in County Louth and at Lusk in County Dublin. Those are expected to be open before the end of 2010.

12.15 pm

Ministers discussed road safety issues on rural roads and in border areas and the current position on road fatalities in each jurisdiction. We noted that co-operation on road safety strategies and enforcement actions in both jurisdictions will continue to focus on rural roads, including those in border areas. The Council noted the introduction on 28 January 2010 of the mutual recognition of driver disqualifications between the UK and Ireland. Officials continue to work towards the longer-term objective of the mutual recognition of penalty points. Ministers noted that a pilot scheme for the release of vehicle-keeper data on a cross-border reciprocal basis to bodies enforcing parking and toll penalties was launched earlier that day.

Ministers discussed progress on reducing blood:alcohol limits in both jurisdictions. The Road Traffic Bill 2009 in the South includes proposals to introduce blood-alcohol concentration limits. It was also noted that, following public consultation in Northern Ireland, an options paper is being prepared that will give consideration to a range of policy and legislative options that relate to the setting of new blood:alcohol concentration limits. A co-ordinated approach to the introduction of new limits will continue to be explored. The Council noted that officials from both jurisdictions are meeting to discuss the sharing of information, where appropriate, on the procurement of new breath-testing equipment.

Ministers noted the Department of Transport's publication of the 'National Cycle Policy Framework' as a follow-up to the Smarter Travel policy. They also noted that the Department for Regional Development (DRD), through the Travelwise initiative, actively promotes walking, cycling, public transport and car sharing to businesses, commuters and schools. We also noted that the Department for Regional Development is forming an active travel forum. The Council noted that

officials are actively pursuing a sustainable transport agenda, sharing experiences on issues such as public bike rental schemes and progressing plans for an all-island bike week in 2010, which will take place from 13 June to 20 June. We welcomed that the jointly supported car-sharing website for the north-west region is now operational. An update on that will be provided at a future NSMC meeting in transport sectoral format.

Ministers reviewed the outcome of the initial meeting of the freight forum, which was held in Dublin Castle on 29 January 2010 and was attended by a wide range of stakeholders with an interest in promoting a sustainable freight sector. We noted that officials in the relevant Departments will set up working groups to examine the priority issues that were identified. Those were: the need to be competitive in a sustainable manner; safer, compliant and eco-efficient road freight transport; rail freight and other alternatives; international connectivity; and network management.

The Council noted that construction of the Knocknaginny bridge is under way and construction of the Annaghroe bridge will be under way by mid-March and is expected to be completed by winter 2010. Ministers noted that Louth County Council submitted a report to the Department of Transport regarding the proposed Narrow Water bridge project.

Ministers noted that a pilot scheme for cross-border community-based rural transport was completed at the end of December 2009. A report on the evaluation of the pilot scheme will be presented at the next NSMC meeting in transport sectoral format. The Council agreed to meet again in transport sectoral format in October 2010.

The Chairperson of the Committee for Regional Development (Mr Cobain):

I thank the Minister for his statement. Has he discussed the findings of the 2006 survey of the seabed? Irish Rail's report on the collapsed bridge clearly revealed that Irish Rail engineers did not understand the viaduct structure and how it worked. What steps have been taken to ensure that such an incident cannot happen again, that the health and safety of train travellers are safeguarded and that Translink is protected from further financial losses?

The Minister for Regional Development:

Obviously, safety on the rail networks is the key

priority. As regards the leaked element of that report to the Irish Railway Safety Commission, Iarnród Éireann issued a press release in which it denied that it was oblivious to any difficulties with the viaduct and that it did not understand the structure of the bridge. That is, therefore, a matter of contest between Iarnród Éireann and whoever produced that report to the Railway Safety Commission.

Obviously, there was significant concern about the incident at Malahide. We were pleased that the repair work was done ahead of schedule. Nonetheless, the fact that a bridge such as that collapsed caused significant concern. As a result, there has been a concerted effort to examine carefully all bridges that are partly submerged in water to ensure that the proper safety compliances are met. The safety of that track will certainly be a key focus in the future. Obviously, there is an ongoing programme of maintenance work and checks, and the incident at Malahide brings that into sharp relief. I am sure that it will sharpen the focus in that area of work.

Mr I McCrea: The Minister said that the rail companies continue to consider fare harmonisation and increasing the number of passengers who use the Dublin to Belfast rail service. Can he give us any figures as to what the indicators for the increase have been? Is it still a work in progress? Will he also put out a message on behalf of rail users about the dissident republican activities that closed down the line on such a high usage period as this past weekend?

The Minister for Regional Development: Passenger numbers dropped by around 60% as a result of the collapse of the Malahide bridge. However, within one week of the bridge reopening, journey numbers were well on their way back to previous levels. Between then and 17 January 2010, passenger journey numbers were higher than in the corresponding weeks in 2008. Those results are very encouraging. However, they were based on some fare reductions.

One of the key impacts on harmonisation is the different currencies and the fluctuation in currency rate. That means that the harmonisation of ticket pricing can be affected by events that are outside the control of the railway companies. That is the difficulty. However, the companies continue to look at that.

I spoke publicly to the media about the closure of the line, yesterday and this morning, to utterly condemn any attacks on it. I made it very clear that I think that such attacks are counterproductive.

Mr McCartney: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a ráiteas ar an tuairisc.

I thank the Minister for his statement on the report of the meeting. I note that the northern railway corridor development plan was tabled, and I am sure that the Minister will keep a keen eye on that as he knows that it is of great interest to the people of the north-west. Is the Minister satisfied that milestones are being met in the A5 north-west gateway project and that the project will continue as promised?

The Minister for Regional Development: The northern corridor railway development study is important, and it is encouraging that all councils along that route value the railway network so highly and have come forward with short- and long-term proposals to enhance the route and to ensure greater usage. Passenger numbers are increasing and a significant capital investment is planned for the track between Coleraine and Derry.

I am pleased to report that milestones on the A5 construction scheme are being met. The next milestone will be in late 2010 with the publication of the draft statutory Orders associated with the environmental statement, the direction Order and the vesting Order. That is likely to lead to the holding of a public inquiry in 2011. Subject to satisfactory progress from draft to statutory procedures, and the confirmation of the availability of funds through the normal budgetary process, it is anticipated that construction could start in 2012 and be completed by 2015.

Mr Gallagher: There are several very encouraging aspects to the report on North/South co-operation on transport and road safety. I want to ask the Minister about the Dublin to Belfast rail link. Were there any discussions about the currency conversions that are used by the catering companies that service the line? There was considerable disparity between the euro and sterling and where the gap has closed, that is not reflected. Something must be done so that passengers, particularly those paying in euro, do not feel that they are being skinned when they ask for a sandwich or a mineral.

I want to ask the Minister about sustainable transport.

Mr Speaker: I encourage the Member to conclude his question.

Mr Gallagher: Will the Minister tell us whether there are any plans whereby we could have a pathfinder town in each jurisdiction that would co-ordinate the sustainable transport strategy with its counterpart on the other side of the border? That would be very useful in areas where there is a considerable amount of daily traffic due to people travelling to and from work.

The Minister for Regional Development: I am quite happy to discuss both issues that the Member raised with the Minister for Transport in the South. The issue of price variation was not specifically discussed in respect of catering on the Enterprise service; it was in relation to the harmonisation of ticket prices. Currency fluctuations have a direct impact on prices. That means that ticket prices would need to change on a regular basis as the differential between sterling and the euro goes up and down, and, presumably, that would be the same for the catering facilities on the Enterprise. We do not want anyone to be left with the sense that they are being taken advantage of as those differentials change, but the Member, as I do, lives in a border area, and will be aware of how often prices fluctuate and that the price of every item would need to change. Fluctuation will present an ongoing difficulty in respect of the harmonisation of prices for tickets, goods and services provided on the Enterprise.

There has been excellent co-operation between Departments, North and South, on sustainable transport. I am quite happy to raise the Member's idea of the twinning of towns, because it has considerable merit. The Member will know that an active travel forum has been established to bring forward recommendations to the Department for an active travel strategy. That is another area in which his suggestion could be useful.

Mr Speaker: I remind all Members that they should ask questions on the Minister's statement, rather than make further statements.

Mr B Wilson: I thank the Minister for his statement, and I look forward to the consequences of the 2006 seabed survey. The disruption of the rail link between Belfast and Dublin has continued, and there have been several disruptions during the past few months. Indeed, at the weekend,

the special trains for fans travelling to the Ireland rugby match in Dublin were cancelled, and the plans of those fans were disrupted. Have there been any discussions about ways in which inconvenience can be reduced when such incidents occur?

The Minister for Regional Development:

The substantial number of disruptions to rail services are beyond the control of the rail companies and are normally the result of security-related issues. The railway line between Dublin and Belfast remains closed and the decision on whether the line can reopen, which will largely be taken by the PSNI, will not be made until tomorrow. The punctuality and reliability of rail services continue to be high, even taking the closures into account, and arrangements kick in immediately after a closure so that people can be bussed around the affected areas to minimise disruption. That is happening today between Newry and Dundalk railway stations.

An early decision was made about the availability of the special rugby trains over the weekend. People were advised about the withdrawal of those services and that alternative arrangements should be made on Friday. There seemed to be a full house at the match at Croke Park on Saturday, and I can only presume that most people managed to make alternative arrangements. Line closures are frustrating and damage the revenue of the railway companies, particularly on rugby weekends, which are big earners for them. There are well-tested means of trying to minimise disruption, but if the line is closed, there is little that can be done other than bussing passengers around the areas affected by closure.

Mr Boylan: Go raibh maith agat, a Cheann Comhairle. Cuirim fáilte roimh ráiteas an Aire.

I welcome the statement. The Minister highlighted the continuing need for co-operation on road safety. Was there any discussion at the meeting about a role for private firms, such as mobile phone or insurance companies, in the road safety strategies?

The Minister for Regional Development: There was no specific discussion of that nature at the sectoral meeting in Newry. However, road safety is an ongoing matter of co-operation between the Department of the Environment (DOE) in the North and the Department of Transport in the South, and a variety of initiatives have been

adopted. It is very early to claim any successes, but it is to be welcomed that there was a prolonged period in recent times in which there were no deaths on the roads, although there have been several since.

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

The Department of the Environment and the Department of Transport are looking at increasingly innovative ways to try to get the road safety message across, particularly to young people. As I said, the emphasis in the discussion was on rural roads and on roads in border areas, because those are the places where the problem is most persistent and where most of the damage is being done due to accidents. I imagine that both Departments will continue to look at any and every means to improve road safety.

12.30 pm

Mr Kinahan: I thank the Minister for his statement: there is much in it to welcome. I will focus on sustainable transport. Did the Minister discuss with the Republic's Minister of Transport how best to use sustainable transport initiatives on the main routes into Belfast in line with car sharing? We need more funds for park-and-ride schemes, because those are the basis from which car sharing can start.

The Minister for Regional Development: As I said, there is excellent co-operation between both Departments on sustainable transport. We are looking at initiatives in different parts of the island and are sharing experience and best practice.

As I said in my statement, the car-sharing initiative was launched in the north-west. During the first four or five months of the initiative, there were more than 4,500 hits on its website, and more than 100 people have signed up for car sharing between Derry and Letterkenny. That will have an impact on the number of vehicles travelling to Derry each morning.

There has been investment in park-and-ride schemes in the North and in the South, and we continue to share the benefits and experience of those schemes. In Edinburgh last week, I had an opportunity to look at the city's park-and-ride plans to see how people are using sustainable transport initiatives to try to reduce the number of cars that enter major urban areas. Therefore, there are benefits and experiences to be shared

from both sides of the border and from other cities in Britain and elsewhere. We continue to learn from that and try to adopt and apply best practice.

Mr Dallat: I welcome the Minister's statement, and I am particularly pleased that the report of the Northern Corridor Railways Group was discussed. I declare an interest as a member of that group. The Minister is well aware of the work that the group has done, and its report has been noted. Will he indicate how the main findings of the report will be delivered?

The Minister for Regional Development: As the Member said, the report was very much welcomed. Its main aim was to consider the possible long-term social, physical and economic developments that could be achieved by enhancing the railway line between Ballymena and Derry. There were a number of short-term focuses on park-and-ride schemes and ticketing and timetable improvements. A park-and-ride strategic review team has been established and meets regularly to discuss ways of creating more park-and-ride facilities in order to make public transport more available.

There are opportunities to improve ticketing and timetabling arrangements, especially before the planned changes to frequencies take effect due to the introduction to service of new trains and the completion of the Coleraine to Derry track relay.

Therefore, some of the issues raised in the report have been acted on, and opportunities to develop those further will arise. The medium- to long-term opportunities will be addressed in more detail as part of the reviews of the regional development strategy and the regional transportation strategy, and following that, as integrated transport plans are developed.

The reviews will be shared with all relevant Departments, and opportunities, such as the development of tourism linkages, transport hubs, the use of Ministry of Defence sites, airport linkages and potential linkages to waste-management plans, will be taken forward following their completion.

Mr McCallister: The Minister briefly mentioned the report submitted by Louth County Council on the Narrow Water bridge project. Will the Minister give us some of the report's detail and say whether it contained any costings for the project?

On previous occasions, the Minister has said that, with respect to the Narrow Water bridge and the southern relief road projects, it is not an either/or debate. Given the present economic conditions, is it not obvious to the Minister that it is an either/or debate and we should be backing the southern relief road project?

The Minister for Regional Development: I am not aware of the detail of the report because it was not presented to me. The report was presented by Louth County Council, which was commissioned to carry out the report on behalf of the Department of Transport, so, essentially, it is a matter between those two bodies. I expect to receive an update on the report's content and the Department of Transport's plans for that scheme at the next North/South Ministerial Council meeting. It has always been the position that the Department of Transport would wait for the report and would then discuss with us how it plans to progress, if at all, in due course. That remains the position.

Mr P J Bradley: Mr McCallister has beaten me to one of the questions. Nevertheless, I thank the Minister for his statement, which, although it is short in print, is a record of a very intensive meeting. I appreciate that it has taken place.

Before I ask my questions, I join the Minister in condemning the attacks on the railway line. We have endured such pointless attacks for 50 years, and I appeal to the people who are carrying them out to listen to the words of those who repeatedly call for them to cease.

First, was any reference made at the meeting to free travel for companions? The travelling companion of a person in a wheelchair receives free travel when they go from South to North. However, the same does not apply to travel from North to South. Secondly, was any reference made to the restoration of the previously discussed Greencastle to Greenore ferry project? Thirdly, given that —

Mr Deputy Speaker: Members should ask one question only.

Mr P J Bradley: I am entitled to ask more than one question, Mr Deputy Speaker.

What early preparation has the Minister's Department made in advance of the Narrow Water bridge project?

The Minister for Regional Development: I have answered the question about companion

travel previously. The Member will know that we bid for a range of concessionary fares for people with disabilities, and we obtained some concessionary fares for people over the age of 60. That is not reciprocated in the South, where the qualifying age is 65. There are still a number of categories of people with disabilities to which a concessionary fare does not apply. Before we discuss the issue of companion travel, my priority has always been to ensure that all people who are disabled receive concessionary fares. We will continue to argue that case in future budgetary discussions.

The Member asked so many questions that I am starting to lose track. He asked about the Narrow Water bridge project. Roads Service was asked only to share information about some of its studies on the southern relief road, and it did so. As I said, the report is a matter between Louth County Council and the Department of Transport, and it rests with those bodies. I have an understanding with the Minister of Transport that, when he has made his assessment, he will discuss that with us at a North/South Ministerial Council meeting.

The Greencastle to Greenore ferry was not discussed. However, I understand that Louth County Council — it is merely my understanding, I have no written report to that effect — is considering that matter as part of its study on the idea of a Narrow Water bridge.

Mr Ford: I welcome the statement, especially the references to the northern rail corridor. The Minister talked about timetable issues and park-and-ride issues. Is he in a position to give us any news on the proposed park-and-ride facility at Ballymartin, Templepatrick? I join Mr McCartney in welcoming the fact that trains now arrive in Derry before 9.00 am, but does the Minister accept that it means that commuters from Mossley in Antrim have problems arriving in Ballymena for 9.00 am? Will the Minister assure us that the timetables will be looked at before the new rolling stock comes into place?

The Minister for Regional Development: As I said, we will have the opportunity to consider all timetabling issues in advance of the new rolling stock. Moreover, the major investment between Derry and Coleraine will allow us to examine those issues. Of course, it is sometimes a matter of balance, because getting commuters to a certain place will have a knock-on effect on commuters who travel elsewhere. We want

to achieve maximum usage of public transport, and, therefore, we should try to encourage more and more people to use public transport and to benefit the majority who use it. I do not have any specific information about the park-and-ride facility at Templepatrick, but I will correspond with the Member in due course.

Mr Savage: Is the Minister satisfied that enough is being done to encourage greater use of rail services, especially in rural areas? The Minister knows which area I mean. There is a glorious opportunity to expand the service there.

The Minister for Regional Development: I was expecting a question about Scarva railway station at some stage. I had the opportunity to look at the station when I was in Scarva last week. The Department's policy is to find ways to encourage more people to use public transport. However, the Member must bear in mind that if we create more stops along an intercity service such as the Enterprise, we slow that service down and discourage people from using it. There is a balance between finding innovative ways to get people from rural areas to use public transport and ensuring that the big transport initiatives between the two main cities on the island are not slowed down but improved, speeded up and running more frequently.

Executive Committee Business

Waste and Contaminated Land (Amendment) Bill: First Stage

The Minister of the Environment (Mr Poots): I beg to introduce the Waste and Contaminated Land (Amendment) Bill [NIA 10/09], which is a Bill to amend the Waste and Contaminated Land (Northern Ireland) Order 1997 and the Producer Responsibility Obligations (Northern Ireland) Order 1998.

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.

Supply Resolution for the 2010-11 Main Estimates for the Department of Justice, the Office of the First Minister and deputy First Minister and the Public Prosecution Service for Northern Ireland

Mr Deputy Speaker: The Business Committee has agreed to allow up to two hours for the debate. The Minister of Finance and Personnel will have up to 10 minutes to propose the motion and 20 minutes to make a winding-up speech. All other Members who wish to speak will have five minutes.

The Minister of Finance and Personnel (Mr S Wilson): I beg to move

That this Assembly approves that a sum, not exceeding £1,432,778,000, be granted out of the Consolidated Fund, for or towards defraying the charges for the Department of Justice, the Office of the First Minister and deputy First Minister and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2011 and that resources, not exceeding £1,369,871,000, be authorised for use by the Department of Justice, the Office of the First Minister and deputy First Minister and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2011 as summarised for each Department or other public body in columns 4(b) and 4(a) of table 1.3 in the volume of the Northern Ireland Estimates 2010-11 that was laid before the Assembly on 15 March 2010.

The motion seeks the Assembly's approval for the 2010-11 spending plans that will be inherited by the Executive on the devolution of policing and justice powers on 12 April 2010. Specifically, the plans are in respect of the Department of Justice, the Public Prosecution Service for Northern Ireland and other additional expenditure arising from the Office of the First Minister and deputy First Minister (OFMDFM) as a consequence of devolution as set out in the Main Estimates volume, which was laid before the Assembly on 15 March 2010.

On behalf of the Executive, I request and recommend the levels of Supply set out in the resolution under section 63 of the Northern Ireland Act 1998. Following the Assembly's agreement on the motion for a resolution on 9 March 2010, requesting that a broad range of policing and justice responsibilities cease to be reserved and be devolved to the Assembly, this motion is an essential stepping stone towards

the completion of the devolution of policing and justice powers. The Supply resolution and the Budget (No. 2) Bill, which I will introduce later today, are an integral part of the devolution of responsibility for policing and justice powers to a locally elected Administration after some 38 years, throughout which responsibility for this important aspect of the governance of Northern Ireland has been held by direct rule Ministers.

This step in that process is necessary, as Northern Ireland Departments do not currently have the statutory authority to spend money on policing and justice matters. Assembly approval of the Supply resolution, the Estimates and the enactment of the associated Budget (No. 2) Bill will provide that authority and allow for expenditure and associated financing of the new Department of Justice, the Public Prosecution Service for Northern Ireland and, in the case of OFMDFM, in respect of those functions occurring as a consequence of the devolution of policing and justice powers from the appointed day of devolution. Although the inherited spending plans do not reflect spending priorities set specifically by the Executive, it is important that the Assembly supports the existing allocations for the financial year 2010-11.

12.45 pm

The Hillsborough Castle Agreement commits to an addendum to the Executive's existing Programme for Government to reflect the extended responsibilities that will shortly devolve to Northern Ireland. The new Justice Minister will draw up the addendum and bring it to the Assembly for approval. However, in future, the Executive will review the spending plans for policing and justice in the context of all their strategic priorities. In that sense, the spending plans before the Assembly today are an interim measure aimed at enabling the smooth transition to the second stage of the devolution of policing and justice powers to Northern Ireland.

Although the spending plans are inherited, that is not to say that the Executive and the Assembly are simply accepting them without question. A detailed review of the financial requirements of the policing and justice bodies was conducted by the Assembly and Executive Review Committee, and extensive negotiations by the First Minister and deputy First Minister resulted in an additional financial package being offered by the Prime Minister on 21

October 2009. That package aims to address any identifiable shortfalls in the current level of funding for policing and justice functions and to provide a secure financial foundation for their devolution. The primary purpose is to ensure that such issues have no impact on other spending areas.

The first of two particular elements that are reflected in the Estimates is a £20 million increase in the baseline for legal aid. As a consequence of negotiations with the Prime Minister, its underfunding, which had been recognised, is now being addressed. The Estimates also reflect a reclassification of police pensions that brings the budgetary treatment of the PSNI pension scheme more into line with that of the police forces in Great Britain. That will stabilise police pension costs and protect the policing budget from the impact of variations in the annual valuations of the scheme liabilities as assessed by the actuary. Other elements of the package will be assessed as and when required and do not, therefore, need to be reflected in the Estimates being considered today.

In moving forward with those new responsibilities, the Executive must examine all their programmes to decide how best to allocate resources in line with their priorities. However, the Executive will need to take an early decision on whether there is merit in the policing and justice budget being ring-fenced in the Northern Ireland Executive Budget for 2010-11, as recommended by the Assembly and Executive Review Committee.

The policing and justice budget that will be transferred is substantial. The future presence of a locally elected Minister, supported by the Assembly and its Committees in developing, scrutinising and prioritising spending proposals, will provide the basis for ensuring that those functions are developed and enhanced to meet the needs of the population of Northern Ireland.

The main purpose of the motion is to seek the Assembly's approval for the use of resources to discharge those new responsibilities in the year ending 31 March 2011. The amounts of cash and resources sought by the motion are in addition to the cash and resources Vote on Account for OFMDFM for 2010-11 in the Budget Act (Northern Ireland) 2010, which was passed by the Assembly in February. The level of resources being sought is summarised in

the Main Estimates volume that was placed before the Assembly on 15 March 2010. The motion also seeks the Assembly's approval for the issue of cash from the Northern Ireland Consolidated Fund for the financial year 2010-11, as detailed in the Estimates volume. The total cash and resources for which approval is sought is significant and will amount to £1,433 billion — sorry, £1.433 billion — and £1.370 billion respectively. I saw Mr Ford's eyes light up there.

The Supply resolution, once approved by the Assembly, will be the precursor to the Budget (No. 2) Bill 2010, which I will introduce to the Assembly later today. Subject to Assembly approval and Royal Assent to enable the Bill to become an Act, it will provide formal legal authority for the Department of Justice, the Public Prosecution Service for Northern Ireland and OFMDFM to incur expenditure in relation to the devolution of justice and policing powers for the 2010-11 financial year.

In that context, I record my thanks to the Committee for Finance and Personnel for its approval of the use of accelerated passage for the Budget (No. 2) Bill. As Members will be aware, accelerated passage is the normal procedure for Budget Bills because they require Royal Assent within a short timescale. However, on this occasion, I propose an additional acceleration of the Bill. For that to happen, I will ask Members to support a further motion on the suspension of Standing Orders 31(d), 37, 39(1) and 42(5) in respect of the passage of the Budget (No. 2) Bill (Northern Ireland) 2010.

The suspension of those Standing Orders removes any reference to Further Consideration from Standing Orders and does away with the minimum 10-day period for the Bill's passage through the Assembly. It will mean that the Bill will pass through the Assembly over two days. That is unavoidable because, until the vote was taken on the 9 March Assembly resolution, we could not be sure that the powers would be devolved.

The spending plans are detailed in the Main Estimates volume. I do not propose to go through that material in any detail, although I will endeavour to answer any questions that Members may have. However, I hope that Members will appreciate that due to the fact that the Department of Justice and Public Prosecution Service for Northern Ireland

come with inherited spending plans, and the underlying detail reflects decisions taken by the Secretary of State and the Northern Ireland Court Service, I may not be able to respond to every specific query in detail. In such cases, where appropriate, I will arrange for written responses to be made.

The motion is a significant milestone in the completion of the devolution of these important responsibilities. The Justice Minister will commence work on the development of an addendum to the Programme for Government. In that context, the Executive and the Assembly will, in future, be able to better reflect their priorities in this important area.

The Chairperson of the Committee for Finance and Personnel (Ms J McCann): Go raibh maith agat, a LeasCheann Comhairle. Senior Department of Finance and Personnel (DFP) officials briefed the Committee for Finance and Personnel on 10 March in relation to the Main Estimates for 2010-11 and the associated Budget (No. 2) Bill, which gives legislative effect to the Main Estimates, the Department of Justice, the Office of the First Minister and deputy First Minister and the Public Prosecution Service following the transfer of policing and justice powers to the Assembly. The Bill will be introduced to the Assembly following this debate.

The Committee was advised that although the Main Estimates have been drawn up on the basis of existing spending plans, two areas have been adjusted slightly as a result of the devolution package. Therefore, it has been necessary to build provision for police pensions into the Main Estimates, and a further £20 million has been added to the baseline for legal aid. I note that DFP officials indicated that an adjustment will be factored in for a George Cross museum.

Provision has also been made within the Supply resolution for the Main Estimates in relation to the Office of the First Minister and deputy First Minister for the purpose of gaining statutory authority for two new functions, namely the office of the Attorney General and the Judicial Appointments Commission. OFMDFM will not, therefore, be included in the Main Estimates that are to be brought forward later this year. Any necessary changes will be made through next year's spring Supplementary Estimates. The Committee was also advised by DFP

officials that it will be a matter for the Executive as to whether the total budget allocated to the Department of Justice will be ring-fenced or the Department will be subject to the in-year monitoring process in line with other Departments.

The Committee looks forward to the new Department of Justice receiving the same level of financial scrutiny as existing Departments, both from the Committee for Justice and the Department of Finance and Personnel. On behalf of the Committee, I support the motion.

Mr Shannon: I support the motion. It is important for us all to recognise what this will deliver. Recently, I nominated an officer serving in my area to be police officer of the year, and that is important for a number of reasons. The officer is well known to me, an elected representative. He has worked with my office for many years. Any time I request his co-operation, I find him conscientious, friendly and efficient, and he handles every issue with sensitivity and the utmost confidentiality. I have the highest regard for that officer in every respect, and I wish that there were 50 just like him in my constituency. This motion gives us an opportunity to secure the jobs of a great many officers and, perhaps, offer employment to many others.

This officer is known throughout the town, and people from all areas recognise and, more importantly, respect him. His commitment to the community has reaped many rewards in the form of great community relations and the sort of working relationship that is essential with elected representatives and the community.

How does he achieve that? Recently, I had to fight for this officer to retain his position as community officer amid financial cutbacks. For that reason, this funding, and the security that it gives 1,200 officers on the streets, is essential to our communities. People have come into my office and asked me to ensure that we retain and enhance policing on the streets, and this is exactly what the motion will do.

In the 'Belfast Telegraph' today, there is the sad story of a lady from my area, Ruby Jamison, who was robbed by two masked men some time ago. She was traumatised and police officers helped her and were very conscientious and responsive. She died shortly after the robbery. If we can make policing better and take the important initiatives through the budget that we have, is that not what we should be doing?

I believe that it is, and this will give us an opportunity to address —

Mr B McCrea: Does the Member accept that, to a large extent, policing has been devolved and the Policing Board on which his colleagues sit is responsible for that budget? I am sure that the Member will join with me in saying that that body has done a good job.

Mr Shannon: I thank the Member for his contribution. It is nice to hear him speak. During the last debate on this subject, he did not bother. We welcome his comments. I accept that they are honest and heartfelt. This debate is about a budget that will deliver for the next few years. That is what we are about.

The Minister of Finance and Personnel: Will the Member give way?

Mr Shannon: Absolutely. How could I not give way to the Minister?

The Minister of Finance and Personnel: Should the Member not express some surprise at the comments made by the Member for Lagan Valley:

“to a large extent, policing has been devolved”?

When it came to a debate in this House, that Member and his party voted against the devolution of policing and justice on the basis that we are not yet ready for it, and yet he says that it has been devolved and is working very well.

Mr Shannon: I thank the Minister for his intervention.

Mr Deputy Speaker: The Member may have an extra minute.

Mr Shannon: I need an extra three or four minutes.

Mr B McCrea: Will the Member give way again, so that I might respond to the Minister’s point?

Mr Shannon: No, I will not. I have no time left. You will have your chance to come in, Basil. I want to touch on a couple of things that I think are important.

One of the things that will come out of this motion is compensation for those officers who have suffered hearing loss. It is vital that we have that in place. I know a great many officers who have lost their hearing. I am not being condescending, but they are as deaf

as a post as a result of what happened to them. This gives them an opportunity to have compensation. The pension fund for part-time Reserve officers will also be properly provided for. The men and women who spent endless nights patrolling our streets at the height of the Troubles, some of whom were forced to move homes, and the families of those officers who made the ultimate sacrifice, will receive the pension that they should have received a long time ago. The Compensation Agency will have adequate funding to ensure that it can carry out its job of allocating funding to those who need it most, through the Department of Justice. Money is set aside for legal aid.

I have seen examples in my office of people who have applied for legal aid and did not get it. I know of young working mothers who look after their children single-handedly and without financial aid from partners, who were asked to pay £10,000 for fact-finding cases, on top of their household bills. That is impossible for them.

Legal aid enables them, and those who most need legal aid, and I welcome that as well. That is only one example; there are a great many others, and I am glad that the budget will enable legal aid to be given on a larger scale to those who need it.

1.00 pm

The Prison Service and the Youth Justice Agency will also benefit from devolution. A new probation and youth justice office will shortly open in Newtownards, not as a result of this budget, but coming through from it. However, the budget will enable that service to continue to deliver in the area that I represent. Local representatives were involved in allocating some of the money that is badly needed to bring the Prison Service and Youth Justice Agency up to scratch in health and safety and effectiveness.

The budget enables the Minister to make available the finance to deliver policing and justice. I urge Members to support the motion. I would be glad to get the support of everyone in the Chamber, and I am sure that the Ulster Unionists will give their support. It is a pity that they were not there to support us last time around. Nevertheless, it is good to have the Johnny-come-latelys come now, which is always important.

Mr McNarry: In response to the Minister's rather mischievous comment about my good friend and colleague Basil McCrea, it should be recognised that the motion heralds only the end of the internal political debate about devolving policing and justice; it starts the actual process of devolving finances to the Assembly.

I am struck by how many issues are still not resolved. We are hurtling towards the devolution of policing and justice without resolution on a number of key issues that may well have a significant impact on the suitability of the budget that we are being asked to approve. The Supply resolution allows for moneys to be drawn down from the Consolidated Fund into the Office of the First Minister and deputy First Minister. However, there are still considerable reservations about the role of the Attorney General. Mr John Larkin QC seems to have been working with the First Minister and deputy First Minister to write his own job description. However, no one in the Chamber, unless the Minister of Finance and Personnel tells us today, is any the wiser. Will he confirm, for example, that he is happy with the financial settlement worked out for the role of the Attorney General?

It is my understanding that there was considerable disagreement among the Assembly and Executive Review Committee about the justice sector of the North/South Ministerial Council arrangements for dealing with policing and justice. Again, we are being asked to agree to funds being drawn down from the Consolidated Fund to cover an issue about which there is still considerable uncertainty. Perhaps the Minister will enlighten us about that.

I welcome the fact that the Northern Ireland Executive will have access to the national reserve to meet any exceptional security pressures on policing and justice. In light of the ongoing national debt problems, is the Minister confident that the promise of access to the reserve during the next comprehensive spending review is a copper-fastened guarantee?

There was no consensus among Assembly and Executive Review Committee members on parading. That is disappointing. Again, we are being asked to agree a budget on an issue that has the potential to suffer from selective disruptive targeting. With the increased level of dissident threat, there is much concern among communities that we are heading towards

renewed tactical violence controlled to cause maximum community tensions.

While the motion will secure some certainty for the next financial year, it also illustrates to us how unprepared we are for the devolution of policing and justice, how many outstanding issues there are and how uncertain things will be after 2012. We cannot forget that we are entering into the most fiscally uncertain period that this Assembly has known. In May 2012, the sunset clause will also kick in, and the institutions will be thrown into further turmoil, because we believe, and the public share our view, that we cannot go on for ever in placing a political party with no democratic mandate into the role of Justice Minister. Let us hope that we do not do that in the next couple of weeks.

Given that the Assembly's will on the devolution of policing and justice has already been recorded, we will not stand in the way of the motion today. However, we have serious reservations about how the Department of Justice will work and its medium- and long-term future. In light of the number of uncertainties that exist and the Executive's continuing dysfunctionality, I reiterate that the time is not right for the devolution of policing and justice. That is our opinion and it is on the record. On behalf of the people of Northern Ireland, and to ensure that we end up with as stable and secure a situation as possible in forthcoming months, the Ulster Unionist Party will continue to raise its concerns about the issue.

Mr O'Loan: I am pleased to speak on the Supply resolution to approve funding for the Office of the First Minister and deputy First Minister, the Department of Justice and the Public Prosecution Service (PPS). Each legislative stage in the Assembly brings us a step closer to the devolution of policing and justice, which I greatly welcome. However, I do not welcome how the process is being carried out, and many of its outcomes are not in the best interests of uniting our society.

Financial matters require close scrutiny not just at the outset, as we are doing today, but on an ongoing basis, particularly through the relevant Committees. The Committee for Finance and Personnel was told that the spending plans have been inherited. The figures were arrived at individually by OFMDFM, the Department of Justice and the PPS; they were not arrived at through the normal process, which closely

involves the Department of Finance and Personnel (DFP). At times, some of us have concerns about DFP's scrutiny and views, but the figures have not even undergone that level of scrutiny. They were merely presented to DFP for approval. Indeed, it would be fair to describe them as having been rubber-stamped by DFP, which is all the more reason why scrutiny will be required during the year to see what lessons can be learned and to determine the implications for future Budgets.

A fundamental question, which the Minister referred to at the outset, arises about the extent to which justice funds, dispersed throughout the two Departments, can be fully ring-fenced. What will happen when in-year pressures occur when money is freed-up? Will there be flexibility to vire across broad headings? Will such funds enter the monitoring rounds? What will happen to capital funds that are not spent; will those be lost to Northern Ireland temporarily or permanently? I hope that the Minister will clarify his views on those matters so that Members will be able to comment on his plans. What is the long-term future for policing and justice money? Will it become a collective part of the block grant and be subject to Executive discretion? Those are very important questions for the future.

That brings me to the second area that I want to address. Our policing and justice needs are closely connected to policies, strategies and outcomes in other areas. Even within justice and policing, success in one area can reduce pressure in another. If we have a more effective prison and probation system, and I may come back to the prisons issues in a later debate, we can reduce offending, particularly reoffending. That has obvious implications — in this case, benign ones — for the level of policing that is needed and the demands on the courts system.

More broadly, the extent to which society is stable and settled has huge implications for justice and policing. If mayhem breaks out on our streets or if dissident activity persists or increases, there will be huge demands on the resources on which we are voting today. Our politics are not shared, and that sets the tone for the rest of society. That point cannot be overstated. Funding for the Office of the First Minister and deputy First Minister may have to cover mechanisms to deal with parades, which is still a reserved function, so what we do to address the parades problem is central

to the discussion. On all of those issues, I am pessimistic.

We are told that a cohesion, sharing and integration strategy has been agreed. I have not seen it, and my party's Minister, my party leader, has not seen it. Therefore, what confidence can I have in it? Given the approaches that the two parties in OFMDFM adopted in the past, I am sceptical that we will have a strategy that truly represents a shared society rather than a shared-out one. Some in the Chamber are prepared to accept a cheque without having seen it first. However, my party and I are not.

I draw similar conclusions when I see how parades are being handled. For that issue to have climbed its way to the top of the political agenda again is a tribute to political failure in those places where the responsibility for parades lies. We are told, again, that a deal has been done. The Orange Order has seen that deal, but I, as an elected Member of the Assembly, have not, and I am entitled to feel angry about that and to feel —

Mr B McCrea: I do not want to interrupt the Member's flow, but he may also wish to deal with the point that we have suspended Standing Orders, meaning that we will not have the Final Consideration Stage of the Bill. Therefore, we are being asked to consider these issues with about five minutes of discussion, even though there is a whole range of issues that we really ought to be talking about in the House.

Mr Deputy Speaker: For clarification, we have not suspended that particular Standing Order at this point.

Mr B McCrea: I beg your pardon, Mr Deputy Speaker; I thought that I heard you read a list —

Mr Shannon: That was for the afternoon.

Mr Spratt: You thought wrong.

Mr Deputy Speaker: The suspension of that Standing Order concerned the length of time that is to be allowed for today's proceedings; it was not to do with this particular issue.

Lord Morrow: When you are wrong, do not compound it.

Mr B McCrea: Don't you bother to tell me that.

Mr Deputy Speaker: Order.

Mr O'Loan: I repeat the point: we are told that, behind closed doors, some form of deal has been done on parades and that the Orange Order, behind its closed doors, has seen and discussed that deal. However, I, as an elected Member of the Assembly, have not seen that deal. The implications of that for the quality of our democracy are immense. I am seriously concerned about our approach to politics here and about the implications for justice and policing.

Therefore, I support 100% this step on the way to the devolution of justice and policing powers.

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

Mr O'Loan: However, I am fearful for the kind of society in which the justice and policing agencies will have to operate.

Dr Farry: The Alliance Party will support the legislation through all its stages in the next couple of days, including its accelerated passage — or should I say warp-speed passage, because the light probably escapes Mr McNarry's black hole.

First, it is important to acknowledge that a generous financial package is available from the UK Government. That, of course, addresses only legacy issues in four key areas; it does not address the ongoing or future pressures that may emerge in the system. Nonetheless, it is important to recognise that.

The Ulster Unionist Party, which lectures us about the fiscal difficulties that all Governments face, should recognise that, had the Assembly followed that party's advice two weeks ago, we would have no financial package at all and that our justice system would face quite chronic fiscal problems. Ironically, we today have the Ulster Unionists' so-called partners, the Conservative Party, voting yes to the deal in the House of Commons, while the UUP continues to pose problems here in the Assembly.

The spending profile on policing and justice in Northern Ireland is obviously very different to that elsewhere in the UK. In some respects, that may be justifiable because of the circumstances that are faced in Northern Ireland, such as the ongoing problem of terrorism and providing justice in a divided society, for example. We must tackle those issues as we try to normalise this society, and there are inefficiencies in other aspects of the justice budget that we should try to face up to in the very near future.

Of course, breathing space is needed to allow for reforms, and any notion of trying to ring-fence this budget over the forthcoming financial year would be welcome. By the same token, we must be realistic and recognise that reforms are required and are, indeed, inevitable. Any breathing space that the Executive grant to the Department of Justice, especially initially, must be used wisely to bring forward sensible reforms that not only use resources more efficiently and effectively but deliver a better justice product for the people of Northern Ireland.

The devolution of policing and justice powers provides the advantage of enabling MLAs from all parties to better scrutinise policy issues and financial matters. Therefore, if there are concerns —

1.15 pm

Mr A Maginness: The Member rightly states that this Assembly will be able to scrutinise various aspects of policing and justice. However, there is an extreme lack of accountability when it comes to the Public Prosecution Service and there is lack of capacity to scrutinise it.

Dr Farry: I am grateful to the Member for his intervention. I do not disagree with the points that he made. Elected representatives should be able to enquire about the financial management of the PPS and its policies, such as when and when not to prosecute, and about items that are referred to as being in the public interest. However, it is important that we take a hands-off approach when it comes to the operational independence of the DPP with respect to individual decisions about whether to prosecute. It is important that those are not perceived to be influenced by any political considerations.

Returning to finances more generally; we have the opportunity to engage in detailed scrutiny over the coming months and years. Today, the situation is almost parallel with that in 2007, when we inherited budgets that had been set under direct rule. From this point onwards, we are on our own with respect to doing things differently and setting different policies and priorities. We can do things differently and better with the resources available. Ultimately, this is about people feeling safer at home and on the streets and about building a more secure society. However, to use resources more efficiently, we will need to put greater focus on early intervention and better joined-

up government, for which devolution provides opportunities. Over the coming months, Departments can look at their budgets to see whether they can make changes in order to engage better with the Department of Justice and achieve more rounded outcomes. As Mr O'Loan stated, there are areas in which things can be done differently and better. It is important that Departments are prepared to think creatively. So far, I have not seen much evidence of Departments seeing justice as a new opportunity to address some of the cost pressures that they and we, as a society, face.

Things can also be done differently and better with respect to community planning. There is no doubt that the Department of Justice will seek to establish new crime reduction partnerships, but those have to be part of a wider community planning model, and the DOE has to bring that model forward as part of the review of public administration (RPA). Neighbourhood renewal should also be brought under that umbrella so that everything is going in the one direction. This is about improving community safety.

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

Dr Farry: I acknowledge the role of the Assembly and Executive Review Committee and the detailed work of the Economic Research Institute of Northern Ireland (ERINI). I look forward to commenting further as the debate goes on.

Mr Deputy Speaker: Before I call the next Member to speak, I remind Members to switch off mobile phones, which are interfering with the sound system. Valuable speeches could be lost.

Mr Weir: Indeed, Mr Deputy Speaker; it would be a travesty for future generations if any words of this debate were lost. I am sure that none of us in this Chamber, not least the Minister, wishes to become one of the first victims of the new Department of Justice under some form of prosecution.

I welcome the Supply resolution that is before us today and the fact that there appears to be some level of consensus. It may be a bit difficult to realise that consensus has emerged given the level of begrudgery that we have heard from the Ulster Unionists and the SDLP. However, I note that Ulster Unionist Party Members indicated that they do not intend to divide the House on this issue and that they support the proposals. Indeed, having ripped the back out of the

motion for about five minutes, Declan O'Loan finished with the slightly surprising statement that he supports it 100%. I look forward to such unqualified support for this issue in the future. The Minister correctly highlighted that, in many ways, it is an inherited budget by virtue of the way in which divisions have been made between different sectors in the policing and justice budget. When any new function is taken over, the budgetary position is inherited, but I join with others in hoping that the opportunity for the Assembly to control policing and justice will lead to a more imaginative use of money in the future.

We would all welcome a more joined-up approach to justice and early intervention, both of which have been mentioned. As well as leading to a reduction in crime, those approaches could be financially beneficial to Northern Ireland. Although direct rulers ultimately drafted the budget, Members of this House had some influence, and, indeed, it bears the fingerprints of the First Minister. The Assembly and Executive Review Committee conducted an extensive exercise, in conjunction with various justice agencies, to try to identify any future problems, such as a funding shortfall. That exercise also sought to identify any black holes — to use the phrase so keenly used by the Member for Strangford Mr McNarry — and to try to ensure that they were filled before we reached any devolved settlement.

A long list was drawn up, and the items on it were gradually ticked off during negotiations with the British Government and the Treasury. The carving of the cake at that level may bear the imprint of the NIO. Undoubtedly, however, the negotiations by the First Minister and deputy First Minister with the Prime Minister mean that we have a bigger cake to carve, which is welcome, and a sound financial position on which to move forward.

The Minister mentioned a couple of issues. A massive difference of about £100 million is linked to shifting police pensions from the departmental expenditure limit to annually managed expenditure. Actuaries relate that to people living longer and the fact that the number of police pensions will be disproportionately high in Northern Ireland compared with anywhere else in the UK. That would have placed an increased financial burden on the police budget and resulted in their having to cut numbers, and so forth. Had the overall financial package

not been accepted, as some Members would have preferred — indeed, some would have completely rejected the devolution of policing and justice powers — it would ultimately have led to the loss of 1,200 police officers across Northern Ireland. Those were the financial implications of rejecting that package, but we have now secured something for the future, particularly in respect of police pensions.

The focus has almost always been on the policing side, but there have been various problems on the justice side too. There were already problems with legal aid 15 years ago, when I was a barrister, and those problems gradually built up over the years. However, legal aid is now in a stronger financial position, and the people who trot into Mr Shannon's office may feel that they are on a more secure basis in that respect.

Among the fluff that was presented, Mr McNarry said that it was good that we have a national reserve to draw on but asked how we could rely on that in the future. Negotiations took place with the Prime Minister, but we also sought and secured the assurance of Mr Cameron, his leader in waiting, that he would stand over any agreement.

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

Mr Weir: Therefore, it is strange that Mr McNarry seems to place little credit in that assurance.

Mr Deputy Speaker: The Member's time is up.

Mr Weir: I wonder whether he will be similarly disparaging about Mr Cameron during the forthcoming election.

Mr A Maskey: Go raibh maith agat, a LeasCheann Comhairle. On behalf of Sinn Féin, I support the resolution. Notwithstanding the fact that other parties again levelled criticisms today, they said that they will support the motion. Indeed, notwithstanding any party's views on the issue of the devolution of powers, the Assembly has decided that the transfer will proceed. Therefore, it is wholly appropriate that all Members give their support to ensure that the required budget will be available to the new Department and that all the necessary preparations to ensure a smooth transition to the devolution of policing and justice powers will be made. It is all well and good for people to criticise, as long as they support the resolution.

People have tried to rehash some of the old, and mostly failed, arguments. For instance, one Member asked what would happen if there was greater trouble on our streets or a greater threat to society. As has been mentioned, there will be access to the financial reserve. Other Members said that they had not had time to scrutinise the figures and that it is an inherited budget. During devolution, we always had inherited budgets. It has been estimated that it takes some 18 months for any previous budget to wash through the system, regardless of whether such a budget was imposed under direct rule or devolution. The budgets that we establish, with our own integrity, take the same length of time to come through the system. Therefore, there is no difference in how this budget and previous departmental budgets were transferred across into devolution.

Some Members said that they had not had the chance to scrutinise the figures; I think that Mr O'Loan referred to that. Other Members rightly mentioned that the Policing Board has statutory responsibility over policing and the policing budget. Mr O'Loan's colleague Mr Attwood, who is a Member of the House, chairs the Policing Board's resources and improvement committee, which deals with the PSNI budget. Therefore, his colleagues on the Policing Board will have plenty of opportunities to scrutinise the budgetary decisions because, unlike the scrutiny Committee here, it has statutory authority over the matter.

There is also the question about what will happen to the overall budget in the long run. Mr O'Loan's party is represented in the Executive, so that party will be able to input directly into that type of discussion at Executive level. A scrutiny Committee will also be established, and the Member's party will be afforded representation on that Committee to scrutinise the ongoing work of the Department, how budgets may be spent, and so on. I hope, and I have no doubt, that there will be lengthy and considered debates. I look forward to important debates in the time ahead, not only on the budget but on the delivery of a system of policing and justice in a modern society that will be more responsive to the needs of the people whom we represent.

I support the motion. I look forward to a smooth transition, which will be facilitated by the vote being passed.

Mr B McCrea: As has been said by my colleague Mr McNarry, we have certain reservations about the issue, but we have taken on board the fact that the decision has been made by the Assembly. We will, therefore, support the motion.

However, our concerns stem largely from the fact that we think that the House, with a few notable exceptions, is totally unprepared for the challenge that it faces. I do not say that to slight individuals here but because of the sheer volume of information that has to be processed. I do not know whether other members of the Policing Board have similar worries to mine, but I am concerned about the PPS budget, the cost of legal aid and the volume of paperwork in our policing system. A range of areas needs to be addressed.

That brings me to the reason why I rose when Mr Shannon was speaking. I have much respect for the amount of work that Mr Shannon does, but he seems to take a different position to that of others. I say that because the Minister intervened. On the one hand, Mr Shannon appeared to be saying that he was looking forward to the budget because it might provide more money to enhance policing in his part of the world. Surely we would all subscribe to that. However, the Minister suggested that the PSNI budget should be ring-fenced because it might come under pressure. I may have got that wrong, so he may clarify, if necessary. I think that it was Mr Weir who said that this is about carving up the cake and that we got a bigger cake. I am concerned that we are making decisions on large numbers without understanding the impact and the knock-on effects. I would appreciate some time for an understanding of that.

Mr A Maskey: Will the Member reflect on the fact that the Assembly and Executive Review Committee, of which two of his party colleagues, one of whom is his party's deputy leader, are members, had lengthy discussions on the financial aspects of the devolution and policing and justice powers? I do not recall the Member's party colleagues raising those concerns, particularly about legal aid, at that meeting. Will the Member reflect on that with his colleagues?

1.30 pm

Mr B McCrea: I will reflect on it. My understanding is that my colleagues were concerned about those issues. My general point is that because

so much information was brought to bear, it was quite difficult to process.

I am interested in the pension aspect of the budget. The Policing Board, of which I am a member, discussed the total budget, which is around £1.2 billion. Of that sum, £450 million is for pensions and only £500 million is for day-to-day running costs and pay for serving officers. That leaves around £170 million for discretionary spending. When one looks at what pensions will cost, why they are a problem, and whether they should be included in annually managed expenditure — I understand that particular point — the question is that if provision must be made for hearing-loss claims, how can the estimated £400 million be found from a budget of £170 million? People have put forward the case that this is new and additional money, which is erroneous. It was a legal obligation. It had to be done. One could say the same about national pay bargaining and all other such issues. The central tenet of my party's argument is that those are big figures —

Mr Weir: Will the Member give way?

Mr B McCrea: I am sorry: I must carry on.

The important issue is that those are big sums that will have knock-on effects, which the Assembly has not had the opportunity to scrutinise, understand and get to grips with properly.

Given that the central tenet of the Minister's argument is that this is a handover period and the Assembly must just take the budget that it is given and work through it, my party is prepared to support the Supply resolution on that basis. However, I point out that many issues, some of which were raised by Mr O'Loan, have not been resolved. The Assembly simply does not know what it is being asked to spend money on, how it is to spend that money, or why it is being asked to do so. My colleague raised the issue of the Attorney General. The Assembly has yet to deal with many issues.

The Minister rose to take exception with and to make a little dig, which is, of course, quite acceptable, at my party's position on policing and the different stance that it took on the devolution of policing and justice. His point was just that: many people do not understand the difference. My party sees policing as an operational matter that is under the control of

the Policing Board, with the Chief Constable having sole responsibility for operational matters.

However, the Assembly is now looking at how it will change the Budget in order to find additional resources for the areas that need them. The issue of access to the national reserve has been raised. Of course, that will be subject to negotiations at the time. It will depend on the emergency and the case that the Assembly makes.

Although my party does not expect the Government to turn down resources that are needed badly, it is unsure about whether the Assembly is able to make a difference yet and show Northern Ireland's people what devolution enables it to do. However, on that basis, and with those caveats, my party will aid the Assembly in its deliberations and will support the motion.

Mr Attwood: I want to raise a certain number of issues and questions for the Minister about the Supply resolution. In his opening remarks, the Minister said, fairly, that the Executive will review the budget for the devolution of policing and justice in the context of strategic priorities and will consider whether there is merit in ring-fencing the budget for 2010-11. Those are critical issues. In order to convey how critical they are, I want to raise certain matters with the Minister.

The Minister will know from his days on the Policing Board that delay and doubts about the building of a police college continue to endure to a certain degree. However, the stage has been reached at which definitive decisions, for want of a better term, must be made. Planning applications are about to be lodged. A much more significant amount of money will have to be spent than the £3 million that has been spent to date if the police college is to proceed.

Given that those decisions are imminent, as are many other capital decisions, will the Minister indicate his Department's thinking on going to the Executive, following the devolution of justice and policing, to decide whether those matters are to be progressed. Time is very short; decisions on whether projects such as the police college and the prison are to proceed must be made in a matter of weeks. It is only fair that given that the Minister has raised those matters, he share with the Assembly his thinking on how projects on the capital side, including the police college — never mind all the wider capital projects across Departments

— will be managed immediately after the devolution of justice and policing.

Dr Farry: I am grateful to the Member for giving way. Does the Member agree that the Health Department needs to come to a very speedy conclusion on its contribution to any future college at Desertcreat?

Mr Attwood: I thank the Member for that intervention. The reason why I raised that point is that given the uncertainty about the £300 million from the Health Department, and given that the police college project will not proceed unless that money is forthcoming, we need to know today not just what money is coming across, but how the Minister plans to manage that money and how the Executive plan to manage the capital budget generally. That must be considered in the context of the Minister having advised the Assembly a number of weeks ago that he anticipates a 6% to 7% cut in capital spend and in the capital budget following the election.

I agree with Mr McNarry about provision for the Attorney General. In the grand scheme of things, a budget of £1 million a year is not excessive, given that the devolution of justice budget will be £1.4 billion. Nonetheless, is the Minister satisfied that six months after the Attorney General-designate passed a paper to OFMDFM, nobody in this Building who has a right to see that paper — be it the OFMDFM Committee, which is to provide the money, or the Assembly and Executive Review Committee, which has to make certain decisions around that office — has seen that paper?

Minister, that is six months, 180 days, and given that the devolution debate is scheduled for 12 April, 20 days before the Attorney General-designate takes up his post, and we still do not know why £1 million has to be spent on the Attorney General's office. We do not know why 20 staff may have to be employed or why five of those staff will be grade 5 and above. We do not know why the Attorney General believes that he should have offices in the city centre and only a touchdown office up here in the Assembly.

Given the Minister's commitment to efficiency, effectiveness and proper spending of the budget, does he believe that it is efficient and effective that all of us are unsighted in relation to that detail? It may be necessary to employ 20 people, spend £1 million or have facilities downtown so that the Attorney General is in his

comfort zone around the Bar library and the courts of justice. However, we have a right to that information, to have that detail and to know whether the plan is efficient and effective.

As the Minister will be aware, under devolution, it will be DFP — his Department — that will fund the PPS. The SDLP does not agree with that; we believe that the Justice Department was the natural, organic place for funding. That arrangement raises all sorts of potential tensions and conflicts, given that responsibility for administration and finance may fall to the Committee for Finance and Personnel, the wider power of the Assembly in respect of any other matter that the PPS handles, and given the protocol on the Public Prosecution Service, drafted by the British Government —

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

Mr Attwood: That protocol basically creates all sorts of arm's-length arrangements between the Assembly, the Finance and Personnel Ministry, the Justice Ministry and the PPS office, which, in my view, are excessive.

Mr Ford: As others have said, the fact that we are, for the first time, debating a Supply resolution related to justice issues means that there is a significant opportunity for scrutiny by this Assembly. However, as has also been said, the position in which the Justice Department and the justice agencies are in is exactly the same position that every other Department and the other public agencies were in three years ago. Having been presented with it by the Minister, what we are effectively looking at is a rollover budget from the NIO days.

The matter will have to be followed through in some greater detail by the Assembly, whether by a Justice Committee, the Finance and Personnel Committee or the Assembly and Executive Review Committee, which may continue to have a role as we examine how the budget should move forward in the coming years.

As has been highlighted, there is no doubt that by the standards of current British Treasury operations, we have an extremely generous package for dealing with the past, which would have been lost had we not taken the opportunity to devolve justice powers at this stage. However, the package deals only with the past. It is not, in any sense, one that goes generously towards the future.

Mr B McCrea: If money had not been found for police officers' hearing loss, how would it have been dealt with, given that dealing with it is a legal requirement?

Mr Ford: It is absolutely clear from what has been said by Ministers in this place, Ministers in Westminster and others that money had to be found to deal with hearing loss. There was no special arrangement. Therefore, it would have been deducted from the existing budget, with all the effects that that would have had, including a potential reduction in the large number of police officers required to serve the current needs of the people of Northern Ireland. The Minister has outlined that point, and I endorse it. We would clearly have been in major difficulties if that package had not gone through at this stage.

Although the package deals with some of those past issues, such as hearing loss, equal pay and addressing legal aid in the short term, it will not, in any sense, provide an easy road for the future. We have the addition of a modest sum to the baseline expenditure, which, if we are not careful, could easily be taken up by the pressures on the legal aid system, never mind anything else, and that is not a large section of the overall justice budget. Therefore, we need to ensure that the budget that is carried through now is administered effectively and efficiently. Given the difficulties that will arise in the first year of devolution, a lot will have to be done to deal with that.

1.45 pm

There are several issues around at the moment. A major issue is the large section of the justice budget that will immediately be swallowed up by the Police Service and, as other Members have highlighted, commitments on salaries and pensions, which allow no opportunity for free money. In particular, the Police Service, despite what the Chief Constable and others might wish, is bound to a particular number of officers at this stage, which may or may not be the necessary number as we move into the future. Difficult issues will have to be tackled there. MLAs and other public representatives need to face the fact that keeping a police station open in every village is not a good use of public resources, given the pressures that we now face. There are real issues about what contributes to making a safer society, rather than maintaining the previous and ongoing patterns.

The number of people in prison in Northern Ireland is a major challenge. Each year, our prisoner costs are significantly higher than those of any other jurisdiction in these islands, yet there is a historical legacy that has not, so far, proven to be easy to tackle and which may continue to be a difficulty, depending on the number and type of prisoners that the Prison Service has to continue to deal with. There is an issue around legal aid, which has shown a temporary and short-term easing of the burden. However, if action is not taken urgently, and if it is not recognised that that action has to be taken urgently, the Assembly will be in serious difficulties in two or three years' time.

As Alex Attwood highlighted, there are major issues around capital schemes, including IT schemes that may be of a lesser scale than the scheme that he highlighted, the new college at Desertcreat. That college is sometimes referred to as the police college, but it will also be used by the Prison Service and the Fire Service, which tends to be forgotten. Those issues lead to the whole question of the necessity of partnership working between those Departments and agencies that have been devolved for the past three years and the new Justice Department and the justice agencies that we hope to see devolved on 12 April. Whatever may have been done by one wing of the Ulster Conservatives and Unionists — New Force (UCUNF) in this Building a few weeks ago, we may take it that the other wing of UCUNF will be ensuring that justice will be devolved in a vote today in Westminster.

That will lead to real questions as to how every Minister in this place participates in the necessary partnership, because providing a safer community in Northern Ireland is much more than the job of the formal justice agencies. A lot more needs to be done on partnership working and ensuring that other agencies, such as those dealing with mental health or the Youth Service, are fully engaged with the aspects of the criminal justice system where there is major impact and where we need much greater working together to maximise the use of the relatively limited resources that are outlined in the Supply resolution.

The Minister of Finance and Personnel: I

thank all Members who took part in this short debate. Many of the points that were made will probably raise their heads again several times today and tomorrow. I am sure that it will be an

environmentally friendly debate with recycled points.

As Mr McNarry said, this is the end of the internal debate on whether policing and justice powers should be devolved. Now we are beginning the process of dealing with the powers that we have voted to be devolved here in Northern Ireland. We are, at least, starting off on a more sound financial footing than would have been the case had the negotiations with the Prime Minister not taken place. At the time, some people criticised my party leader for the length of time that those negotiations took, but the work that was done last autumn provided a firm foundation.

That does not mean — to draw on Mr Ford's point — that we should be complacent about the issues that face policing and justice in the future, but we are at least starting off on a more sound financial footing because we wanted to get it right rather than get it done quickly. We wanted to get it done so that we were on a sure-footing, rather than simply listening to the siren voices telling us to do it no matter what the consequences were. We are seeing the result of that work today.

I will turn to some of the points that were raised by various Members. The Chairman of the Committee for Finance and Personnel indicated the Committee's support, which, as far as I understand, was unanimous. I do not know whether some of the points that were raised by Members during the debate were raised at Committee level, but I welcome the fact that the Committee accepted the Main Estimates and the request for accelerated passage of the Budget Bill.

The Chairman also raised the issue of the George Cross museum. The figure relating to that is not included in the Main Estimates. That work is ongoing, and once it is completed, the Estimate cover will be taken at a later date. The Secretary of State included the transfer for the police museum in the figures that he presented to the Assembly and Executive Review Committee in February 2010.

Mr Shannon raised the issue of protecting front line services. It is important that we ensure that there are sufficient police officers on the streets. The job of protecting front line services is, of course, an operational decision for the Chief Constable, and I do not wish to tell him how to do his job, though he is committed to increasing the resources for front line services,

and he is bringing forward plans to the Policing Board as to how he intends to achieve that in the next year.

Mr McNarry spoke about the key issues that have not been resolved. Again, it is disappointing that Mr McNarry is not here, but even if there are key issues — and I will deal with them in a moment or two — we would have been in a far worse position on the issue had we listened to the Ulster Unionist Party, first during the debate on the funding of policing last autumn, and, secondly, in the debate that we had in the House a couple of weeks ago because, had we refused to accept the devolution of policing and justice, the financial package would not have been in place. Indeed, the Chief Constable said that the impact on his budget for next year would have amounted to around £68 million.

I dispute Mr McNarry's lament that key issues have not been dealt with. Far more key issues would not have been dealt with if we had gone down the road that the Ulster Unionist Party wanted to take us on 9 March.

Mr Bell: Is it not the case that had we not done what we have done and had we lost that money, we may have had to consider making several thousand police officers redundant?

The Minister of Finance and Personnel: That was the point that I was making when I talked about the budget shortfall that the Chief Constable had drawn to our attention as a potential consequence of the devolution of policing and justice not going through.

Mr B McCrea: Will the Minister give way?

The Minister of Finance and Personnel: I will give way in a moment or two. Perhaps the Member will wish to come back to me after I have dealt with the point about the key issues.

Mr McNarry said that there are three key issues. The first of those is the question of how much money would have to be drawn down for the Attorney General's office. The Member was present for the start of the debate, and if he had listened, he would have heard me say that the money that is required for OFMDFM is not included in this. That money was voted for in the Budget, which we discussed ad nauseam in the House some weeks ago. The figure was included in the Budget. As far as I understand, as part of that Budget, his party voted for £1

million to be available for the Attorney General's office.

Mr Attwood asked whether that was really needed and why the paper from OFMDFM on the powers and location of the Attorney General had not been brought forward. That is not my responsibility. Questions to the Office of the First Minister and deputy First Minister are scheduled for later this afternoon, and I am sure that he will have the opportunity to put that to the First Minister and deputy First Minister. The Committee for the Office of the First Minister and deputy First Minister can hold OFMDFM to account, and questions can be asked in the House at Question Time. The Member is better to direct his questions to the Ministers who are responsible. I think that there should be transparency in all those issues, and there should be efficiency of spending on those issues. Once a budget is allocated to a Department, it is up to that Department to decide how to manage it.

Mr McNarry's second issue was that the cost of the North/South justice arrangements is unknown. I do not know where Mr McNarry got that point from. The devolution arrangements define the areas of North/South co-operation, for which there are North/South Ministerial Council meetings. I am not aware of any North/South arrangements that deal with the issue of policing and justice. Perhaps that is part of Mr McNarry's imagination. I do not know what he was referring to, and he has not had the courtesy to stay in the Chamber to come back to me on that. He asked how much the North/South arrangements will cost. They will not cost anything, because there is no North/South arrangement in that area. Perhaps a North/South arrangement is on his wish list, but there is none at present.

Mr Attwood: I certainly want to have a lot more North/South ministerial arrangements. The Minister happens to be in error on the matter, because there is a North/South justice arrangement between the British Government and the Irish Government that, on devolution, will become part of the responsibility of the Northern Ireland Executive and Dublin. Consequently, a whole lot of money is being spent on North/South justice arrangements, contrary to what the Minister indicated.

The Minister of Finance and Personnel: Mr McNarry mentioned specifically North/South

ministerial arrangements. The Member knows very well that any such arrangements will probably involve one or two officials. No massive budget for that is coming down the road.

Mr McNarry's last point was on whether access to the reserve was copper fastened. Mention has been made of the fact that negotiations took place not only with the Prime Minister but with the Leader of the Opposition, who gave his assurance that he would stand by the arrangements that had been agreed with the Prime Minister. The claims on the reserve associated with legal aid are not repayable. That part is copper fastened, and the Prime Minister has made it clear that the other claims on the reserve in exceptional circumstances will not be repayable. We, therefore, have assurances on that issue.

I wish to address Mr O'Loan's points. Mr O'Loan is increasingly becoming the Jeremiah of the Assembly. By his own definition, he is pessimistic. I think that he said that twice, and I was listening closely to hear whether he said it a third time. Mr O'Loan is the Northern Ireland Assembly's prophet of doom. He said that he is pessimistic because we are simply inheriting spending plans that are not our own. However, that situation is not unusual. The next Government at Westminster will inherit the spending plans of the current Government, and they will live with those plans until such times as they can change them. When the Assembly was set up, it had to live with the spending plans that had been set by the previous direct rule Administration until such times as it was able to change them.

I made it clear in my speech that the budget for policing is an interim arrangement and that the Executive, the Assembly and the Justice Minister will have the opportunity to consider whether to change the spending plans. I pointed out that the Executive will have to decide quickly about whether to ring-fence the spending plans for 2010-11 in order to provide some certainty for the forthcoming year at least. That is a reasonable request. After that, the Assembly will, of course, want to have its fingerprints on the spending plans.

Mr Farry and Mr Attwood were among the Members who raised a question about ring-fencing the budget. Some Members said that they did not think that any Department's budget should be ring-fenced for ever, because that would

prevent it from considering different options. For example, are there other ways of delivering justice? Could the Department of Education or the Health Department help to keep people out of prison or deal with drug addicts who get into trouble and finish up prison, which costs us money? Those types of debates are possible only if budgets are not ring-fenced. Of course, ring-fencing any budget is likely to fossilise the way in which money is spent by a Department rather than to encourage people to look for efficiencies.

Mr O'Loan also made a point about the link with other budgets. He made his usual complaints about the CSI strategy and the parades issue, neither of which has anything to do with this debate. The parades legislation will go out for consultation shortly, and Mr O'Loan will have ample opportunity then to read it and respond to it. Given that the legislation must pass through the Assembly, he should not be so pessimistic about the future and about being closed out of the process.

I think that I have already dealt with Mr Farry's point about ring-fencing the budget. He pointed out that the budget must be used wisely. It will be up to the Executive to decide whether the policing budget should be ring-fenced for this year. I think that it was Mr O'Loan who asked whether money can be moved among the different heads of the Department through the in-year monitoring process. If the budget is ring-fenced, any reduced requirements will be available within the budget for that year. If the Executive decide to ring-fence the budget, I think that it will be possible to move money within the Department for that year at least, unless there is a dramatic change in how that money is spent. For example, the Department's decision to stop doing something could have an impact on its budget.

2.00 pm

Mr Weir made a point about pensions and the fact that, without the more flexible arrangements that we have now, there would be a potential deficit in pensions of £100 million because of the way in which actuaries make decisions on a year-to-year basis. As that would be part of the departmental expenditure limit, that would have meant an immediate hit, rather than taking the longer-term view of changes in the computation of the budget. That would have been one impact. The addition of £20 million to the legal aid budget

has been guaranteed until 2012, after which that figure will go down to an extra £14 million. Mr Weir also asked how we can be sure about the national reserve, but I have already dealt with that.

Mr Basil McCrea indicated that he had reservations about a number of issues, including the funding of hearing loss claims, which has a potential liability of up to £400 million. The package provides that the Department of Justice will address the first £12 million a year of hearing loss claims. However, it can also draw on reserves for any claims above £12 million. In addition, money from the sale of capital assets will be available for the Department of Justice to pay out even its first £12 million.

I know what Mr McCrea's next question will be. He will try to intervene to ask what will happen if those capital assets cannot be sold. I see that he is poised to jump up and ask the question. However, even in that case, arrangements have been made whereby it will be possible to use the fact that we have assets to gain flexibility in funding if the £12 million cannot be realised in the necessary year because of the way that asset values are going. Therefore, the Executive will have cover. I hope that I am giving the Member some assurances around hearing loss claims. It is an area in which there was the potential for a huge demand on the Executive, but it has been dealt with. However, I see that he still wants to intervene.

Mr B McCrea: I am grateful to the Minister for giving way. I had the benefit of meeting the Minister's party leader and the deputy First Minister when the arrangements around hearing loss claims, which even he would agree are rather complicated, were explained. Therefore, I know the various caveats that are involved. However, my next question seeks to put the issue to bed. I may have misheard the Minister, so perhaps he can provide clarity. In an earlier exchange, he seemed to indicate that, if we had not got this package and had, instead, to bear the full brunt of hearing loss claims from existing resources, the £400 million liability would have resulted in the redundancy of perhaps — as I think he said — several thousands of officers. Given the level of dissident threat, would the Minister seriously expect any Member of Her Majesty's Government, from the Conservative Party, the Labour Party, or any other party, to put that through? It is not a credible suggestion.

My final question to the Minister, again for clarity, is in response to something that was brought up by Mr Ford. My understanding is that the Chief Constable has already indicated that he is no longer tied to the Patten numbers of 7,500 officers and that he will reduce the number of officers to achieve more efficient expenditure. His argument is that that will get more officers on the streets, albeit with fewer officers in total. Is the Minister aware of the Chief Constable's proposition that we will have to reduce to enhance?

The Minister of Finance and Personnel: I do not think that it was I who said that there would be "several thousands" of redundancies in relation to hearing loss claims. That may have been said in an intervention by another Member. However, I did point out that the Chief Constable has indicated that, without the package, there would have been a hit on the budget of £68 million this year because of pensions and other changes.

As the Member will know from his involvement on the Policing Board, that would have some implications for the number of officers that could be employed, because employment and staff costs form the biggest part of the police budget.

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

The Minister of Finance and Personnel: I will. The Member also asked whether any Government would allow such a running down of officer numbers. We are seeking to ensure that that will not happen.

Other points were made during the debate that I have not managed to respond to. However, I am not too concerned by that because I am sure that the same points will be made during the debate on the Second Stage of the Budget (No. 2) Bill. I will have the opportunity to respond to those points at that stage.

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

Question put and agreed to.

Resolved (with cross-community support):

That this Assembly approves that a sum, not exceeding £1,432,778,000, be granted out of the Consolidated Fund, for or towards defraying the

charges for the Department of Justice, the Office of the First Minister and deputy First Minister and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2011 and that resources, not exceeding £1,369, 871,000, be authorised for use by the Department of Justice, the Office of the First Minister and deputy First Minister and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2011 as summarised for each Department or other public body in columns 4(b) and 4(a) of table 1.3 in the volume of the Northern Ireland Estimates 2010-11 that was laid before the Assembly on 15 March 2010.

Executive Committee Business

Budget (No. 2) Bill: First Stage

The Minister of Finance and Personnel

(Mr S Wilson): I beg to introduce the Budget (No. 2) Bill [NIA 11/09], which is a Bill to authorise the issue out of the Consolidated Fund of certain sums for the service of the year ending 31st March 2011; to appropriate those sums for specified purposes; to authorise the use for the public service of certain resources for the year ending 31st March 2011.

Bill passed First Stage and ordered to be printed.

Mr Deputy Speaker: I wish to inform Members that written notification has been received from the Chairperson of the Committee for Finance and Personnel, confirming that the Committee is satisfied that, in accordance with Standing Order 42(2), there has been appropriate consultation with the Committee on the public expenditure proposals contained in the Budget (No. 2) Bill, and that it can, therefore, proceed under accelerated passage. The Second Stage of the Bill will be brought before the House later today.

The Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 2010

The Minister for Social Development

(Ms Ritchie): I beg to move

That the Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 2010 be affirmed.

The regulations are made under the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979, and increase the compensation payable under the Order to people who satisfy the conditions of entitlement on or after 1 April 2010. The increase in the amounts payable under the Order maintains parity with the corresponding scheme that operates in Britain.

I will briefly explain the Order's purpose. An employer can be sued by someone who suffers from an industrial disease when that disease was contracted as a result of working for that employer. However, the diseases that are covered by the Order can take a long time to

develop and may not be diagnosed for 20, 40 or even more years after exposure to dust. By that time, the employer or employers that are responsible may no longer exist. Consequently, sufferers and their dependants can experience great difficulty in obtaining compensation.

The scheme was introduced in 1979 to help people who had no realistic chance of success in suing through the courts because their employers were no longer in business. It provides for a lump sum payment to sufferers. Payments are additional to any award of weekly industrial injuries disablement benefit for the same disease. A claim can also be made by dependants after a sufferer's death.

In order to receive a payment under the 1979 scheme, a person must have been awarded industrial injuries disablement benefit.

Two further conditions have to be met before any payment can be made. First, there must be no relevant employer who can be sued. Secondly, court action must not have been brought or compensation received in respect of any of the diseases in respect of which a person is claiming.

The scheme covers five respiratory diseases, most of which are directly related to asbestos exposure. Those diseases are diffuse mesothelioma, diffuse pleural thickening, primary carcinoma of the lung, byssinosis and pneumoconiosis, which includes asbestosis.

Some people who suffer from mesothelioma are not entitled to any payment under the 1979 scheme, because they were not exposed to asbestos in the workplace. However, since October 2008, the new mesothelioma scheme, which I introduced, provides for lump sum payments to sufferers of mesothelioma, regardless of whether they were employees, self-employed or had never worked, provided that they have not received compensation from another source.

The amount to be paid under the regulations is based on a simple calculation, which cross-references the age of a sufferer and the level of disability. Higher amounts are paid to people who have higher levels of disability and whose disability arises at an early age. From April 2010, the maximum amount that can be paid is just over £75,000 for a person aged 37 or under at the time of diagnosis. Lower amounts are payable to dependants who claim after the sufferer has passed on. The amounts payable

under the scheme have been increased by 1.5%, in line with this year's uprating of industrial injuries benefit.

In addition, to reduce the differential in the payments made to sufferers and those made to dependants, all amounts payable to dependants have been increased. That means that most dependants will receive an additional payment of up to £5,000, subject to the amount not exceeding what would have been paid to the sufferer had he or she received a payment before passing on. In those circumstances, the amount payable will be increased to at least equal the amount that would have been paid to the sufferer in life.

The regulations help to ensure that the compensation provided under the Order maintains its value and, in the case of dependants, significantly increases the amount payable. I am sure that Members across the Assembly will warmly welcome that and support the regulations.

The Chairperson of the Committee for Social Development (Mr Hamilton): The Committee for Social Development considered the proposal to introduce the Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 2010 at our meeting on 18 February 2009, and we considered the statutory rule on 4 March 2009. I will try to limit the number of times I say "pneumoconiosis" in the debate.

As the Minister said, the regulations will increase the amounts that are payable to the sufferers of certain dust-related diseases — or their dependants — who have been unable to claim damages from the relevant employer because that employer is no longer in business. Dust-related diseases can take a long time to develop and may not be diagnosed until a considerable number of years after exposure. Therefore, a scenario in which an employer that is responsible for the dust exposure is no longer in business by the time that claims arise can be quite common.

Although no amount of money could compensate for the misery and suffering that is caused by diseases such as pneumoconiosis, the amounts that are payable will offer some assistance to sufferers and their dependants. It is important that the compensation increases and that those amounts keep pace with inflation. In conclusion,

the Committee recommends that the regulations be affirmed by the Assembly.

(Mr Speaker in the Chair)

Mrs M Bradley: I welcome the regulations and I thank the Minister for bringing them to the House.

The Minister for Social Development: I am pleased with the consensus of support, spoken and non-spoken, across the Assembly for the regulations. I thank the Chairperson of the Social Development Committee and its members for the positive way in which they dealt with the regulations, both in its meeting on 12 March 2009, when they gave the regulations assent, and in the Chamber today. In my initial speech, I trust that I dealt with all the issues that Members may have.

If I have inadvertently failed to do so, I will write to the Chairperson and to Mrs Bradley.

2.15 pm

I am certain that we all want to ensure that the value of compensation under the 1979 Order is not eroded by inflation. The regulations will ensure that that does not happen. In addition, I am particularly pleased to be able to introduce significantly increased compensation for dependants. I commend the motion to the House.

Question put and agreed to.

Resolved:

That the Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 2010 be affirmed.

Mr Speaker: I suggest that the House take its ease until we move to the next item of business.

Assembly Business

Suspension of Standing Orders

The Minister of Finance and Personnel

(Mr S Wilson): I beg to move

That Standing Orders 31(d), 37, 39(1) and 42(5) be suspended in respect of the passage of the Budget (No.2) Bill.

I apologise for my absence from the House. When I left, the Minister for Social Development was struggling through words that I do not know how to spell, let alone say. I thought that I had plenty of time to make a phone call. The Members on the speaking list must have decided not to speak for too long.

I have brought the motion to the House today to ensure that the Assembly can consider all the stages of the Budget (No.2) Bill before the Easter recess. That will allow the Bill to be enacted before powers are devolved to the future Department of Justice on Monday 12 April. As Members will be aware, accelerated passage is the normal procedure for Budget Bills because they require Royal Assent within a very short timescale. Indeed, as is normal with Budget Bills, the Chairperson of the Finance and Personnel Committee has written to the Speaker to signal the Committee's agreement to the Bill's accelerated passage. However, on this occasion, I am seeking the Assembly's approval of my proposal for additional acceleration. For that to happen, I ask Members to support the motion on the suspension of Standing Orders 31(d), 37, 39(1) and 42(5) in respect of the passage of the Budget (No.2) Bill.

The suspension of those Standing Orders removes the need for the Further Consideration Stage and the minimum 10-day time period for the passage of a Bill through the Assembly. This will mean that the Bill can pass through the Assembly in two days – today and tomorrow. Those exceptional arrangements are unavoidable because, until the Assembly resolution was passed on 9 March, we could not be sure that those powers would be devolved. However, Members will have the normal opportunities to scrutinise the Bill during its Second Stage, Consideration Stage and Final Stage, albeit in a more restrictive timetable. Although the Further Consideration Stage will be omitted, that stage has been a formality for previous Budget Bills.

It is essential that the Bill passes its Final Stage tomorrow as that is the final scheduled date for Assembly plenary business before the Easter recess. Moreover, its passage will ensure that the new Department of Justice, the Public Prosecution Service and additional functions in the Office of the First Minister and deputy First Minister have statutory cover for the use of resources and cash in discharging those new responsibilities for the year ending 31 March 2011.

Question put and agreed to.

Resolved (with cross-community support):

That Standing Orders 31(d), 37, 39(1) and 42(5) be suspended in respect of the passage of the Budget (No.2) Bill.

Executive Committee Business

Budget (No. 2) Bill: Second Stage

The Minister of Finance and Personnel

(Mr S Wilson): I beg to move

That the Second Stage of the Budget (No. 2) Bill [NIA 11/09] be agreed.

This debate follows the Bill's First Stage, which took place earlier today, and the Supply resolution, which was subsequently debated at length and approved. The Budget (No. 2) Bill provides the authority to use cash and resources to enable the delivery of services relating to policing and justice in 2010-11, as currently planned, after the devolution of those new responsibilities on 12 April 2010.

The Assembly is well rehearsed on the logistical reasons for accelerated passage of the Budget (No. 2) Bill. On this occasion, I also sought a suspension of Standing Orders relating to the Bill's Further Consideration Stage and the 10-day rule. As I explained earlier, those are required to ensure that the Bill receives Royal Assent by 12 April. The Committee for Finance and Personnel and the OFMDFM Committee played an important role in ensuring the Bill's accelerated passage. I am grateful that the Committee for Finance and Personnel confirmed that, in line with Standing Order 42, it is satisfied that there has been appropriate consultation with it on the public expenditure proposals in the Bill. Once again, I welcome and appreciate the Committee's assistance in ensuring adherence to the legislative timetable for the Bill. The Committee was assisted by the OFMDFM Committee in its scrutiny of that Department's Estimates, which underpin the Bill.

For the benefit of Members, and in accordance with the nature of Second Stage debates as envisaged under Standing Order 32, I shall briefly draw attention to a few key points and the general principles of the Bill. Although this is the first Budget Bill to include policing and justice matters, the format and layout of the Budget (No. 2) Bill and the Estimates will be familiar to Members from the passage of other Budget Bills through the Assembly.

The principle of the Bill is to authorise the issue of £1,432,778,000 from the Northern Ireland Consolidated Fund and the use of resources totalling £1,369,871,000 for the Department of Justice, the Public Prosecution Service and

additional expenditure by OFMDFM. The sums to be issued from the Consolidated Fund are to be apportioned by each Department or public body for services as detailed in column 1 of schedule 1 to the Bill, and the resources are to be used for the purposes specified in column 1 of schedule 2 to the Bill. I ask Members to bear in mind that those sums are inherited financial allocations for 2010-11, which were set by the Secretary of State for Northern Ireland and the Northern Ireland Court Service prior to the devolution of policing and justice matters.

As I said earlier, the Assembly's adoption of those plans represents a sensible way of ensuring the continuation of valuable policing and justice services. In addition, the Bill sets out for 2010-11 the limit on the amount of accruing resources that may be directed by my Department to be used for the purposes as set out in column 1 of schedule 2. That limit includes both operating and non-operating accruing resources. Under section 8 of the Government Resources and Accounts Act (Northern Ireland) 2001, a direction on the actual use of the accruing resources will be provided by way of a DFP minute, which will be laid before the Assembly after the Bill has received Royal Assent.

I remind Members to bear in mind the relevance of the Budget (No. 2) Bill on the path to ensuring the full devolution of policing and justice powers by 12 April 2010. The Bill reflects the cash and resources that are required to facilitate the detailed spending plans of the Department of Justice, the Public Prosecution Service and other additional expenditure by OFMDFM, which will be incurred as a consequence of devolution of policing and justice for the financial year ending 31 March 2011. The detailed spending plans are set out in the 2010-11 Main Estimates.

The spending plans that are reflected in the Budget (No. 2) Bill were debated and approved by the House earlier. Therefore, I do not propose to spend any more time on the detail of the Bill. Question Time is coming up, and you are getting nervous, Mr Speaker. However, I am happy to take questions afterwards. I commend the Budget (No. 2) Bill to the Assembly.

Mr Speaker: I suggest that the House takes its ease until Question Time.

The debate stood suspended.

2.30 pm

Oral Answers to Questions

Office of the First Minister and deputy First Minister

Parades Working Group

1. **Mr Kennedy** asked the First Minister and deputy First Minister to outline the recommendations of the parades working group and the responses to date of the parading organisations to the proposals. (AQO 974/10)

The First Minister (Mr P Robinson): As part of the agreement that was reached at Hillsborough Castle on 5 February 2010, the deputy First Minister and I established a working group and appointed six members who had experience of dealing with parading issues. The working group has been involved in a period of intensive work to fulfil its task. That has included a series of meetings with elected representatives and a range of stakeholders including representatives of residents' groups.

The working group has presented its report to the deputy First Minister and me, and work progresses to prepare a draft Bill that will implement the working group's agreed outcomes. In line with the timetable that was set out in the Hillsborough agreement, we are committed to the completion of a draft Bill by late March or early April, at which point full consultation will be undertaken. Pending that full consultation on the draft Bill, we consider that it would be inappropriate to provide details of the responses from stakeholders' submissions and premature to outline the recommendations of the parades working group.

Mr Kennedy: I am grateful to the First Minister for his reply. When does he expect the recommendations of the parades working group to be tabled at the Executive to enable a more inclusive, all-party approach to this important issue? Will the First Minister also confirm whether the Loyal Orders will be consulted on an ongoing basis as the proposals emerge?

The First Minister: We discussed the parades working group at the last meeting of the Executive. Indeed, we reported on all the working groups

that were set up as a result of the Hillsborough agreement.

The working group has not completed its work, but it provided a framework that is being put into the form of a draft Bill. The draftsmen have already been coming back with detailed elements and technical issues. As soon as that is completed, the draft Bill will go to the Executive, after which it will go out for public consultation. The public consultation will probably last about 12 weeks. As the Member will know, we intend to provide the Committee for the Office of the First Minister and deputy First Minister with the detail of the responses to that consultation. The Committee will carry out its own hearings or inquiry as best suits.

As far as the Loyal Orders are concerned, we have received useful assistance and advice from Rev Mervyn Gibson. As the Member will be aware, Rev Mervyn Gibson was a member of the Ashdown strategic review body. His input has been very helpful. Indeed, I would go as far as to say that we could not have done without it. He and my colleagues have spoken to the institution about the broad framework and will continue to provide updates as and when required.

Mrs D Kelly: Does the First Minister accept that the fact that many members of the Loyal Orders have been briefed about the working group on a number of occasions does not instil confidence among the wider community and, in particular, residents' groups? Furthermore, the fact that two political parties have been excluded —

Mr Speaker: I ask the Member to come to her question.

Mrs D Kelly: My question relates to the fact that two political parties have been excluded and the Loyal Orders have been briefed but the wider community and nationalist groups, in particular, have not.

The First Minister: My understanding is that residents' groups met the working group and that political parties were also present. If people want to speak to elected representatives about the relevant issues, they can do so. This will probably be the most consulted-on legislation that this Assembly or its predecessors have ever produced. As I said, there will be a 12-week consultation period on the draft Bill. Furthermore, when the deputy First Minister and I seek the transfer of that legislation to the

Assembly, it will face the scrutiny that comes under the auspices of the Committee for the Office of the First Minister and deputy First Minister and the various stages of debate in the Assembly. Therefore, everyone will have plenty of opportunity to talk about the legislation in detail.

Mr McKay: I commend the efforts that the working group has made to date, especially those that involved taking evidence from residents' groups, such as those from the Garvaghy Road, the Ormeau Road and other parts of the North.

The First Minister has already answered my question on the next steps that are to be taken in this process. What progress is being made on the absence of dialogue, which is a key issue for a number of residents' groups, including that at Rasharkin? Has any progress been made on this year's marching season?

The First Minister: There is an obligation on the deputy First Minister and me to proceed with the other aspect of the parades issue, which is recognising that a number of parades have been intrinsically difficult and cannot be dealt with simply by having a meeting a few weeks prior to the date when the parade is due. Therefore, we looked at getting in place the kind of dialogue that the Member is talking about.

From my experience last year in attempting to get dialogue going on the Garvaghy Road, I know that that is not always easy to accomplish. However, I am pretty sure that it is on my agenda and that of the deputy First Minister to try to get things moving on all those parades that we recognise as being legacy parades with difficulties attached to them.

Mr Shannon: I thank the First Minister for his responses to questions this afternoon.

Parading is a very big issue. The level of interest shown by everyone in the Chamber is clear from the questions that are being asked. What would happen if parading was not concluded through the Hillsborough Castle Agreement? If no agreement were reached, where would we be?

The First Minister: The Hillsborough Castle Agreement has given us the opportunity to tackle an issue that has caused massive problems. There has been both community division and a financial cost as a consequence of those problems. If some believe that we can just continue with the Parades Commission, they would be taking the option of doing nothing.

In my view, the Parades Commission has become part of the problem and needs to be replaced. We need what a Member who spoke previously referred to as a dialogue-centred process. Such a process would be fairer, more transparent and would clearly provide a better form of adjudication than exists for those of us who have been frustrated with the Parades Commission. More of the same awaits us if we do not resolve this issue. Ours is a divided society, and this is one of the issues that lies at the heart of that division. If we want to heal our society and to have a shared society, we must tackle such issues and not run away from them.

Presbyterian Mutual Society

2. **Mr Storey** asked the First Minister and deputy First Minister for an update on the efforts being made to help savers within the Presbyterian Mutual Society. (AQO 975/10)

The First Minister: The frequency with which we are asked for updates about the situation of the Presbyterian Mutual Society (PMS) illustrates the concern that Members right across the Assembly feel for the fate of PMS savers.

The deputy First Minister and I share that concern. We are acutely aware that the impact of prevailing circumstances has led to difficulty and hardship for a significant number of local people. We have said in the past that remedies to the PMS situation are complex, but I readily acknowledge that that is cold comfort to those who are dealing with daily anxiety about their savings.

Although this is a matter for Westminster in the first instance, Members of the Assembly will know that officials have been looking at a number of options for dealing with the crisis. A final report is to be presented shortly to the ministerial working group that was set up to examine options for helping PMS members. Thereafter, we hope to be in a position to share details.

Mr Storey: I thank the First Minister for his reply. This is an issue that causes, and has caused, grave concern to a large number of people. Unfortunately, we have gone through a number of moderators since this issue has been brought to the fore, but there is still no conclusion. Will the First Minister tell us if and when the various options for the PMS will be published?

The First Minister: I am sure that the deputy First Minister and I have forgotten how many times we have spoken to the Prime Minister and the Secretary of State about this issue. Along with the Minister of Finance and Personnel and the Minister of Enterprise, Trade and Investment, we have attended joint ministerial meetings to examine the various options that are open to us.

We all agree that by far the best option would be for a bank to show an interest and to take over the responsibilities. In the absence of that, we are considering an option that is being worked up by our officials, under our direction. I hope that the Treasury would be prepared to accept that option, which meets its criteria. The Executive would decide whether they wish to move forward with that option. However, that option would come second to the commercial or banking option, which has not been ruled out.

Ms Anderson: Go raibh maith agat. Does the First Minister believe that in light of the Financial Services Authority's conclusion that the Presbyterian Mutual Society was conducting regulated activities without authorisation or exemption, it is time for the PMS directors to apologise publicly to those who had savings in that organisation?

The First Minister: I will be very careful about that matter. If there are legal issues, a decision will have to be taken at some stage about whether any action should be taken. I am sure that the Member will agree with me that the people who invested money are blameless. All Members have a responsibility, in so far as it lies with us, to take whatever steps we can to ensure that the savings that PMS members deposited are recovered.

The PMS grew exponentially and at such a pace that regulation was bypassed because of the difference between registration and regulation. The Department of Enterprise, Trade and Investment was responsible for registration but not for regulation. The regulation should have come from elsewhere. Given that gap, Her Majesty's Government have a responsibility, which is why we have been pressing the Government to assist us to deal with the savers.

Rev Dr Robert Coulter: I thank the First Minister for his concern about the suffering of many of the savers. Older people seem to be suffering more than others. Are there any plans to help them in their present need?

The First Minister: The Member will be aware that the administrator received a judgement from the courts that indicated how any funds that are available to him will have to be shared out. Unfortunately, many of the people to whom the Member refers fall into the category of those with savings of less than £20,000. Under PMS rules, they are the last to receive a payment.

The deputy First Minister and I are concerned about that and are considering ways to ensure that we deal with those who are in severe hardship. Those are not just elderly people, although they constitute a large element. There are disabled people in my constituency whose funds for care are in the PMS, and they cannot access them. They are relying on the generosity of family members, which puts considerable strain on those family members. There is much hardship and anxiety, which means that we must find a solution to this affair very quickly. People cannot hang on for much longer.

OFMDFM: Staffing

3. **Mr McCartney** asked the First Minister and deputy First Minister for an update on the proposed reorganisation of staff in their Department. (AQO 976/10)

Mr McCartney: Go raibh maith agat, a Cheann Comhairle. Ceist uimhir a trí. Question 3.

The First Minister: In the Budget for 2008-2011, the Executive agreed that Departments would deliver 5% per annum administrative efficiency savings over 2008-09 to 2010-11. The Office of the First Minister and deputy First Minister (OFMDFM) is required to deliver £2 million in efficiency savings across the three years. Those measures will result in a reduction of approximately 51 full-time equivalent posts. The objective is to have that completed, as far as possible, by 1 April 2010 through redeployment in the Northern Ireland Civil Service and the suppression of vacancies.

To date, we have been able to implement around half of the required reductions, and we are hopeful that the remainder will be achieved within the required time frame. The Department is engaging with trade union side to take the work forward.

2.45 pm

Mr McCartney: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagra.

Will the First Minister assure the Assembly that there will be no reduction in services for children and young people, victims and survivors and older people as a result of the proposed reorganisation?

The First Minister: I understand that there are concerns, particularly among groups with an interest in children and young people, that removing the various units, or silos, in the policy directorate will mean that the concentration and focus on those interests will be reduced. I would suggest that the opposite is probably true. By removing silos, we can ensure that staff time is concentrated on working where it is needed. I do not envisage any reduction in services as a result of the changes that we are making. Some units dealt exclusively with one group, and when their workload was completed or low, they sat there until more work came along. Under the new arrangements, everybody will be working at full tilt on the issues that are before them, so I do not envisage any reduction in services. As the process goes on, the deputy First Minister and I will continue to monitor it.

Mr O'Loan: As part of the reorganisation in his Department, the victims' unit is to be abolished. Does he accept that that has created anxiety in the minds of victims and survivors, particularly in light of the absence of a decision on a proposed victims' service? Indeed, should he not reinstate the victims' unit?

The First Minister: I shall be very clear about the matter. There is an assumption that we have done away with the gender and sexual orientation unit, the victims' unit, the children and young people's unit and the disability unit. What we have done is remove the silos to ensure that units do not work individually. Instead, the policy directorate as a whole will deal with all the work under its ambit. Consequently, under the system as it now exists, there will be no reduction in the importance and priority that is given to victims, and they can be certain that if work is required to be done, it will be done within the Department and without any lessening of output.

Mr G Robinson: How do OFMDFM staffing levels compare with those during the previous period of devolution?

The First Minister: I am sure that I have an answer somewhere, but, off the top of my head, I recollect that we started with about 420 members of staff and when the process is completed, we will be down to about 350 members of staff. Those are the rough statistics. We are reducing staffing levels by redeploying people within the Civil Service and by not filling vacancies, so it will be done as painlessly as possible.

There was an occasion when some colleagues in the Chamber indicated that the number of staff in OFMDFM is comparable to that in the White House. Statistically, they got even that wrong. Only a handful of staff deals with First Minister and deputy First Minister private office business. The difference with our office is that ours is a Department with departmental responsibilities and not just a private office for two Ministers.

Special Educational Needs

4. **Dr W McCrea** asked the First Minister and deputy First Minister what progress has been made by the ministerial subcommittee on children and young people to enhance provision for children with special educational needs in special schools, including provision for the transition to adulthood. (AQO 977/10)

The First Minister: With your permission, Mr Speaker, I shall ask junior Minister Robin Newton to answer that question.

The junior Minister (Office of the First Minister and deputy First Minister) (Mr Newton): I thank the Member for South Antrim for his question, which is an important one. In general, he will be aware that the ministerial subcommittee on children and young people agreed six key priorities, one of which was provision for children with special educational needs in mainstream and special schools, including the transition to adulthood and the provision of appropriate health and social care interventions.

Cross-departmental subgroups have been established to take those priorities forward, and the subgroup that is progressing the work on special educational needs is led by the Department of Education. Each subgroup has developed action plans, which, with the exception of the child poverty action plan, have been agreed by the ministerial subcommittee. However, as the action plans have not been

formally agreed by the Executive, it would not be appropriate to share the content of the special educational needs plan. I can confirm that that subgroup has agreed that it will not cover work being taken forward by other groups. In order to make a real difference, it will, instead, focus on a single issue.

Therefore, work to date and planned work will focus on the area of transitions. Each of the Departments has received a copy of the action plan. As of this morning, two responses were outstanding; this afternoon, there is only one, which shows that the Departments are taking the matter seriously. Those action plans were provided only in February. We hope to seek formal Executive agreement to the plans very soon, possibly even this week. I will be able to provide more detailed information after the Executive meeting.

Dr W McCrea: Although I welcome the junior Minister's answer, how can he seek to encourage greater co-operation between the Departments that share responsibility in providing for the future of young people with special needs?

The junior Minister (Mr Newton): That is an important question that does not just relate to the subject raised by Mr McCrea. It falls into the area of concern that others have about our unique system of government that is based on, and developed for, addressing our political problems. Indeed, because of our political problems, we have a complex system and considerable effort has been put into trying to get Departments to work more closely together on issues such as this. We set up the ministerial subcommittees precisely for that reason.

Those subcommittees bring together the key Ministers with a team of officials to work on identified priority actions. Many important issues do not lie firmly within the boundaries of just one Department, so it is critical that we find ways in which to work effectively, and across boundaries, to identify solutions and to ensure that the subcommittees produce joined-up action plans.

Mr McCarthy: What assurances can the junior Minister give to the ICAN Centre based in Ballynahinch Primary School? The centre is concerned that lack of funding and support may curtail its excellent work.

The junior Minister (Mr Newton): I thank the Member for his question. I am not extremely familiar with that case. However, I will have some research done and happily come back to the Member on the matter.

Mr Kinahan: I thank the junior Minister for his answer, which touched slightly on my question. Will he confirm whether the ministerial subcommittee on children and young people has considered the Minister of Education's proposals on special educational needs provision, and the potential impact that that will have on the provision in special schools and mainstream education?

The junior Minister (Mr Newton): I thank the Member for his question. The 'Report of the Promoting Social Inclusion Working Group on Disability', presented to the First Minister and the deputy First Minister in December 2009, made several recommendations about the educational needs of children and young people with disabilities. The report is published on the OFMDFM website. Its recommendations include:

"Children and young people with disabilities should be offered the same opportunities as other young people in respect of education and training"

and:

"The inter-departmental task group should conduct an audit of services to disabled young people aged 14-25 years, identifying the gaps between services".

The review of the Disabled Persons (Services, Consultation and Representation) Act 1986 and the associated guidance will establish a clear responsibility for the early assessment of the needs of disabled young persons who leave education. A strategic plan on transitions will be developed that will clearly set out a comprehensive person-centred transitions process for all young people with disabilities.

An Executive response to the working group's report is being developed. It will set out how the Executive intend to take forward the recommendations of the report. The Executive intend to consult fully on the proposals. The educational needs of children and young people with disabilities will also be considered in work to implement and monitor the UN Convention on the Rights of Persons with Disabilities.

US Investment

5. **Mr Moutray** asked the First Minister and deputy First Minister what investment opportunities were identified on their recent trip to Chicago and Washington. (AQO 978/10)

6. **Mr Paisley Jnr** asked the First Minister and deputy First Minister for an update on new emerging investment opportunities from the USA. (AQO 979/10)

10. **Mr Bresland** asked the First Minister and deputy First Minister for an assessment of their recent visit to the USA. (AQO 983/10)

The First Minister: With your permission, Mr Speaker, I will take questions 5, 6 and 10 together.

Last week's visit to the US was, without doubt, the most successful visit that the deputy First Minister and I have made since we took office. The week-long programme was aimed specifically at promoting the Northern Ireland economy in all of its forms. I am pleased to inform the Assembly that we used our time to promote not only inward investment opportunities but trade development and tourism.

We began our itinerary in Chicago, where we met existing investors and the chief executive officers of several leading US companies that are potential investors. We also addressed an audience of some 200 leading business figures in Chicago and outlined the benefits of establishing a business in Northern Ireland. We were pleased to receive Mayor Richard Daley's personal endorsement of the work that we are doing to strengthen the local economy. Mayor Daley welcomed us to City Hall, where we had the opportunity to learn about the work that he commissioned to improve services to voters and how he introduced measures to address falling city government revenues.

In Washington DC, we continued to promote our economic development objective at a Northern Ireland business round table, which was organised on our behalf by the United States Economic Envoy, Declan Kelly. That event included members of some of Northern Ireland's most successful companies, who were in Washington as part of a strategic trade mission that was organised by Invest Northern Ireland.

Later, we had a private meeting with the Secretary of State, Hillary Clinton, which we used to discuss opportunities for securing further support from the Obama Administration

for economic development initiatives here. Also in Washington, we joined Executive colleagues Arlene Foster, Sir Reg Empey and Margaret Ritchie at the Northern Ireland Bureau breakfast, where we presented, I hope, a united front to an audience of some 350 politicians, senior officials in the Obama Administration and members of the local business community. Minister Foster presented a very compelling multi-screen video of the five signature projects and encouraged all those in attendance to visit and to experience our world-class tourist product.

The highlight of our visit to Washington was our meeting with President Obama at the White House. We were delighted that despite the enormous pressure on the President with regard to the healthcare Bill, which at that stage was going through Congress, he gave us 30 minutes of his time to talk about Northern Ireland. The President was joined at the meeting by the Vice President, Joe Biden, the Secretary of State, Hillary Clinton, and General Jones, the director of the National Security Council. That level of engagement by the four top office bearers in the United States Administration was unprecedented. It was a clear indication to the American people of the importance that the US Government place on supporting economic growth and political stability here.

Most significantly, in Washington, the deputy First Minister and I were able to engage directly with the Secretary of State, President Obama and several Members of Congress to seek their support for an economic conference in Washington in the autumn of this year. Although that event is at the very early stages of development, I can confirm that it will be a focused event that will be targeted at a limited number of very senior executives who will be specially selected with the help of Declan Kelly and Invest Northern Ireland. The event will be hosted by Secretary of State Clinton and supported by President Obama. In addition, we managed to secure the support of President Obama, Secretary of State Clinton and Members of Congress for the continuation of the International Fund for Ireland.

In New York, the deputy First Minister met the New York City Comptroller, the New York State Comptroller and several leading figures in the Irish-American business community. I went to Houston, Texas, accompanied by Minister Foster and the Invest NI chief executive officer, to meet

the executive management of Baker Hughes to discuss its decision to close its Belfast plant and to explore how the Executive could support the retention of work in Northern Ireland.

Last week provided the deputy First Minister and me with unparalleled access to some of the most senior decision-makers in corporate America. We met current and prospective investors, as well as a range of senior business and political leaders who can influence investment decisions here. I record our appreciation to Declan Kelly, whose contribution to our itinerary was vital.

3.00 pm

Employment and Learning

Skills Conference 2010

1. **Mr Bresland** asked the Minister for Employment and Learning what he expects to achieve from the forthcoming Northern Ireland skills conference. (AQO 960/10)

The Minister for Employment and Learning (Sir Reg Empey): The Department's annual skills conference is now in its fifth year. It brings together leading policymakers, educationalists, training providers, employers, industry representatives and business leaders. It encourages debate on key issues, linking skills development with enhanced productivity and competitiveness of the Northern Ireland economy. Each year, the conference focuses on a key aspect of the Department's skills agenda. Research by Oxford Economics and McKinsey indicates that managerial practices and the structure of the Northern Ireland economy need to be strengthened.

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

Mr Bresland: I thank the Minister for his answer. When talking to those involved in various aspects of the growing tourism industry, I get the impression that they have difficulty in finding people who have the right skills. Will the Minister indicate the extent to which the conference and the broader work of his Department will address that shortage?

The Minister for Employment and Learning: I assure the Member that a group is working on hospitality in general because we recognise that tourism will be a major growth industry

in the coming years. To that effect, we have been working with the sector on a number of issues. For instance, we are encouraging young people to come forward to be the chefs of the future, and a lot of young people have enrolled in a junior chefs' academy. They are very enthusiastic, and places on the courses are heavily oversubscribed. In addition to improving the infrastructure for tourism, we have to provide the service and the capability to deliver the services in that new infrastructure. Therefore, we are extremely keen to develop that sector and we are getting good support. I assure the Member that the tourism and hospitality sectors, which we conclude are one, are receiving very high levels of attention.

Mr Elliott: I thank the Minister for that answer. What are his views on the recent independent review of economic policy, which suggested that skills are a key driver for regional economic growth? How does he foresee those being developed?

The Minister for Employment and Learning: Oxford Economics has done work on our behalf and has produced some significant evidence. For instance, it is clear that management capability is one of the biggest drivers. If that can be improved, there will be a disproportionate improvement in productivity and earnings.

The Department is promoting and raising awareness of management and leadership proposals. For instance, we are running the Made Not Born campaign, which makes it clear that managers are made and not born. We also provide courses at 100% funding. We have had a big take-up of those and have managed to keep them fully funded throughout the year. Through that activity, the improved management of the future will be found. Oxford Economics has pointed out that management and leadership skills will have a disproportionate impact on the growth of the Northern Ireland economy. We believe that the reports from Oxford Economics and McKinsey show that by improving poor management practices, particularly in manufacturing sector, we could improve output by more than £300 million per annum.

Mr McDevitt: In view of the large number of people in the region who are qualified to NVQ level 2, is the Minister happy that those who are re-entering the New Deal and Steps to Work programmes are being encouraged to go for

higher NVQ qualifications, or does he believe that the trend is to continue to opt for the easier NVQ level 2 qualification?

The Minister for Employment and Learning: I do not accept the honourable Member's point. The drive is to raise skills, not merely keep them flat. That is the problem in this country. As the Member knows, far too many young people who do not have basic qualifications are being turned out of schools. A staggering 80% of young people are not getting up to five GCSEs, including maths and English. Therefore, the problem starts at a much earlier stage in our schooling system. It has always been a matter of absolute amazement to me that thousands of young children, who cannot read or write at the age of 10 or 11, are being transferred to secondary schools. I do not understand how we can get off the ground and improve our skills position as long as that remains the case.

I assure the Member that far from wishing to restrict skill levels, our objective is to increase them. That includes people in work and not simply those who are entering the workforce; it is a continuum. Considering the way in which the economies of the world are developing, the Member will know well that today's skills will not necessarily be adequate to keep people going in 10 years' time. Given that 70% of the people in today's workforce will be in the workforce in 2020, the majority of skills improvement will have to happen to those who are in work.

Mr McElduff: Go raibh maith agat, a LeasCheann Comhairle. Will the forthcoming skills conference have any messages for those who lost their jobs in the construction and engineering industries recently? Will it help them to identify new career opportunities or new pathways? My question is based on the fact that those industries are in decline, not least in County Tyrone, where, in the recent past, there have been serious job losses.

The Minister for Employment and Learning: I am conscious that the Member is not alone in this House in having many constituents in the construction sector who are suffering. It is a problem across the Province. I am sad to say that one could count on the fingers of one hand the number of construction jobs advertised in our job centres. There is no evidence of an upturn in the construction sector at this stage. In fact, the situation is quite the reverse. However, through our programme-led apprenticeships, we are still providing places for

the construction sector. The fact that the sector has been suffering in the past couple years is no reason not to upskill the people in it. In fact, it is one reason to do precisely the opposite, if possible. The higher the level of skills available in a company, the more efficient it will become and, therefore, the more likely that it will be to achieve work through tendering.

Although construction is a depressing panorama at this stage, we have to rely on that sector to rebuild the Province's infrastructure over a prolonged period. The investment strategy for Northern Ireland contains a long list of infrastructure projects that we want to deliver. We will not give up on the requirement to ensure that there are highly skilled people in the construction sector in this country.

Stranmillis University College

2. **Mr Storey** asked the Minister for Employment and Learning what steps he is taking to have the chair and governors of Stranmillis College reconstituted. (AQO 961/10)

The Minister for Employment and Learning:

The college's governing body is constituted in accordance with paragraph 2 of schedule 2 to the Colleges of Education (Northern Ireland) Order 2005 and the college's instrument of government. The term of office of a number of the current governing body members is due to expire in July of this year. However, all but one of the members have agreed to stand for a second term, as permitted in the regulations. In line with the legislation, the college is also considering the co-option of a further two members to the governing body.

Mr Storey: Does the Minister agree that a problem exists with regard to a deficit on the board of governors of Stranmillis University College, given the fact it no longer includes transferor representatives? Will he assure the House that with regard to the co-option of members onto the board when it is reconstituted, the college's Christian ethos will be protected? There are grave concerns that in moving forward with any merger plan, the Christian ethos that has been very much to the fore and much appreciated for many years at Stranmillis College will be diluted. Can he assure the House that that ethos will not be left behind, as opposed to the way in which other colleges are promoted?

The Minister for Employment and Learning:

The Member will understand that when the architecture of the governing body of Stranmillis College changed — in 2006, I believe — it was changed against the will of his party and mine.

As I indicated, I must operate under the Colleges of Education (Northern Ireland) Order 2005. I anticipate that, after July 2010, there will be 13 members on the board, seven of whom will be nominated by the Department and six of whom will be nominated by the college. I understand that the college's nominees would include two co-opted members, the appointment of whom it is considering. The issue is that, under legislation, at least half of the members must be nominated by the Department. That will be the case. However, the issue to which the Member refers has particular pertinence in view of the proposed merger. I have indicated to the House on a number of occasions that I am addressing that issue at present. I hope that that particular matter will be addressed directly during consultation on any proposals that I make.

At the end of the day, as the Member will be aware, the House will have the final say in all those matters. A number of Members have made representations to me on that very issue. As he pointed out, the automatic right of transferor representatives to seats on the board was removed by that Order, which, I suspect, both he and I opposed. I am dealing with the legislative framework for the appointment of the board. I am unable to operate outside that. However, as regards any merger proposals, we are perfectly entitled to consider proposals at that stage that would deal with the matter to which the Member refers.

Rev Dr Robert Coulter: In view of the many difficulties that seem to have arisen, is there any apparent resolution of the problem of the merger at present?

The Minister for Employment and Learning:

The business case took far longer to resolve than I had anticipated. It has, however, been with my Department and has gone back to the Department of Finance and Personnel (DFP), which, I believe, has approved it. Now, I want to bring proposals for a public consultation to the Executive. At that stage, the issues to which the Member referred will be addressed. I hope that it will not be too long coming.

Mr Butler: Go raibh maith agat, a LeasCheann Comhairle. Does the Minister agree that the

longer that the proposed merger of Stranmillis College and Queen's University takes, the more uncertainty that creates? Mervyn Storey's question reflected the uncertainty that prevails in Stranmillis College. The Minister must provide the Assembly with some certainty as to what the future holds for Queen's University and Stranmillis College with regard to a merger. The longer that that issue continues, the more uncertainty it creates, not only for the board of governors but for employees at Queen's and Stranmillis. Can the Minister provide assurance that the issue will be fast-tracked as soon as possible?

The Minister for Employment and Learning:

I cannot disagree with the Member. However, as I said, the business case required so much work that its completion took much longer than expected. That was not the Department's fault. The business case was prepared by the college together with Queen's University; it was not prepared by the Department.

Our job is to respond to the business case. After the Department sent responses backwards and forwards to the college and the consultants who prepared the case, which required a great deal of work, the case went to DFP. The Department is now preparing a consultation document, which must go to the Executive before it can be published. I assure the Member that I am conscious of the point that he makes and that the Department will do everything as quickly as possible. However, I gave an assurance to the House that it was not my intention to try to railroad any legislation through. It will take its course. I have repeated that undertaking on a number of occasions.

3.15 pm

Mr Deputy Speaker: Question 3 has been withdrawn.

DEL: Bonuses

4. **Mr W Clarke** asked the Minister for Employment and Learning if any officials within his Department received performance-related bonuses in 2009-2010. (AQO 963/10)

The Minister for Employment and Learning:

I can confirm that no senior official in my Department has received a performance-related bonus in 2009-2010. The 2009-2010 pay award for non-industrial civil servants below Senior Civil Service grades, which was effective

from 1 August 2009, is the subject of ongoing negotiations. For some time, my Department has operated a reward and recognition scheme for staff below Senior Civil Service grade, which seeks, in a limited way, to acknowledge exceptional contributions made by individuals and teams outside normal duties. Under that scheme, 19 staff were allocated awards in 2009-2010, at a total cost of £7,150, equating to an average of £376 per person.

Mr W Clarke: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his response. Does he believe that it is appropriate to be awarding bonus payments in the current economic climate, given the hardship that many ordinary people face?

The Minister for Employment and Learning:

As I said, in the particular case of my Department, a total of £7,000 in bonuses was spread over 19 individuals. Those bonuses have been a long-standing issue and they are for exceptional contributions made by individuals or teams of individuals. It should be borne in mind that the work that led to those bonuses was probably done in a previous period, but I accept the Member's point.

There has been a tendency in the Civil Service in the United Kingdom as a whole to move more towards bonuses. I suspect that the Chancellor at the time, Gordon Brown, may have had a say in that. The reason for that tendency is that bonuses do not have an impact on pensions, whereas increases in basic salaries do. I suspect that the now Prime Minister may have been wishing to encourage more bonuses, in so far as they do not have an implication for pensions.

Out of my Department's total budget of over £800 million, something in the region of £7,000 is not unreasonable. However, I accept the Member's fundamental point, which is to question whether we should have any bonuses of any description. That matter would have to be negotiated between the Minister of Finance and Personnel and the trade unions concerned. I know that a lot of bonuses have attracted negative attention, and I understand that none has been awarded in the Senior Civil Service grades this year, which I suspect to be in accordance with public opinion.

Programme-led Apprenticeship Scheme

5. **Mr Buchanan** asked the Minister for Employment and Learning for his assessment of the effectiveness of the programme-led apprenticeship scheme. (AQO 964/10)

7. **Mr A Maskey** asked the Minister for Employment and Learning what consultation took place with employers and employer representative bodies before the recent changes to the programme-led apprenticeship scheme. (AQO 966/10)

The Minister for Employment and Learning:

With your permission, Mr Deputy Speaker, I will take questions 5 and 7 together.

Feedback on the programme-led apprenticeship scheme has been varied. There is an appreciation that the Department is responding to the very real problem of the lack of employment of apprentices in the economic downturn, and some sectors support the concept of the scheme. However, some sectors have concerns that the programme could discourage employers from employing apprentices.

The programme has proven to be very popular, with almost 3,000 young people participating in it. It is too soon to assess its effectiveness, but the fact that the programme is based on normal apprenticeship frameworks should help participants to progress to employed apprentice status when the economy picks up.

In the meantime, my Department is trying to address the issue of employer placements by introducing some flexibility into the placement arrangements. The proposed changes to the programme have not yet been introduced. The Department has met the Alliance of Sector Skills Councils to provide it with an opportunity to reflect employers' views on the issue. The Department will continue to work with sector skills councils in implementing any changes to the programme.

Finally, I would like to take this opportunity to reiterate my personal commitment to the employer-led ApprenticeshipsNI programme as the preferred model for apprenticeships in Northern Ireland. However, employers have a responsibility to make that work by employing apprentices where possible.

Mr Buchanan: I thank the Minister for his response. Does the Minister agree that the ongoing impact of the recession, including the

longer-term trend towards higher unemployment, is likely to have a negative effect on the initiative? Is he satisfied that the business and industry sectors and all the other employers are fully engaged in the initiative?

The Minister for Employment and Learning:

There are 25 sector skills councils in Northern Ireland, and they have varying footprints according to size. They are fully engaged in the initiative, and they are the voice of the employer as far as the exercise is concerned. We have had a debate on the matter and a number of questions have been asked. I remind Members that in the summer of last year, when we were making the decision about programme-led apprenticeships, we were, in my view, forced into it because employers were not prepared to take on apprentices. Many of the key private sector groups that would normally have taken on substantial numbers of apprentices were not taking on any, and that included some of our biggest companies.

I believe that we all accept that an employer-led apprenticeship, with the apprentice being employed by an employer, is the best route. However, employers were not coming forward with placements. What were we to do with thousands of young people last September? The consequence of going down the route of programme-led apprenticeships was that that had to take place largely in the colleges. The young people have voted with their feet, as almost 3,000 of them have taken up those apprenticeships. When the scheme was introduced, I said that we would be reviewing it continuously in light of experience. I assure the Member that we have consulted all the employers, and we are about to make more flexible changes to the work placement aspect. The big problem that we have with the scheme is that only just over half of the young people have work placements. None of us can force the issue. The only way in which young people can get real hands-on experience is for employers to co-operate. We are able to produce a simulated work environment, perhaps in colleges or with a training provider, but that is not the best option.

Like the Member, I believe that an employer-led apprenticeship is the best scheme. However, what were we to do with thousands of young people in the meantime? They are better in programme-led apprenticeships than on jobseekers allowance, which is one of the alternatives.

Mr A Maskey: Can the Minister give details of the number of employers or employer-representative bodies that he has consulted?

The Minister for Employment and Learning:

We have consulted them all. The Alliance of Sector Skills Councils represents the 25 sector skills councils and that is the main channel of communication. The Member will know, because I am sure that he has been lobbied, that some groups are uncomfortable with us because they wanted to ensure that the employer-led scheme remained, and they felt that that was best for their long-term interests. However, if we had not introduced the programme-led scheme, there would have been nothing for thousands of young people. Although I would prefer an employer-driven and employer-led arrangement, we took the view that an emergency measure had to be brought in. I will keep it under review, but I assure the Member that the consultation that we have held through the Alliance of Sector Skills Councils is the right route. That is what the councils are there for, and they are able to feed back to us the views of employers, which we will take into account. We have been listening, and we will make alterations to the scheme to make it more flexible with regard to work placements. However, the big problem that remains is that nearly half of the young people do not have a work placement.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. The Minister touched on the issue that I wanted to raise, which is the fact that around 50% of apprentices do not achieve their placements. However, I am anxious to pursue the matter a bit further. What consultation or engagement has taken place with employers to find out what incentives they are asking for from the Department to take on young people so that those young people can complete their apprenticeships and go on to complete their NVQs?

The Minister for Employment and Learning:

Members will be aware that there is already a financial incentive for an employer to take on an apprentice, and a further financial incentive is paid to the employer if that apprentice completes the course. The big problem is that, in a downturn, it is difficult for employers to make existing members of their workforce redundant and then bring in people who were not there before. The Member will understand that that is a huge difficulty.

As far as the consultation is concerned, we have a structure. That is what the sector skills councils are there for. We are contributing financially towards their work, and I believe that that is the right framework. We also have our skills adviser, Bill McGinnis, who is regularly in touch with employers about the future.

Apprentices who have work placements can get their NVQs while those who do not can get a certificate, but when they eventually get into employment, they can complete their NVQs. Therefore, the work and time are not wasted, and the young people will ultimately be able to get an NVQ when they eventually get a work placement or a job. In the meantime, they will get a certificate that is of value to them and shows that they have undergone the programme-led apprenticeship scheme. That is of advantage to them even if it is not as good as getting an NVQ. There is no barrier to them ultimately getting an NVQ.

South Eastern Regional College, Bangor

6. **Dr Farry** asked the Minister for Employment and Learning for an update on the new performing arts centre and technology innovation centre at the South Eastern Regional College, Bangor. (AQO 965/10)

The Minister for Employment and Learning: The proposed performing arts centre and technology innovations centre capital development project in Bangor has completed the initial stage of procurement, which identified a shortlist of five contractors. However, due to a reduction in the Department's capital budget for 2010-11, the tendering stage has been suspended. A bid for additional resources will be made at the next available opportunity.

Dr Farry: I thank the Minister for that answer. He will be aware that the South Eastern Regional College is already one of the top 30 colleges in the UK and has ambitions to be one of the top 20 in the world by 2020. How can the Minister give confidence that colleges, such as the South Eastern Regional College, will actually be able to deliver the skills for the future and help the step change in our economy if the Department and the Executive cannot guarantee that investment is made in basic infrastructure, such as that project?

The Minister for Employment and Learning:

First of all, I am for the project. It was in my

Department's programme, and it had gone to tender stage, but when the Department of Finance and Personnel came knocking a couple of months ago, we were asked to examine the whole capital programme. That particular project was the only one for which the contracts had not been formally signed off and, therefore, for which we would not suffer a financial loss by pulling out.

The position is that the South Eastern Regional College, which is an excellent college, has received, at £52 million, the largest capital development support of any college in the past two years. It has developments in Lisburn, and those in Downpatrick — phases one and two — Ballynahinch, Newcastle and Newtownards are proceeding. It has the biggest capital building programme of any college in Northern Ireland.

If the Member looks at the further education estate in general, he will see that it has been practically rebuilt, with help from the Department, over the past few years. The Northern Regional College is the one on which there is most still to do.

I am very proud of what we have achieved. It has been achieved because we put a big effort into creating a proper environment for our young people — and not so young — to study in. The South Eastern Regional College is an excellent college. I have been to many of its events, and I look forward to going to the opening of further South Eastern Regional College campuses in the coming weeks.

3.30 pm

Executive Committee Business

Budget (No. 2) Bill: Second Stage

Debate resumed on motion:

That the Second Stage of the Budget (No. 2) Bill [NIA 11/09] be agreed. — [The Minister of Finance and Personnel (Mr S Wilson).]

The Chairperson of the Committee for Finance

and Personnel (Ms J McCann): Go raibh maith agat, a LeasCheann Comhairle. At its meeting on 10 March 2010, the Committee took evidence from senior Department of Finance and Personnel (DFP) officials on the Budget (No. 2) Bill, the general principles of which are being debated in the Chamber. In addition to the departmental briefing, the Committee received relevant papers on financial issues from the Assembly and Executive Review Committee as appropriate. I thank colleagues from that Committee for their co-operation.

The Bill authorises spending for 2010-11 for the new Department of Justice, the Public Prosecution Service and the Office of the First Minister and the deputy First Minister as detailed in the Main Estimates, which were debated in the Assembly earlier. The Committee for Finance and Personnel received notice from the Committee for the Office of the First Minister and the deputy First Minister that it has considered the relevant provisions in the Estimates and the Bill pertaining to the Departments and that it is content with the proposals.

The Committee for Finance and Personnel is mindful of the consequences for the policing and justice bodies if the Bill were not to pass through the Assembly before the Easter recess and if it were not to receive Royal Assent before policing and justice powers were transferred. In that context, the Committee was satisfied that appropriate consultation had been carried out with it on the public expenditure proposals in the Bill in accordance with Standing Order 42(2) and is content that the Bill can proceed by accelerated passage. I wrote to the Speaker to confirm that on 16 March 2010.

Members will be aware that recent in-year monitoring statements by the Minister of Finance

and Personnel to the Assembly have indicated lower levels of underspend and tighter financial management across Departments than has been the case previously. Although scope exists to improve further the financial performance and efficiency of Departments, there can be no doubt that progress in that area has been due, at least in part, to the closer scrutiny that locally elected representatives have undertaken in the Assembly. The Committee expects that DFP and the new Committee for justice will exercise that same challenge function for the new Department and its agencies, including placing a focus on realising proper efficiencies and maximising the impact from available resources.

In a written submission to the Committee on the review of the 2010-11 spending plans, the Economic Research Institute stated that policing and justice costs could create significant public expenditure pressures. It was suggested that matters such as security and law tend to squeeze out other things. In that context, I consider it important that DFP assess the longer-term impact that policing and justice will have on the Executive's wider public expenditure plans.

The potential for further pressures on an already overstretched financial position again highlights the need to put in place more effective processes both for establishing and reviewing Budgets and Programmes for Government and for the monitoring and management of in-year expenditure, particularly moving into the next spending review period. The Committee looks forward to meaningful engagement with DFP in that regard in the near future.

Mr Hamilton: I support the passage of the Budget (No. 2) Bill. I will talk about two broad themes. The topic of inheritance was spoken about in the previous debate, and I have no doubt that it will also be raised in this debate. The resources that are available to the Finance Minister to dispense to justice are largely as a result of inherited sums from direct rule. As the Finance Minister pointed out, that is not particularly unusual; it has certainly not been unusual for this Assembly in the past few years. In fact, expenditure in the first year of devolution was inherited from direct rule, and it was a year or so before we had a Budget of our own that we could genuinely say was made in Northern Ireland.

Inheritance has two effects, the first of which is on financial management. The financial manage-

ment situation that the Executive inherited three years ago was not pretty. Members will recall the vast amount of habitual underspend across virtually all Northern Ireland Departments in the past. However, as a result of collective pressure from Ministers, particularly the Finance Minister, the Executive, the Committees and Members of the House, financial management in the Assembly has improved drastically over the past number of years, to the extent that departmental underspend was down to around 0.2% last year. If that figure is wrong, I am sure that the Minister will be quick to correct me. It may not be exactly right, but approximately £200 million of additional resources, which resulted from that sound and prudent financial management, has been spent in the past financial year. I will touch on the issue of resources in my second point.

As well as inheriting expenditure plans, we inherit the historical attitude of the Northern Ireland Office to financial management. I ask the Minister to address the historical financial performance of the soon to be old NIO. I make that request because, if our experience of inheriting 11 Departments is anything to go by, the NIO will not have been subject to the new standards that we have set for ourselves in this institution. A new broom is required, and the Finance Minister must work closely with the Justice Minister, whoever that might be, to ensure that the new Department of Justice is as tight a financial ship as any other devolved Department.

The second broad area that I wish to address on the issue of inheritance is that of sufficient resources. The debate about sufficient resources has tended to concentrate on the headline figures in the financial package. However, the new Justice Minister will have at his or her disposal more than £800 million that was secured as part of that financial package, as well as more than £1 billion of resources. All Departments demand that sufficient resources be made available to enable them to do their jobs, and the Justice Department will be no different.

The Chair of the Finance Committee referred to the perception that the Justice Department will require more resources than other Departments because of the nature of policing and justice issues. She said that that trump card will be played to secure adequate resources to ensure that the police and the various other agencies in the wider justice family do the job that the

Justice Minister wants them to do. However, that job has been assisted greatly by the securing of a financial package that will range from £800 million to £1.2 billion, depending on future financial circumstances. The Bill touches on and inherits some of the key elements of that.

I wish to pause there for a moment. The work of the Assembly and Executive Review Committee, which was backed up by the professional support of the Economic Research Institute of Northern Ireland (ERINI), placed a headline figure of £656 million on immediate pressures. Therefore, the securing of a financial package that was well in excess of that amount underscores the importance of the work and labour that was invested in it. Had that financial package not been secured, there is no doubt that the job of a future Justice Minister would have been made all the more difficult.

The financial package will help to address claims for hearing loss, for which the Executive, in any year, must find only the first £12 million of a claim that may total hundreds of millions. It also helps to address the issue of pensions, with which the Minister dealt earlier, and the habitual overspend on legal aid. The financial package also secures access to the Reserve, thereby giving us a comfort blanket, should one be required to tackle the dissident threat. The money from the army bases that have been gifted to the Government may not be realisable on the open market now. However, the bases represent huge potential for the future regeneration and redevelopment of the areas in which they are sited. Of course, I do not want to omit the £20 million that was secured for payments to the part-time Reserve.

What is all the more remarkable about the scale of the financial package is that it was secured in the middle of a downturn and at a time when many people said that we were foolhardy to go after it. Indeed, there are some Members who would have settled for much less than the figure that we ultimately achieved. It is worth noting again the hard work and endeavour that was put in by the First Minister, the deputy First Minister, the Finance Minister and others in the Executive to secure the package so that there would be as solid a financial foundation as possible on which justice could be devolved.

From my work in the Assembly and Executive Review Committee on the immediate financial pressures and, indeed, on future financial

pressures, I know that the issue of suitable and sufficient resources will not end with this financial package. Similar to every Department, the Department of Justice will have to grapple with ongoing and future challenges, not least the reform of the probation service and the Prison Service. Although we have money to cover the immediate legal aid problem, the problems of habitual underspend will, in all likelihood, continue into the future. We must get to grips with that. There is also expenditure, particularly on the capital side, in our courts, and there is the potential impact of the equal pay claim as it rolls through the Department of Justice.

There are undoubted challenges ahead. However, I would rather that the Finance Minister, any new Justice Minister, and we, as an Assembly, deal with those challenges ourselves. It is much better, as we grapple with those challenges, that that is done by locally elected and locally accountable politicians. As we seek to develop a world-class justice system in Northern Ireland, which is a goal that I hope we all share, sufficient resources will have to be in place. However, that goal will be much easier to achieve if power is in local hands rather than where it currently resides in the hands of direct rulers.

Mr B McCrea: There was an earlier debate during which much of what we have to say was said. Therefore, I do not propose to reiterate much, other than to say that our best wishes for this place are that it gets to grips with the very real challenges that are facing us all. From my background on the Policing Board, it seems to me that there will be significant issues regarding financing that will require a consensus to be formed, and the way in which to do that is through the building of a genuine four party — perhaps even five party — coalition. However, it is important that respect is given to the mandate that is held by all in the Chamber as we try to work out the way forward. That is the basis on which the UUP has made its position on the matter clear. We are interested in building genuine government for the betterment of all people in Northern Ireland.

Mr A Maginness: I declare an interest as a member of the Prison Service Trust and as a barrister-at-law.

Today is a good day and another step towards the full devolution of justice and policing, which will, inevitably, transform the Assembly. It will

make the Assembly better and give it additional powers over issues that matter to ordinary citizens in our communities. Therefore, it is important that we give this a fair wind. That is not to say that we cannot raise issues of concern. However, in general terms, this is an important step forward and should be appreciated as such.

This is an opportune time for the Assembly to collectively appraise policing and justice issues in a budgetary context. We now have the opportunity to be visionary, imaginative and innovative in addressing policing and justice issues. As legislators, we can have a direct input on many areas of law and order and justice at large. We should welcome that, be bold and ambitious about a fresh start and give leadership on policing and justice. We have a wonderful opportunity to advance a range of issues. I cannot exhaustively go through every area that I would like to touch on today, but I want to address several issues.

3.45 pm

It is safe to say that, on the day after the election of the Justice Minister, which is scheduled for 12 April 2010, judges will still be judges, police officers will still be police personnel, and all will continue to do their jobs. However, as legislators, we can provide a new political and administrative context in which they carry out their work, and we have a duty to shape and form policies that will address the needs of the entire community in a sensitive and effective way. We should acknowledge that a local Administration can bring about positive change and provide local answers to local problems.

Much has been achieved in policing since the formation of the PSNI in 2001, but more must be done. The Patten report must be truly fulfilled. In particular, we should strive to create effective and real community policing, which is one aim of Patten that has not yet been achieved. Community policing is not an add-on or a separate part of policing, and, therefore, it must be integral. Ordinary policing should be community policing; there should be nothing extraordinary about it. There should not be regular police and community police. Community policing must be at the very heart of our policing agenda.

I want a situation in which police officers are a natural part of our community. I want there to be

nothing unusual about seeing police officers in supermarkets, leaving their children to school, attending church or being involved in sports. I want police officers to live in the communities that they police. If we can achieve that, we will have achieved a great deal. Police officers have not lived in certain parts of our community for several decades, and, as a result, those who are policed in those areas regard them as outsiders. That situation must end.

As the Minister highlighted during his opening remarks, policing has attracted a huge budget. We must ensure that that budget is spent effectively and that no money is wasted. Every penny must be spent in the interests of taxpayers. The fact is that money must be spent on policing, and it is an expensive business. Not only must salaries be paid to police personnel, but backup is often required, and the police estate is huge. As a legislature, our scrutiny role means that we can ensure that the money is spent effectively. That is very important for us to remember on the cusp of a new era for policing in this community.

There is a wide canvas of justice issues. We have to convert the bones of the Department of Justice into a local Ministry that, instead of being the remnants of direct rule, is a full part of our Administration. It is important that the Department of Justice is not seen as something from outside and that it is fully integrated into our Administration. That will be a difficult task after many years of direct rule. The Department of Justice must be sensitive to the needs of local people, which is a huge challenge for it and any Justice Minister.

There are many other challenges that present themselves. We want to see the development of a charter of rights for all victims of crime. We must become more conscious of the needs of victims of crime and we must dispel the notion among the public that the justice system is concerned only about the perpetrators of crime. We must dispel that commonly held notion among the public and make our courts more sensitive to the needs of victims. That will mean an additional cost, but it will be money well spent if it assuages the concerns of ordinary citizens and gives comfort to people unfortunate enough to be victims of crime.

We should also look at the whole suite of recommendations of the Criminal Justice Inspection, which are a result of its intensive

examination of various bodies in the justice system. We must draw up a compendium of the outstanding recommendations, systematically look at them and apply them to the agencies and institutions that they will benefit. We should collate those recommendations and ensure that they are all systematically tackled.

There must also be a reform of the Prison Service. That has been made plain in many different reports by the Criminal Justice Inspection. There must be, in the words of the Criminal Justice Inspection, a “culture change” in our prisons. Such change would not be without a cost benefit, because, as we know, there is a high cost associated with looking after prisoners in our penal institutions. We have to look at that carefully. There will be a financial benefit from change and a benefit for those who are incarcerated.

There are many people who leave prison who have not been rehabilitated, are in a state of continued mental ill health and have drug or alcohol dependencies. We have got to help those people to reintegrate into our society. That good will be reflected in financial savings to our public services and our social services. There is net benefit in reforming our penal system. The first step towards that must be to concentrate our resources on Hydebank Wood and on dealing with young offenders. There is insufficient concentration of resources there. The regime is not sufficiently enlightened and will not assist the rehabilitation of young offenders effectively. That is a vital first step in changing a culture that desperately needs to be changed. The incoming Department of Justice must consider that matter carefully.

There is the prospect of a new prison. I am not sure how that will affect the prison estate. The Executive have had discussions on that issue, and the First Minister and deputy First Minister have discussed it with the Prime Minister. Some money is available, and I hope that that money is guaranteed, because it is necessary, particularly for Magilligan. However, we must be imaginative when we redevelop the prison estate. It is not sufficient simply to build an all-purpose prison and replicate the mistakes of the past. Our approach to tackling offending and reoffending in our society must be imaginative.

There is no reason to build one institution for everybody; we should consider different facilities for different parts of the North. For example,

a women's facility is, undoubtedly, required. Such a facility should be firmly detached from a major prison setting and will be of great benefit to female prisoners. They are a different type of offender, and it is important that we have effective resources at our disposal to deal with them. That will benefit society overall and will prevent further reoffending by female prisoners. The prospect of a new prison or prison facilities opens up the possibility of a new culture that, importantly, will create real change in our penal institutions.

Another painful issue that springs to mind is that of the Public Prosecution Service (PPS). We were all painfully reminded of that during the recent Thomas Devlin trial. Without the persistence, tenacity and courage of Thomas Devlin's parents, there would have been no prosecution in that case. It is a timely reminder to all of us of the need to examine the PPS and its work. There are many good people in the PPS, and I have great respect for the Director of Public Prosecutions. However, we must examine that body's work and determine how to improve it.

The PPS's lack of accountability to any institution in Northern Ireland, particularly to the Assembly, is a serious problem. The PPS is a non-ministerial department and will be funded by the Department of Finance and Personnel. That situation arose as a result of disagreement between various parties during negotiations in the lead-up to the devolution of policing and justice powers.

No agreement could be reached on which Department should fund the PPS. Some parties wanted it to be funded by the Office of the First Minister and deputy First Minister (OFMDFM), and others wanted it to be funded by the Department of Justice. Of course, the latter suggestion is, in my and the SDLP's view, the correct and logical one.

4.00 pm

It is envisaged that the appointments of the Director of the Public Prosecution Service and a deputy director would be made in future by the Attorney General. That seems a strange mechanism for those appointments. It seems to me that any interface between the Assembly or the Minister of Justice and the PPS is remote indeed. That is neither healthy nor good.

I emphasise that the independent decision-making of the Director of the Public Prosecution Service must be safeguarded.

Mr Deputy Speaker: The Member must return to the content of the Bill. You are wandering a little from the subject matter of the debate.

Mr A Maginness: I talked a lot about the funding of the PPS, Mr Deputy Speaker. It is important that, in the context of funding a public body that will expend a lot of public money — some £30 million — we have proper lines of accountability. In that sense, it is germane to the Budget (No. 2) Bill to discuss those lines of accountability. If we do not have those, the Assembly will have less control over the funding of the PPS.

Sentencing is a big issue, which is directly relevant to the functioning of the PPS and its interface with the public. It is of considerable concern to the public that, in fact, the PPS and the courts get things wrong. Under the new regime, the Director of the PPS will decide whether a sentence should be referred to the Court of Appeal. In such a situation, the public will have little input. At present, at least, an Assembly Member or a Member of Parliament can approach or write to the Attorney General to ask that matters be referred to the Court of Appeal. We will not have that right as Members of the Assembly, which will be unfortunate when it comes to cases in which sentences are inappropriate.

It is important to note that there will be no direct accountability to the Assembly. The Attorney General will, effectively, act as a messenger to the Assembly from the PPS by way of an annual report. That is not sufficient, nor is it good enough. It is not right that questions of public importance that affect the PPS should be referred through the Attorney General.

It is also said that the Director of the Public Prosecution Service would seek to provide relevant information as a matter of practice. However, that is not sufficient either. Therefore, I do not believe that such a situation would interfere with the quasi-judicial role of the Director of the Public Prosecution Service.

The Law Commission is another institution that we should consider. It will, of course, be financed by the Assembly, and it is a tremendous resource for us as legislators. It will provide invaluable help to the Assembly and will look carefully and in expert detail at areas of law that we

wish to reform. It is currently looking at land law, business tenancies, multi-unit contracts and the law relating to apartments. It is also looking at the law on vulnerable witnesses and their protection, as well as at bail laws. I cannot think of anything more pertinent at this moment in time. We have heard people discussing bail and related issues many times in the Chamber. In those circumstances, it is appropriate for us to further examine the work of the Law Commission and to support that work through proper financing. If the proper finance is not there, we cannot get the necessary expertise to provide the help that is needed.

I am not telling the Finance Minister that the money is inappropriate, but if we want to expand the work of the Assembly and if Ministers or Departments want to engage in specific research work in reforming the law that relates to their Departments, they can commission the Law Commission to do such tasks. That facility is there. It has not been used to date, but it exists.

The Minister of Finance and Personnel

(Mr S Wilson): The Member is wrong. The Law Commission can do valuable work. It is going to conduct the research work on the issue that was debated here not so long ago on the management of shared areas in apartment developments. Hopefully, that will indicate to us what legislative or other changes are required.

Mr A Maginness: I think that the Minister misunderstood me. I said that the Law Commission does good work and can be of invaluable assistance to the Assembly and to various Departments because it has the remit to do so. It is permitted to engage with Departments directly. Departments can ask the Law Commission to explore or research areas of law and come up with solutions to particular legal problems or to examine law reform in the area of competence in question.

The Minister is right in saying that the Law Commission is looking at multi-unit contracts and the law pertaining to apartments. That is important work. That issue was debated in the Assembly, and I believe that the Law Commission's work on that matter was partly influenced by the debate. My point is that the resource is there and that we, as an Assembly, are financing it and that it is an important resource. We can expand that funding if necessary if there are particular problems to be addressed.

Legal aid is another important area. The Minister indicated that there will be an increase of £20 million for legal aid.

It is important that the independence of the judiciary is preserved; all Members support that. It is also important that the independence of the legal profession is preserved. The legal profession can start to decline if it is underfunded with respect to public finance, which has happened in Britain.

Mr Spratt: The Assembly and Executive Review Committee took evidence concerning legal aid, and there is a deficit of £20 million or £30 million a year in the legal aid budget. However, one of the revelations during the evidence to the Assembly and Executive Review Committee was that legal aid is three times more costly in Northern Ireland than it is in other parts of the United Kingdom. When questioned specifically about that, officials said that one of the reasons is that, in Northern Ireland, there is a solicitor, a junior council and a senior council whereas, in other parts of the United Kingdom, one lawyer deals with the entire process.

Does the Member agree that, when policing and justice powers are devolved, the Assembly needs to seriously examine legal aid in its entirety and how we deal with it compared to other parts of the United Kingdom? Legal aid is far too expensive here. It is well and truly an area in which money could be saved rather than going into lawyers' pockets day after day.

Mr A Maginness: There needs to be a serious consideration of legal aid. Indeed, the Westminster Government has made various attempts to examine it in Northern Ireland. Various suggestions have been made, but no firm conclusions have been reached. However, I must warn the House that the English legal aid reforms have not worked; they have created bad situations in many parts of England, with many people being denied access to proper legal advice or representation. There are two aspects of legal aid, namely criminal legal aid and civil legal aid. I refer to the civil side rather than the criminal side, although the criminal side is affected as well.

Going to a civil court is an expensive business for most people in society. If reasonable access to justice for most ordinary people is to be preserved, we must have a system of legal aid. I believe that we can have a civil legal aid system that pays for itself rather than being a burden

on the public purse; that operates effectively and efficiently; and that allows the greatest number of people in our society to access legal services. We need a local solution to legal aid.

Given that there have been so many attempts to reform legal aid; there is a good opportunity for us to learn lessons from England. We should import what is good in the English system and reject what is bad. We have to look at the matter in depth, both on the civil side and the criminal side. As Mr Spratt said, it is important that we do not simply enrich an exclusive elite of lawyers. We must provide a service to which ordinary people have access and that benefits the legal profession but not disproportionately.

4.15 pm

I also want to raise a matter in relation to the victims of violent crime. Every day, Members and the public say that victims should come first, but our system for compensating the victims of violent crime is most unfair. Only a couple of weeks ago, I dealt with a case in my constituency where a lady whose husband had been murdered was entitled to £12,000, not a huge amount of money for a bereaved person. However, as a result of her husband's criminal convictions for traffic offences — for traffic offences — her award was reduced from £12,000 to £3,000. I cannot believe that it is fair to punish a widow for her husband's traffic offences. That system was introduced some years ago and has been refined since to cut costs and reduce the compensation that people receive. I do not think that right; we should compensate people properly. The widow's three children suffered the same reduction in compensation. How the children can have offended to be punished in that way, I do not know. We should revisit how we deal with compensation for criminal injuries.

The criminal justice review should be seriously and systematically revisited so that we can see what areas are outstanding and what needs to be implemented. We need to set up a sentencing guidelines council to advise the judiciary, as many Members are concerned about sentencing. We must look at knife crime, the offences that arise from it and the penalties for it.

We must also look at enhancing and supporting the Equality Commission and the Human Rights Commission. I know that the Human Rights Commission is not funded directly by the

Assembly; nonetheless, we need to support it and it is within the remit of the First Minister and the deputy First Minister. I hope that they see fit to give political support to those bodies. I see the Minister of Finance and Personnel smile, but my message is clear. If the First Minister and the deputy First Minister cannot support institutions designed to bring about equity, equality and justice, it is as though they do not support the courts. It is as simple as that. Those two bodies must have political support.

I note that the Civic Forum is mentioned in the Bill in relation to the Office of the First Minister and the deputy First Minister. Where does the Civic Forum lie in the agenda of the Office of the First Minister and the deputy First Minister? It seems to have sunk without trace. Politically, it should be revived; it is necessary to remind the First Minister and the deputy First Minister of the Civic Forum's importance.

We need to see good, systematic co-operation between North and South on policing and justice issues. That is essential. We can see in topical issues such as child abuse —

Mr Deputy Speaker: Order. Will the Member return to the subject matter, which is the Budget, not policy.

Mr A Maginness: It is relevant, in so far as North/South justice co-operation requires financial support. In those circumstances, therefore, it is quite relevant to the debate. I cannot see any reference to North/South support in the Bill. That is a crucial element to expanding justice co-operation, North and South. If financial support is not there — and I am making a very real point, Mr Deputy Speaker, and not a spurious point, as you may suspect — then we cannot properly put North/South co-operation on a firm institutional footing. Such financial support is essential.

I referred to the topical issue of child abuse, because that is a very serious issue. Those who commit child abuse can go south or north of the border, and some work has been done on that. However, there are other areas: road traffic, people evading justice, or people carrying out scams in one part of the country and operating in another. It is important, therefore, to have proper co-operation between North and South. We should be working towards having a criminal assets bureau that can operate throughout Ireland, because that is where a lot of damage

is being done, and it could be remedied by an effective North/South axis.

I have covered some, but not all, of the points about a justice agenda. I will leave the rest to my good friend Mr Attwood, because there is much more to be heard. *[Laughter.]*

Mr Deputy Speaker: I remind Members that I have allowed a degree of latitude. *[Laughter.]* With respect to the last Member to speak, I have allowed more than a degree of latitude. I ask Members to adhere to the subject matter at hand, which is the Budget Bill.

Dr Farry: Thank you very much, Mr Deputy Speaker. I will endeavour to adhere to your ruling, and avoid the temptation to go through some sort of manifesto on the financial aspects for a future Justice Department. The Alliance Party has its own policies on its website, if anyone is interested.

The debates in recent weeks about getting devolution agreed, or even what is agreed today about what is, in essence, a legacy Budget are not so important. What is important is what we do with the Budget, and what happens from here with regard to wider delivery issues. Simon Hamilton spoke about wanting a world-class justice system in Northern Ireland. I echo that sentiment. Alban Maginness mentioned the importance of innovation. Those are things that we can look forward to. The opportunity in Northern Ireland is good, because we have an almost unique set of circumstances through having coterminosity between the agencies. With devolution, we will have a Northern Ireland Department of Justice, and many of the agencies with which that Department will interact, and indeed the other Departments with which it will interact, are based in the same jurisdiction. Therefore, we can have a situation in which people are able to talk directly, at a horizontal level, to their counterparts in agencies and also benefit from a proper degree of vertical accountability. We will see what can be done, but a good opportunity exists.

There are some positive aspects to our justice system. I will not go through them in detail, but the Police Service of Northern Ireland has undergone substantial change and is subject to an acute accountability regime. The Youth Justice Agency's work is world-class, and the Criminal Justice Inspection is an innovative organisation. Nevertheless, we face interlinked challenges in that we must keep people safe at

home and on the streets; ensure that the overall criminal justice system, and individual agencies, is seen to deliver services effectively and fairly; and, given the scarcity of available resources, ensure that justice is delivered efficiently and effectively.

The Government's financial package is generous, and we must recognise that, compared with the rest of the United Kingdom, the overall justice funding regime is also generous. Even within that regime, substantial cost pressures exist, whereby things could be done better with additional resources. There are areas that we have been unable to fund, even though we would like to have done so.

Nonetheless, in the current circumstances, the status quo is not sustainable. Some factors that affect the status quo are due to the circumstances in which Northern Ireland finds itself, so we have to find other ways to tackle those issues, such as through good politics, good governance, by building a shared future and by taking on the dissident republicans through a united front in the Assembly.

There are areas in which costs are not justifiable, and it is important that not only the new Minister but the Committee, the Assembly and the Executive come to terms with them. I shall consider those areas in which cost pressures exist and in which a changed approach might find savings. This is an idea of how we could do things better, particularly with respect to the financial aspects of the challenge. Focusing on prevention and early intervention is logical. The earlier that one intervenes, the lower the cost. The later that one leaves it, the greater the cost that must be picked up. Of course, the difficulty is that agencies often have a statutory obligation to intervene late in the process when costs are higher. Early intervention is often seen as optional, and, in tight financial circumstances, early interventions are the first to go. In many respects, that is a false economy.

Furthermore, it is important that justice interacts with the creation of a shared future in this society. The Department of Justice and the justice agencies have important roles to play in encouraging other Departments and agencies to create shared spaces and in protecting them when they have been created. We can also look forward to more visible policing on the ground and, perhaps, less accountability for the police. The longer the police can spend on the ground

interacting with the community, the more money will be saved by delivering a more cost-effective Police Service.

We should also consider the introduction of diversionary activities, which, on the one hand, may be more effective in rehabilitating offenders and, on the other, would save the system money because more costly interventions could be avoided later on. Similarly, we should consider alternatives to prosecutions as a way of not only providing a more effective response to low-level offending but delivering more cost-effective methods. In general, we should aim to manage and rehabilitate offenders more efficiently, particularly in the community. Shifting resources towards the management of offenders through a national offender management scheme makes much sense.

Savings could also be made through better co-operation among agencies, particularly those in the criminal justice system. For example, we must increase the speed of justice and tackle avoidable delays in the system. Northern Ireland is renowned for its slow criminal justice system, and, often, justice delayed is justice denied. We must come to terms with that.

Alban Maginness spoke about lawyers, and the approach to case management must be considered. Although I appreciate the fact that a number of factors in Northern Ireland lead to cases taking longer here than elsewhere, the approach of some lawyers often contributes to delays.

Although we talk about the accountability of the PPS and other agencies, it is important that we recognise the accountability of the legal profession, particularly when what is being done puts public money at stake. The Criminal Justice Board will have a critical role in the co-ordination of those agencies.

4.30 pm

There is also the issue of what co-operation there can be between Departments in Northern Ireland and agencies under those Departments, particularly at a local level. I return to the point that I made earlier: the Assembly must avoid the danger of regarding the justice budget as simply an add-on to the existing Budget. The devolution of policing and justice has to be regarded as an opportunity for all Departments to re-examine their budgets and to consider whether they can spend their money more

effectively and efficiently in the new context of devolved justice powers. Justice should not be in its own silo. Its product — a safer community — can be delivered only through joined-up working by Departments.

To date, the response from Departments has been patchy. There are huge opportunities to address issues around offender management and the prevention of offending. In particular, the Department for Social Development, the Department of Health, Social Services and Public Safety, the Department for Employment and Learning and the Department of Education all have something to bring to the table. Only some Departments, such as DSD and DEL, have even mentioned future opportunities. Others have not recognised that things can be done differently. For example, there are huge opportunities for the Health Department to interact with the Justice Department to address the high incidence of mental health and personality disorder problems in the offender population. The more effective the system is in preventing offences or rehabilitating offenders with particular problems, the less cost there will be, because people will be less likely to offend.

Similar issues apply to managing access to alcohol, the consumption of which lies at the heart of many offences committed in Northern Ireland, particularly by young people, but, I stress, not exclusively by young people. There are also opportunities for joint departmental working on capital projects. Desertcreat may be devolution's flagship capital project, but there remains a question mark over the important contribution that the Department of Health, Social Services and Public Safety has to make. Given the training situation for fire and rescue personnel in Northern Ireland, the Department must face up to that issue sooner rather than later.

Finally, I turn to the particular short-term pressures that will be faced by the Justice Department. The starting point has to be the Police Service of Northern Ireland, which takes up a very large proportion of the overall justice budget. A Justice Minister and the Assembly may have little control over the detail of how that budget will be spent — that is a matter for the Chief Constable and the Policing Board — but the Assembly will have to deal with the headline allocation to the Police Service and any additional pressures that emerge. We must appreciate the current lack of flexibility in how the Chief

Constable can allocate resources, although that may well change in the future. Obviously, we will be keen to support the Chief Constable's vision of placing greater emphasis on community policing, including visible policing on the ground to engage with people more effectively.

There is a particular legacy issue that relates to policing but which has not been touched on in the package from the Prime Minister, and that is the future of the Historical Enquiries Team (HET). I appreciate that, as a way of dealing with Northern Ireland's past, the Historical Enquiries Team is not everyone's cup of tea. Of itself, the team can be only one part of a wider equation. However, pending any wider resolution of how we as a society deal with the past, it is worth recognising that HET is probably the only area in which some results are being provided for families. Indeed, justice is being taken forward in a number of cases.

HET's funding is set to run out in 2011. As things stand, the Chief Constable will make a decision about its future funding in light of the choices to be made between policing the present and policing the past. Further consideration needs to be given to that area.

The current prisons situation is clearly not sustainable. It is an extremely difficult situation, given the legacy of our Prison Service's past, but we have some of the worst performing prisons in the UK while our cost per prisoner is more than twice the average. We cannot accept that. The Minister, Executive and Assembly will have to come to terms with that in the very near future and examine how sustainable reforms can be taken forward. All the different stakeholders have to be brought along with the process to ensure that we have a more cost-effective system that works in respect of the rehabilitation of offenders.

Alban Maginness focused on the issue of legal aid. Although we have additional funding from the Prime Minister, and although the historical inadequacy of the baseline for legal aid has been fixed, the status quo is still unsustainable. Change is not an option for the Assembly; it is something that must be grappled with in the near future. That includes looking at such issues as fee structures for the legal profession and the number of counsel who are eligible in particular circumstances. Obviously, we have to be very keen to ensure that we do not compromise accessibility to justice. At the same

time, however, we need to be conscious of the costs that are involved in the current regime and ask whether it provides the best value for money and whether things can be done differently. That does not mean that we simply have to copy what happens elsewhere in these islands because we are now in a devolved situation, but we have to create a solution in Northern Ireland that addresses our circumstances.

People inside and outside this Chamber have made the point that only a lawyer is qualified to be the Minister of Justice. In some circumstances, a different perspective of justice can be provided by a non-lawyer. The lawyers are only one aspect of a criminal justice system and, like a whole host of others, they have a vested interest. It is important that the people who take decisions in the future, be they the Minister, the Executive or the Assembly, are capable of taking a rounded perspective of what needs to be done. They should not bat for any one sector or try to defend any aspect of the status quo. They should seek to provide proper effective solutions that provide a genuine outcome for the people of Northern Ireland, and that, basically, amounts to people feeling safe in this community.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. I listened very intently to what Mr Farry said. I hope that he does not want to exclude lawyers from any position about the place.

The Minister of Finance and Personnel: That would not be a bad idea.

Mr McGlone: Just wait until you hear what is coming, Sammy. *[Laughter.]*

I welcome the budget that is being allocated to the Department of Justice. It will give realisation to the devolution of justice. It offers an opportunity for the whole of society to look at the commitment of the two parties in OFMDFM to transforming the dysfunctional Executive into an Executive who work for the benefit of all the people of the North and to help us to build the stability that is needed to move us through the political process and into real governance for all our people. That is why the SDLP supports the devolution of justice powers and the authorisation of the budget for the Justice Ministry.

At the very least, we expect that there will be no more blocking of meetings of the Executive. There should be no more threatening the stability of this Assembly by a party that could not admit

to the reality of, or could not understand, what it agreed previously. The justice budget is a key step in providing the stability that we hope to see in the weeks, months and years ahead.

It is only with that stability that we will see the required level of investment in our economy. As Mr Farry said earlier, we need assurances and commitments from the Executive that the moneys will be made fully available for a policing college from within Executive budgets, particularly for the constituency that I share with the deputy First Minister. It is imperative that we see that move for a new and proper start to policing.

Mr Spratt: Does the Member agree that it is imperative that the Department of Health commit now to the amount of money that it needs to put in for the Fire and Rescue Service? The whole project is now at a point where there is major spend on behalf of the Police Service and the Prison Service. Therefore, does he agree that the Minister of Health should commit to it now without any further delay?

Mr McGlone: I thank the Member for his intervention. I agree that the money should be made available in the ministerial budget. We have had meetings locally to move that on and have had buy-in from all parties. Indeed, your party colleague Mr Armstrong attended that meeting. We want to see the project move on.

Mr Spratt: He is not my party colleague.

Mr McGlone: Sorry. I get a bit mixed up when I look over at that Bench. It is a bit difficult sometimes, Mr Spratt, to determine who is who, or who was where, when and how.

Mr Deputy Speaker: I ask the Member to make his remarks through the Chair.

Mr McGlone: Sorry about that, Mr Deputy Speaker. Please give me a wee bit of forbearance on that.

Now that both parties in the Office of the First Minister and deputy First Minister recognise the importance of stability, we hope that, for those most recent converts, this latest conversion is a permanent one, because, until very recently, one of those parties was content to threaten the stability of the Assembly for its own narrow party political reasons.

I will move now to the issue of MI5 and SOCA. The justice budget does not cover expenditure

by agencies that the Minister will have no say in, namely the Serious Organised Crime Agency and the activities of MI5. Those agencies remain accountable only to Westminster, and any Northern Ireland Justice Minister will be told what those agencies allow that Minister to hear. Significantly, the protocol setting out those relationships applies both to the future activities of the security agencies and to the past. No doubt, some Members may be grateful for such a lack of transparency and accountability, but the SDLP is not. Indeed, given the sensitivity that the Regional Development Minister showed when SOCA took a closer look at the assets of one of his acquaintances, there may be certain logic for some in restricting the information available to the Executive on some of these matters.

On the North/South justice sector, which my colleague touched on earlier, the Justice Minister will have an important role working together with the Irish Justice Minister for the purpose of:

“facilitating more effective co-operation and coordination on criminal justice matters, including in combating criminal behaviour, working together in the prevention of crime and on community safety issues, and dealing with offenders after conviction.”

As we know, crime knows no boundaries, so it is crucial that the issue be dealt with.

The Justice Minister will also be responsible for taking forward proposals in other areas, which will be identified by the working group on criminal justice co-operation, in which co-operation on criminal justice matters could be enhanced or initiated. As my colleague Conall McDevitt has said, the proposals being brought forward to the Executive by the Minister of Health will provide one immediate area in which co-operation will be required. The ability of the Minister to develop better co-operation in those areas already identified, as well as in other areas yet to be identified, will be one measure of the new beginning that the public have been promised.

I will move now to the issue of criminal assets. As I have pointed out, the Serious Organised Crime Agency will not be accountable to the Justice Minister here, but that does not mean that the Justice Minister cannot develop better co-operation with his or her counterpart in the Republic in order to pursue criminal assets. Those who profiteered under the cover of conflict

should not be allowed to sleep easy in their beds. Those who continue to undermine legitimate businesses through their illegal activities must be shut down and brought before the courts. The Justice Minister will have the opportunity to make progress on that and other areas, with the proper resources and the proper budget.

4.45 pm

The parties who have promised a new beginning must not obstruct the work that is ahead of us in building that new society. Let us see the dysfunctional Executive transformed into one that works for the benefit of all the people of the North and for all the people of this island.

Mr Gallagher: I am the deputy chairperson of the Assembly all-party group on learning disability. The criminal justice system has an impact on the learning disabled, and that is particularly noticeable in relation to youth justice. There is a lack of investment in many of the programmes relating to the prevention of crimes.

Some 85% of the young people who are detained in Hydebank are likely to reoffend. It is clear that many of the young people who go there come from backgrounds of social deprivation, have low self-esteem and are unable to cope with the challenges of life. Due to their learning disabilities, they have serious problems with communication. Therefore, it is important that there be investment in educational opportunities to tackle the challenges that those young people face. That involves investment in staff, in the training of staff, and in the employment of people who have expertise in the delivery of specialist learning-disability services. Investment is also required in centres such as Hydebank, where young offenders are detained, to provide trained personnel who have the experience and ability to recognise at an early stage such conditions as learning disabilities, and, as is sometimes the case, mental health problems.

There are several other gaps in the system. Those vulnerable young people need support from the moment that they are brought to police stations to be charged. An appropriate-adult service exists, which provides support through the presence of an adult from outside who can be contacted and brought to a police station. However, there is a serious shortage of those individuals, and that must be put right. It can be put right only through more investment, not only to attract the individuals but to ensure that they

understand the most suitable form of support required for young people. When a duty sergeant asks such an individual to come to a police station, a young person is in a difficult situation, and one that they often do not understand. A hotline was set up recently up through which a young person who is alone in a police station in such circumstances can establish contact with somebody outside. That also needs more investment. I understand that the available personnel are in short supply, and the only way to address that is through the provision of more financial assistance.

The resettlement of offenders, particularly of those in the youth justice section, remains a significant problem. That can be sorted out only by attracting people with the appropriate qualifications and making the necessary investment for them.

I want to say a few words about environmental crime. All Members are familiar with the issue, particularly those who are involved in the Committee for the Environment or in discussions and debates on that subject. We are aware that the pollution of rivers and seas is ongoing and damage to wildlife through removal of hedges and destruction of habitats continues. Often, when individuals are brought to book for such offences, they get what many of us regard as a rap over the knuckles. That is the end of the matter, and the crimes continue.

There is a lack of appropriate penalties for such offences, which include the removal of sites and buildings that are of historical interest and, often, an important part of local culture. There are no proper penalties to deter people who are responsible for attacks on and, in some cases, the demolition of, those sites and buildings.

My colleague Alban Maginness mentioned the importance of a good North/South justice arrangement that is properly financed. One of the most important elements of North/South co-operation relates to the illegal dumping of waste, which has been ongoing for a number of years. Recently, we learned that someone has been fined for that offence. Questions have been asked repeatedly in the Assembly about the removal of waste that originated in the Republic and was dumped illegally in the North —

Mr Deputy Speaker: Order. I ask the Member to return to the subject of the debate, which is the budget, and not to talk about policies or what should or should not be done.

Mr Gallagher: I am attempting to do that, Mr Deputy Speaker.

Under the current legal system, some people have been apprehended and fined for the illegal dumping of waste. However, that has not dealt fully with the problem. That illegally dumped waste has yet to be removed. In that case, it will probably be removed at a cost to ratepayers in Dublin. In future, illegal dumping could occur the other way round, in which case ratepayers in the North would have to pay for its removal.

I am trying to say that the Assembly must examine how the law works here. All Members support the principle that the polluters should pay. However, when people have accepted illegal waste, the removal and remediation costs have been borne by ratepayers. The legal system must be such that the responsibility for bearing the cost of all such offences lies with the polluter. Let us be clear: the current system is inadequate and must be sorted out.

One way that the country got to grips with some of the problems that are associated with the illegal dumping of waste was through the setting up of an all-Ireland forum, which brought together representatives from local government and the police. That costs money because those who are involved are away from their work for days on end many times during the year. That body must be established formally and supported fully by the Department of Justice, because it does an extremely good job.

Thank you for your indulgence, Mr Deputy Speaker. Those important points relate to how the entire justice system works and is financed.

Mrs M Bradley: I am sorry that I was not in my place, Mr Deputy Speaker. I could not walk in front of the Member who was speaking and, therefore, could not get back there.

I want to say a few words on children and youth justice. The justice budget must be used to ensure that young people are protected by the justice system and feel that the youth justice system exists to protect their rights and best interests.

In our society it is often the case that many young people feel that they have nothing to lose and nothing to gain. However, the SDLP notes the 'Childhood in Transition' report and believes that some of its findings could be taken forward in the context of the devolution of policing and

justice. One especially worrying finding is that our children and young people feel that they are policed differently because of their age. It is our duty to instil a sense of belonging and citizenship into our young people. Furthermore, we should be working towards ensuring a sense of pride and public confidence in the youth justice system, so that young people are confident about their place in society, play a positive and a constructive role and become active citizens.

The SDLP wants to ensure that the justice budget is used to make communities safer and to make society stronger. Our justice system must exist to serve and protect the public by preventing offending and reducing reoffending, to serve victims and to instil public confidence in public safety.

It is also important to note that many of the young people who enter custody come from homes with complex family problems. Most of them have no accommodation or come from residential care, have poor educational attainment and are not in full-time education, training or employment. They may well have alcohol and drug abuse issues or mental health concerns. Common sense would tell us that if we tackle those issues head on, before they materialise and result in criminal behaviour, crime may be prevented. Funding for the Justice Department must go some way to addressing those issues. The current situation, in which children and young people who have been identified as being at risk cannot get access to services unless they have broken the law, is totally unacceptable. The Youth Justice Agency needs to be expanded and invested in, to meet the complex needs of many young people and provide them with the best service.

Funds from the justice budget should be used to find a different approach to custodial sentences for children and young people. Evidence shows us that prison hardens and further alienates young people who enter custody, and many reoffend. The reoffending rate for those in the young offenders' centre is 82.4%. The SDLP believes that that rate is far too high and that those who leave custody are not being supported enough. Investment is needed to ensure that they do not reoffend, and we need to target those young people and to provide extra support and services to reduce crime and to help people who do not have the opportunity to realise their full potential.

Finally, a system that puts an emphasis on utilising the skills of the young for the economic and social advancement of the North will help us to compete much better in a global economic system and to progress to become leading innovators in a competitive world.

Mr Deputy Speaker: I must admit that I was very impressed with your fleetness of foot.

Mr McDevitt: The question today is whether we are debating the cost of policing and the administration of a courts service and other services or whether we are debating the price of justice in this region. I can only conclude that it is the former. However, I suppose that that will at least put the necessary architecture in place.

The key question for us all must be whether, in this new Building of truth and edifice of justice, we are capable of delivering the change that is so desperately needed in this region. In my mind, no issue illustrates that change better than the pursuit of justice and truth for those who have been so let down by the state and the church. When we allocate £1.344 billion to a Department of Justice, Margaret McGuckin, Frances Reilly and John McCourt — the tiny tip of a huge iceberg looking for the truth after years of silence — are asking a basic question: will this region, born again in power sharing and in peace, change their lives? Twenty or 30 years ago, someone acting on its behalf sent them to the homes and institutions where they were denied their childhoods. This Budget (No.2) Bill — that is, the costs that we will allocate to be administered by ourselves — will be tested by those people against its ability to deliver justice and truth for them.

They may be only numbers on a page of blue paper today, but for hundreds, if not thousands, they are a key opportunity to change lives.

5.00 pm

Over the past few weeks, the issue has surfaced again in our minds. Many people well beyond the Chamber are reflecting on their past. However, we have the power and we will have the resources allocated today and passed on to us next month to be able to deliver a meaningful process of inquiry — if the resources are allocated — that will be capable of delivering change for those people who have waited so long for justice. Those people were denied a childhood, not just by the clerics and the members of the religious orders who abused them so terribly but by

the state, which committed them to that care. They were bathed in Jeyes Fluid. They are a living embodiment that the gap between a child perpetrator of crime and a child victim is so narrow that it is practically invisible.

When the House debates safeguarding legislation of a world standard, as it will next year, we will be mindful of the fact that we have — hopefully, because the budget will have allowed us to — begun a process that will mean that past generations can also look here and affirm that this House knows more than just the cost of the administration of justice and that it is conscious that no price can be put on truth.

The Budget also allocates £53,610,000 to the Office of the First Minister and deputy First Minister. Among the many things it will be expected to do with that money will be to promote human rights. I am sure that every Member will agree that we could promote no greater a right than the rights of the people of whom I have just spoken. It will put a duty on and allow the Office of the First Minister and deputy First Minister to support children and young people. Is there any greater test than that which I have been talking about as a commitment and as evidence that we genuinely mean what we say and that those millions of pounds have some meaning?

We are also debating the allocation of resources that will allow us to work in a new way across this island in the delivery and administration of justice. For those people who fell under the dark shadow of clerics — ordinary boys and girls, children living in perfectly normal homes but who found themselves abused, not just physically but mentally and emotionally, by some tiny minority of clerics in this region — we must put in place a process that is capable of transcending the border. This budget allows us to do that. It will allow us to be able to explore, diocese by diocese, what went wrong and how we can right those wrongs.

Those millions and billions of pounds are not just numbers on a blue page; they are the last bastion of hope for some people on the island, and they are the opportunity for police services, social services, Prime Ministers, and First Ministers and deputy First Ministers to work together in a way in which they have never worked before. In the months and weeks ahead, when I see the Executive debating how to respond to the crisis that envelopes us all,

I hope that the evidence of progress is on the page in front of us. I hope that the first steps towards real justice, truth, a new beginning and the respect of children starts here this evening with this debate.

Mr O'Loan: The Minister referred to me earlier as a “Jeremiah”, because I was using the word “pessimistic” about our future. I can assure him that no one will be more pleased than I if I am confounded in the words that I have used. Nonetheless, the warning that I am issuing about how we do our business in our politics here in the Assembly should be taken seriously. I hope that I am wrong in what I said.

The Department of Justice will have a wide range of responsibilities. Indeed, the previous Member to speak referred to the huge budget for that Department, and that budget in itself tells us something about the scale of the responsibilities that a Department of Justice will have. As was said earlier, the money that is involved in that specific area is not the only issue; those powers have enormous social implications across a wide range of areas. The proper discharge of those functions will be vital.

I hope that Members will be very conscious of that point when we come to appoint a Minister. We need to appoint a Minister who will be competent to do the job and do it well. That appointment needs to be above petty political dealing. We should appoint a Minister who has proven competence to perform the task.

Mr Deputy Speaker, you will be glad to hear that I want to address only one of the responsibilities of the Department of Justice. That said, it is an important responsibility: the Northern Ireland Prison Service. Alban Maginness made some specific reference to it, and I want to say a little bit more. I particularly want to refer to the situation in Maghaberry prison, which I think should be one of the dominant priorities of the new Department and Minister.

I will begin by referring to a report that the Prisoner Ombudsman issued in January 2009 into the death by suicide of a prisoner, Colin Bell. That death occurred on 1 August 2008. One could go to earlier reports on Maghaberry prison, but I will start at that point. That prisoner was on suicide watch and was supposed to be monitored every 15 minutes, but video camera footage that was examined as part of the investigation showed that prison staff were lying in their beds watching television while they were

supposed to be on duty. Colin Bell took his own life, and his body lay in the cell for almost 40 minutes before it was discovered. The Prisoner Ombudsman made some 44 recommendations in that report.

I note that, at the time that that report was issued, the director of the Northern Ireland Prison Service, Mr Robin Masefield, said that he had:

“confidence in the job being done at the moment in taking Maghaberry forward”

by the governor and deputy governor at the jail. I note that that was in January 2009, and I will refer to that point again.

In July 2009, HM Chief Inspector of Prisons and the Chief Inspector of Criminal Justice in Northern Ireland jointly issued a major report.

Mr Deputy Speaker: Will the Member please relate his comments to the Budget? We are debating the Budget.

Mr O’Loan: We are, and I am saying that, when the new Department and Minister sit down on their first day in office and when they discuss how they expend their resources, this issue should be at the top of their agenda. It is a fundamental matter for that Department to address, because it has remained unaddressed and unresolved. That is a scandal in our society. For that reason, I want to refer to the matter a little bit more.

The report that I am referring to discussed the four criteria of a healthy prison, and it tested Maghaberry against those. Those criteria are: respect; resettlement; purposeful activity; and safety. It found that Maghaberry was not performing sufficiently well in the respect and resettlement criteria and that it was performing poorly in the purposeful activity and safety criteria. It was one of only three of the 169 establishments to have been inspected by Her Majesty’s Inspectorate of Prisons since April 2005 to receive such an assessment. The scale of how awful the situation is has not yet fully come home to society. The report made 200 recommendations, 11 of which are core recommendations. It also pointed out that 54 of the recommendations of a previous report were not carried out in a way that achieved real change.

Mr Deputy Speaker, you asked me to relate my comments to the Budget. Every prisoner place costs us £81,500 a year. That is one of

the most expensive prison regimes in the UK, yet total failure comes out of that expenditure. The report stated that the current position at Maghaberry cannot continue. HM Chief Inspector of Prisons made his comments in January 2009, and the inspection occurred in the same month. The report was published in July 2009. That puts serious question marks not only on the immediate management of the prison but on the entire management of the Northern Ireland Prison Service.

My third reference is to the resignation of the governor of Maghaberry, Mr Steve Rodford, in December 2009, after only five months in office. Mr Rodford’s home address and car registration details were found in the cell of a dissident republican inmate at the jail. The BBC’s home affairs correspondent, Mr Kearney, reported that Mr Rodford’s decision to step down was not connected only to that security threat. Mr Kearney said that suggestions had been made that Mr Rodford felt that he was unable to implement the changes that he believed were necessary to reform the regime at the jail.

He referred, as I have done, to a series of damning reports about the prison, which has been labelled as one of the worst and most expensive. Mr Kearney’s understanding was that Mr Rodford quickly became disillusioned with the amount of bureaucracy and red tape in the system and felt that he was not being given the support and operational independence that he believed that he had been promised when he accepted the job.

That must be a priority area of action for the new Department and Minister on their first day. The culture in that prison, the culture of the prison officer system and the culture of management at the highest level of the Prison Service must change. The resources of the new Department must be brought to bear on that.

Mr Attwood: The Finance Minister listened attentively to today’s earlier debate, but he had only 20 minutes to reply. Given that he spent so much time commenting on the Ulster Unionist Party’s position, he was frustrated and exasperated that he did not have an opportunity to comment on some of the points that the SDLP raised. We raised particular points on the Supply resolution and the Budget (No. 2) Bill, so I invite the Minister, who is not restricted by time, to comment specifically on some of the

matters that arise from the Budget (No. 2) Bill and which are relevant.

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

A number of Members, primarily those from the SDLP, commented on what should happen to high-priority capital projects in the area of policing and justice. Questions have been put to the Minister about the police college and, from Mr O'Loan, about a future prison and the management of the Prison Service. After all the time that has been spent in reaching the point of devolving policing and justice powers and after all the delay, doubt and toing and froing, the public in the North will soon be asking some hard questions on the nature and character of the devolution of justice.

5.15 pm

One of those hard questions is: how much of the budget will be spent on capital items? As there are 20 days until the devolution of justice and six weeks until the Policing Board lodges an application for a new police college near Cookstown, the Minister should tell the Assembly and the wider public how the Executive will make decisions on what he referred to this morning as the context of strategic priorities. What mechanism will the Minister, DFP and the Executive employ to make those decisions, which are coming hard and fast, and which are crucial for confidence in policing and prisons, never mind all the other capital projects. Decisions may have to be made within six weeks; and, this afternoon, the Minister should be creating certainty and avoiding doubt about the mechanism for spending capital moneys on strategic priorities. In the SDLP's view, the two main priorities should be the new prison and the new police college. We should have an answer to those questions.

This morning, the Minister suggested that the money for the devolution of policing and justice should be ring-fenced for ever. I think that he used the words "for ever". All that the Assembly and Executive Review Committee said in its report, which was endorsed unanimously by the Assembly two weeks ago, was that the budget should be ring-fenced for 2010-11 only.

I think that we deserve to hear an answer from the Minister on that issue. I am sure that he has an opinion on it. He is surely not still making his mind up on that matter when there

are only 20 days until the devolution of justice. We want to know his opinion on whether the budget should be ring-fenced for one year only and on how decisions about capital projects, particularly the police college and the new prison, will be made in the short term. Given that the Minister did not have the opportunity or the time to answer those questions during this morning's debate, I am sure that he will take the opportunity to do so directly this afternoon.

I wish to emphasise one or two points about the prisons before I move to the substance of my speech. The prison budget is £160 million. My colleagues and other Members of the Assembly have already said that it costs a lot more per annum to house a prisoner in the North than it does in Britain. In fact, it costs £50,000 a prisoner per annum in Britain and £80,000 a prisoner per annum in the North. Therefore, if we spent the amount that is spent on prisoners per annum in Britain, we would save — this is a rough estimate and, therefore, subject to caution — between £40 million and £50 million per annum on the prison budget. Mr Farry's assessment of the situation was even more dramatic than that. This is not small change; we are talking about highly significant sums of money. Therefore, the Minister needs to face up to the issues regarding the £160 million that is being devolved and the cost of prisoners per annum in the North. I am interested to know what the note that the Minister has just been handed will reveal in that regard.

The following questions arise from that point. Given that we may face harsh financial circumstances in the very near future and given that the Minister will have the whip hand when it comes to negotiating with Departments, including the devolved Department with responsibility for policing and justice and given that, in our view, tough negotiations with the Justice Department may begin in the 2011-12 financial year, does the Minister believe that there is a disproportionate cost per prison per annum? If he does not believe that, and if there is no consensus, we are going nowhere when it comes to the cost of prisons in the North.

Does the Finance Minister believe that the Prison Officers Association (POA) should continue to have direct negotiating rights around, for example, pay and conditions, which make up a very substantial part of the £160 million prison budget? It is the SDLP's view that the POA enjoys excessive powers in the running,

management and general conduct of prisons in the North. Does the Minister believe that it should continue to have direct negotiating powers with the Government over its members' terms and conditions of employment? The SDLP does not believe that. We believe that the POA should be recognised as a trade association or union along with any other, but that it should not have such an exaggerated or extravagant role. I say that, mindful that the Prison Officers Association and its members suffered gravely over the years of conflict and that that should never have arisen. I recognise that there are issues around that and it is something that the Minister needs to think about. It is an issue involving £160 million. It concerns how government is conducted and whether one body should have disproportionate powers over and above any other trade union or representative association when it comes to how money is spent.

A number of Members rightly raised the issue of legal aid and legal services. As Chairperson of the Assembly and Executive Review Committee, Mr Spratt will be aware that, last week, the Committee was given advice on the current situation around legal aid. The relevance of that advice will become very clear. The Minister is fully aware that under the Gordon Brown offer for the funding of the devolution of policing and justice, which has been taken up, commitments were made, including a commitment concerning legal aid pressures and shortfalls.

In a very curious speech this morning, Mr Ford was not at all enthusiastic about the Brown offer and flagged up all sorts of political and budgetary pressures that the Justice Ministry may face. Time will tell whether that was self-serving on his part. I will read what officials from the Court Service advise on that matter:

“Under the devolution funding package announced by the Prime Minister in October 2009, the resource budget for the NILSC was set at £85 million until 2012/13, after which the budget will reduce to £79 million from 2013/14.”

Remember, this package is from the much advertised and promoted Gordon Brown letter, and its consequences are coming home to roost. Nonetheless, we have to live with the consequences. The Legal Services Commission said:

“In addition, further access to the contingency fund of up to £39 million was made available

until 2010/11 to meet legal aid and other court pressures.”

It adds:

“Of this additional £39 million, £17 million was used in 2009/10 and the greater part of the balance of £22 million is expected to be required to meet legal aid funding pressures in 2010/11.”

The consequence of Gordon Brown's letter is that the extra £39 million will be gone by 2010-11. Thereafter, there will be further budgetary pressures, which the Legal Services Commission has identified as £4.8 million in 2011-12, £4.06 million in 2012-13, and almost £9 million in 2013-14. That is a total of £18 million in budgetary pressures in the three years after the Gordon Brown money runs out. The issue for the Assembly when discussing the devolution of justice and the budget for it is that, even if there was a zero budget for legal aid over the next three or four years, the Legal Services Commission has identified an £18 million shortfall. The Gordon Brown money is gone, and £18 million more is required. That money is needed because legal aid is not ad hoc or discretionary but is a legally binding contractual obligation between the state and those who provide legal services to the state through the legal profession.

Mr Spratt: I will re-emphasise a point that I made earlier: the Member will be aware that officials told the Assembly and Executive Review Committee that legal aid was two or three times more expensive in Northern Ireland than in other parts of the United Kingdom. Does he accept that some work could be done to save substantial sums of money in the legal aid budget?

Mr Attwood: I thank the Member for his intervention and I agree with him, but that view is contradicted by the Legal Services Commission. In its letter to the Committee, it compared the average spend on legal aid per head of population in Northern Ireland to that in England and Wales, and although it is a little more expensive here, it is nowhere near three times as expensive. I am on Mr Spratt's side, but there is contrary evidence to that which he introduced, which, on balance, I agree with. Whether or not that is the case, there is an immediate budgetary pressure of £18 million over three years on the legal services budget alone, and that is assuming that it does not get any worse. Indeed, depending on how quickly the Legal Services Commission processes

applications for the payment of legal aid, that pressure could become more acute.

To be fair to it, in its letter to the Committee, the commission went on to outline a lot of areas in which it could try to save money or cut costs. Mr Ford indicated that, when he takes office, he will have to address that pressure very quickly, and he is correct. However, there is a curious comment in paragraph 18 of the letter that the Legal Services Commission sent to the Committee last week, which states:

“Some of the reform programme can be implemented either administratively or through secondary legislation.”

The commission went on to add:

“Other reforms will require primary legislation, and draft legislation is being prepared for this purpose for inclusion in any Criminal Justice Bill which the Minister for Justice is minded to introduce into the Assembly.”

I have a great deal of time for many of those in the leadership of the Legal Services Commission and the Court Service, and I can think of one or two people who could have informed that thinking. However, when a body in the North is writing to the Assembly to make those points before the devolution of policing and justice has occurred, it is getting a little ahead of itself. It is a slightly imbalanced approach, but that is more of a political point.

Mr A Maginness: It is slightly previous.

Mr Attwood: Indeed, as my colleague said, it is “slightly previous.”

There are two substantive matters that I wish to discuss shortly. However, before I do, I want to mention, as Mr Farry did earlier, that there is no budget line for the Historical Enquiries Team after 2010, and that will fall under the responsibility of the PSNI and the Policing Board, of which I declare an interest as a member. We must address that matter, and I hope that that can be done properly and that the Historical Enquiries Team is not short-changed.

However, that issue becomes germane to the devolved institutions when justice powers are devolved, because the Commission for Victims and Survivors has a statutory duty to keep under review the arrangements for the needs of victims and survivors. In today’s Budget, £13·7 million has been allocated to the Commission for Victims and Survivors so that it can fulfil its

statutory functions, which include keeping those arrangements under review.

5.30 pm

It would be legitimate to ask in here what is happening on the HET side. We must not compromise the lines of demarcation between the HET, the Policing Board, the PSNI and the Assembly. Nonetheless, that is an issue that I want to flag up.

There are two substantive matters that I want to deal with. First, my colleague Mr Maginness spoke at length about the Public Prosecution Service. As he said, its budget line in today’s Budget is nearly £38 million. The SDLP’s view is that in too many areas, that money is not being spent as efficiently and effectively as it could be. The Assembly needs to act promptly to deal with the issues in the Public Prosecution Service.

There were 15 recommendations in the Hillsborough arrangements that dealt with what a Minister of Justice and a Department of Justice could do, and I stress the words “could do”. There was no commitment from those who signed off on the Hillsborough Agreement — namely the DUP and Sinn Féin — to what they would do or what they thought that the Minister of Justice should try to incorporate into a Programme for Government addendum. Reference was made only to what could be done. Of those 15 areas, seven were related to the management of offenders, other ways to deal with offending and the Prison Service, and two or three of them dealt with the Public Prosecution Service. That 10 or 11 of the 15 matters that a Minister of Justice could deal with concern prisons and the Public Prosecution Service indicates where a lot of the attention needs to go.

It will be worth looking at whether the £37·4 million allocated to the Public Prosecution Service is spent in the way that it should be, whether the governance and management of the Public Prosecution Service is all fit for purpose and whether there is a need for better systems to ensure that that money is maximised to the benefit of the Public Prosecution Service and the people whom it serves, namely the victims of crime and their families.

It is constructive to go back to what an independent body said in the summer of 2009 on the management of the Public Prosecution

Service. The Criminal Justice Inspection's 2009 report, 'The Public Prosecution Service for Northern Ireland: A Follow-Up Inspection of the 2007 Baseline Inspection Report Recommendations' states:

"There was scope, however, for considerably more progress in relation to the implementation of the recommendations relating to the management challenges facing the PPS."

One must remember that the Criminal Justice Inspection (CJI) will inspect how the PPS spends the £37.4 million allocated to it in today's Budget. The report continued:

"Of the seven major recommendations made in the 2007 baseline inspection, which relate to the management of the organisation, there was only one in which substantial progress had been made – that a decision should be taken on the PPS as a department in its own right with responsibility for its own budget. Only some progress has been made in relation to the development of case management, effective organisational structures and improved performance management."

The report went further and said:

"there remains resistance from prosecutors to providing more detailed reasons for decisions."

When one considers the experiences of the families of Harry Holland, Thomas Devlin and Gerard Devlin from Ballymurphy and all their comments over the past 18 months and the past number of days on how the PPS conducts its affairs, how it treats victims and survivors and how it fails to disclose to families what it should be reasonably expected to, the Assembly should, as a matter of priority and through the Minister of Justice, look at how the £37.4 million is spent and how the PPS is working through the independent oversight recommendations of the CJI.

There must be a compelling understanding of what is needed in respect of the PPS. An independent oversight body is so much on the same page as so many families who have had such bad experiences at the hands of the PPS. There must be a compelling argument to spend the sum of almost £38 million in a way that brings about the changes that the CJI and the families jointly and equally demand.

I welcome the fact that, for what it is worth, that matter was flagged up in very graphic terms in the Hillsborough agreement, which states, at length, the need to develop a:

"Victims Code of Practice setting out a minimum standard of service that criminal justice agencies will be expected to provide to victims of crime".

It continues:

"It is envisaged that there would be a presumption of full and frank disclosure of information by the PPS to a Victim under the Code except where to do so would prejudice the administration of justice".

Those matters are self-evident. The evidence is there, as is the public experience. There should be no argument against pushing on with that sort of reform programme. In that way, we will be able to stand over the spending of £37.4 million in a much more significant and considered manner.

The budget line for policing is approximately £850 million. That will pass over on the devolution of policing and justice powers. As my colleague Mr McDevitt said in the context of a different matter, for the size of the budget for the devolution of policing and justice and the £850 million that we will allocate to policing through the Budget (No.2) Bill, one would expect answers to questions that our constituents and parties will raise in the next months and years. Despite all that money and the access to information that it should bring, a huge and growing gap remains in the devolved justice arrangements.

It is the view of the SDLP that that huge and growing gap was flagged up dramatically last week in the Northern Ireland Affairs Committee's report into the Omagh bombing. As we speak, the NIO has responsibility for policing and justice matters. It has been responsible for that in real time in a real world over the past number of years. Although issues such as the role of MI5 and of SOCA in the North and the PPS's collapsing of cases on the basis of public interest are being dealt down the road by Ministers and officials, they will not be dealt up the road in 20 days' time when the entire policing and justice budget is devolved. At that time, we will have responsibility for a £850 million policing budget but, on the basis of the Northern Ireland Affairs Committee's report, no power, input, standing or authority on those matters.

Therefore, even at this late stage, the SDLP is saying that, for all the moneys that will come across and for all the authority that will fall to the Assembly because of that money and

because of the transfer of functions, there remain serious and grave matters that are not within our responsibility and for which we are not accountable. Therefore, that money being devolved achieves nothing. Last week, in reference to parliamentarians being denied sight of the full Kelly report into the Omagh bombing, which was the single biggest terror atrocity during the years of conflict, the Northern Ireland Affairs Committee said that it is:

“thoroughly reprehensible that the government should seek to prevent the parliamentary committee charged with oversight of the affairs of Northern Ireland such access”.

What did the Northern Ireland Affairs Committee’s report say about the terms of reference of the British Government-commissioned report on the Omagh bombing and about the bombing itself? It stated:

“the broader question of whether it could have been prevented by taking action against the gang believed to be carrying out bombings from mid-1997 onwards is one that remains to be addressed. The narrow terms of Sir Peter Gibson’s inquiry have left that question unanswered.”

What did the Northern Ireland Affairs Committee’s report say about critical questions in respect of which no answers were forthcoming? It stated:

“we can only pose questions: whether Special Branch requested ‘live’ monitoring of any phone used during the Omagh bombing; whether GCHQ monitored one or more phones in real time; whether intelligence relating to such phones was obtained by GCHQ on 15 August 1998; and when such intelligence reached Special Branch in Northern Ireland. We would like answers to these questions.”

Those are the questions that are going to arise, one way or the other — hopefully not in such tragic circumstances — in the months and years following the devolution of policing and justice powers and the passage of the Budget (No. 2) Bill tomorrow. Despite the devolution of justice and the moneys involved that will go to the policing side, we will not be able to ask those questions in this Chamber while the parliamentarians in Westminster, when they try to ask them, are still denied access to relevant information in order to provide the truth of what happened to the families concerned and the certainty that something similar could not happen in the future.

We welcome the Budget (No. 2) Bill, despite the issues that we have, quite rightly, flagged up. It is curious that the SDLP is the only party to flag up those issues. The nature and character of the devolution of justice must be a step change from the nature and character of devolution over the past three years. The issues that the SDLP has flagged up, whether on national security, legal aid funding, the capacity and effectiveness of the PPS, or the issues that Mr McDevitt raised in relation to an abuse inquiry, are the issues of quality that will define the nature of devolution of justice. We trust that it will be different from the nature of devolution over the past three years.

Mrs D Kelly: As the former chair of the Northern Ireland Policing Board’s resources and improvement committee, I am well aware of the challenges that face the policing budget. However, in the negotiations with the NIO, I was always aware that the policing budget would be used as a bargaining chip to get the DUP over the line on a date for the devolution of policing and justice powers. That is where we are today. The much heralded budget that is before us, with the additional moneys that were promised to us by the NIO and the Treasury, was something of a bribe to get others over the line, rather than just being the right thing to do.

A number of Members talked about the cost of incarceration in the North, which amounts to £80,000 per prisoner. Many other Members mentioned the need to tackle crime among young people, and youth justice in particular. They also talked about the failings of the young offenders’ centres. There is a real need for the Assembly and the Executive to agree some basic values and principles, because they have a direct impact on the policing and justice budget. One of those is the criminal age of responsibility in the North. In Britain at present, a young person of 10 years of age is deemed to be criminally responsible — one of the lowest such ages across Western democracies. That is something that I want changed. The people who took part in the Bill of Rights Forum recommended that the age of criminal responsibility be raised, and I hope that the Minister of Finance and Personnel will see the benefits of investing in services to prevent crime and of investing in our young people. The raising of the age of criminal responsibility will have the direct effect of reducing the cost of prisons, because we will not put so many young people behind bars.

5.45 pm

In Scotland, youth justice is a matter for the Minister for Public Health and Sport. I have mentioned to the Health Committee that Assembly research into that particular arrangement should be commissioned in order to establish the benefits. The Finance Minister may be interested in such research to see whether the outcomes are better, not just for young people but for society as a whole.

Dr Farry: Will the Member reflect on the fact that there is currently no one under the age of 14 in detention in the juvenile justice centre, nor has there been for quite some time? Her point about any potential savings being made from raising the age of criminal responsibility is a moot one. The system is loathe to send anyone under that age into detention.

Mrs D Kelly: I welcome the Member's intervention. Nonetheless, his point argues more for raising the age of criminal responsibility. If the process is not being used, why keep it? There is nothing to say that the courts may not take a different stance tomorrow. It is interesting that the Member seems to think that it is worth keeping on the statute books the ability to lock up children as young as 10 rather than tackle some of the key causes of crime, such as poverty, social exclusion and disadvantage. However, tackling those issues was not something that the Alliance Party cited as a price for the devolution of policing and justice and the appointment of the Justice Minister.

Dr Farry: Will the Member give way?

Mrs D Kelly: No; I will not give way again.

The other issues that I wanted to touch on relate to the police estate. There are a number of proposals regarding police stations, and I noted that Peter Weir made a comment about the police estate on yesterday's 'Politics Show'. The Budget (No. 2) Bill also contains a promise from the British Treasury of additional funding to tackle hearing-loss claims, for example, based on the sale of former military sites. What is the fallback position if land and property prices remain suppressed in the foreseeable future? What will be the outcome, or what is plan B, if that money is not available from the British Treasury or if the prices are not realised?

There is also the question of equal pay claims in relation to non-police staff. That is also

contained in the report of the Assembly and Executive Review Committee, and I wonder how that will be costed in the Budget. Like other Members of the House, I have received queries from members of staff who are civil servants but who have moved across to the Police Service as non-police staff. They will not be entitled to the equal pay back pay as currently negotiated. That will call for the attention of any new Justice Minister fairly immediately. Perhaps the Finance Minister will inform us how that will be taken forward.

On the issue of payments, I learned, as a member of the Policing Board, that the NIO is responsible for the budget line of payments to agents of the police. I am not sure whether payment for the MI5 agents will come from the police budget, or whether that will come out of MI5's budget. Perhaps the Minister will tell us how much of the budget line is for payment of agents of the Police Service.

There are many issues relating to the rehabilitation of offenders, which others have remarked upon. There is a need to resettle and rehabilitate offenders properly. Mr O'Loan spoke eloquently about the pressing need to follow through on the Prisoner Ombudsman's recommendations and on the Criminal Justice Inspection's report on our prisons. Many civilised nations and commentators judge a society by how it treats its prisoners. We all know that many of our jails are full of people who should be receiving treatment for alcohol or drug misuse.

While talking about the needs of offenders, it would be remiss of us not to talk about the needs of victims. The devolution of policing and justice powers carries high expectations across all our communities and, particularly, those that are under siege from criminality and antisocial behaviour. The Serious Organised Crime Agency will remain at Westminster. Will the Minister inform the House how the money will be divvied up?

Will all the money from the assets that are seized from criminal overlords go into the coffers of the devolution of policing and justice budget, or will some of that money remain at Westminster? Will the Executive live up to Paul Goggins's recent promises about moneys being realised through criminal assets? Will some of that be shared with communities so that people will see that crime does not pay? Criminals should have their assets seized, and the communities that suffered at the hands of those criminals should

see a material benefit from that. Those are important points that are of considerable public interest.

Mr Attwood spoke about the budget of the Historical Enquiries Team. Dealing with the past is emotive, and the House has wrestled with the issue for some time. We need to address it seriously, and the promises that have been made must be kept. Some people have reservations about the work of the Historical Enquiries Team, but, by and large, the evidence from victims' families who got results indicates that they are more pleased with its findings than some would have us believe. Some victims' families have at least received answers to long-standing questions about what happened to their loved ones, what were their last words, and so on. By and large, those victims' families know that they will not see justice served. However, they want to know the truth.

It will be interesting to hear from the Minister about the Historical Enquiries Team and, indeed, the Police Ombudsman and how that office will be financed and budgeted. Two or three years ago, the Police Ombudsman submitted a business case to the NIO for an additional £3 million to investigate some historical cases. I know, having spoken to the Police Ombudsman, that, with the current resources, it will take some 20 years to investigate all the murders that have been reported to it.

If we are to move on as a society and a reconciled people, we must deal adequately with our past and learn lessons from it. Mr Attwood covered the issue of shared intelligence quite well. The Northern Ireland Affairs Committee, in detailing its findings on the Omagh bomb, was more eloquent than I could be about the pitfalls and dangers of not having proper oversight of MI5 and its agents in the North.

As Members know, the SDLP has worked hard for many years on the reform of the Police Service. This afternoon, we have not been found wanting in pointing out the need for reform of the justice system. We must get that right for the people of the North.

The Minister of Finance and Personnel: I thought that the debate would have finished a long time ago. However, the SDLP, which is probably a bit miffed at not getting the Justice Ministry, has indulged itself and given its views on every aspect of policing. With the indulgence

of the Deputy Speakers, we have had a wide-ranging debate.

Every kind of SDLP prejudice on policing has been given an airing today, including those on the following: the Prison Service, MI5, SOCA, the Equality Commission and the Human Rights Commission. I wondered when they would get to the point of beating up Special Branch, but Alex Attwood did not let us down on that point. I thought that, as he wound down towards the end of his speech, he was going to miss the opportunity, but he did not, and so we have had a very wide-ranging debate on the various Budget issues.

Most of the comments may be characterised as advice on how the Budget should be spent in future and the priorities that people want for future spending. That is one of the benefits of devolution. The discussion is maybe not totally relevant to this debate: we are simply discussing the Budget as handed down. However, it has been useful in highlighting the benefits of devolution.

I do not agree with all the priorities that Members have specified. At one stage, the SDLP named six top priorities for spending the money. I will come to those in a minute or two. Those cannot all be top priorities; but the debate has been useful in that it gives Members the opportunity to highlight what they perceive to be important aspects of where the policing budget should be spent, the issues that exist and how local decisions should be made. It emphasises the importance of what the Assembly has agreed: namely, that policing and justice should be devolved, and that we should have our own fingerprints on how resources should be used on the kinds of issues that the Justice Minister should address.

Having listened to the SDLP, I pity the Justice Minister. He will get a knock on his door every day, and he will perhaps wish he had never taken on the job, as an endless stream of SDLP Members arrive to tell him their top priority for the day, even if it is always different to the previous day's priority.

I come to the issues that Members raised during the debate. I take them in no particular order, because, while listening to Members, I have shuffled my papers and I am not sure where they are all are.

The first issue raised by the Chairperson of the Committee for Finance and Personnel was whether the Executive will look across all their programmes when deciding how to allocate funding in line with priorities. As I made clear this morning, there is a case for ring-fencing the policing budget, at least in the first year. To a certain extent, spending plans have been decided, and Ministers have given an indication as to how money should be spent. Nevertheless, we will move quickly to examine our priorities and to decide how the policing budget fits into them. That answers one of the questions Mr Attwood raised.

The one thing I can say, despite some of the doubts that Members raised, is that we are in a better position to do that, having secured the financial settlement. That means that there is a sound financial foundation for the devolution of the functions and it ensures that the kinds of issues that have been raised do not have an impact on other spending areas. As we move forward, there will be pressures of all kinds. Policing is like any other area of the Budget. There will always be new things that people want to spend money on, which will present challenges. There was a huge wish list from the SDLP in particular. I will address some of the items as I go on.

I noticed that although the SDLP wanted money spent on a whole range of things, the only saving was suggested by Mr Attwood, when he indulged himself in one of his favourite prejudices, namely the Prison Service.

He said that perhaps £40 million could be saved if costs were brought down to the equivalent of the rest of the United Kingdom. When it was pointed out to him that the legal aid budget here was much higher than other parts of the United Kingdom, he was not as quick to say that we, too, should reduce the legal aid budget to the same level as other parts of the United Kingdom. I may return to that point.

6.00 pm

Simon Hamilton asked about the financial performance of the Northern Ireland Office and the Public Prosecution Service, and whether they had the same rigour and management of spending as the Assembly, where 99.7% of departmental budgets were spent in the last financial year. I cannot answer that today. However, the Assembly, the Executive and the

Department of Finance and Personnel will expect the same rigour to be applied to the Justice Department as to other Departments. I have told the House many times that if Departments are spending to their budgets, they are spending in line with the priorities that were set down when the Assembly agreed the Programme for Government.

The Chairperson of the Committee for Finance and Personnel and Mr Hamilton raised the question of underspends; we want to ensure that the new Department spends to its budget and that we do not have substantial underspends. If the Members who spoke this afternoon have their way, there should not be too much difficulty in making sure that all the money is spent. Mr Hamilton also raised the issue of sufficient resources. There will always be calls from Ministers for more resources for taking on new responsibility. That adds another factor into the assessment and recommendations that must be made in the future. However, the financial package, which was negotiated during a downturn, goes a considerable way to assist us in that work.

Mr Basil McCrea said that his party was now content that we get to grips with the challenges and that he wanted to see real consensus and working together, which relates to a point that Mr Attwood made. We will soon get a test of Mr McCrea's desire to see real consensus working in the Executive, because one of the big issues that Mr Attwood and other Members raised will be the police college, which we will have to resolve quickly because we are up against a timetable.

If the police college is to go ahead, there will be significant input from the Health Minister to ensure that the Fire and Rescue Service can move to the police college. That is not just a case of saying that we can bolt on the Fire and Rescue Service at some later date, because much of the necessary infrastructure will require that commitment from the Health Department at the early stage. I hope, therefore, that Mr McCrea has not put the Health Minister in the hot seat by giving a commitment that his party wants to see consensus working in the Executive on those issues, because the first test will be how we deal with the police college and the Health Department's input and role in that.

Mr McCrea asked about the mechanism. I made some enquiries, and, as far as I understand, the

business case is coming to its final stages in the Northern Ireland Office. The business case for the Fire and Rescue Service aspect is still being dealt with by the Health Department. I hope that those two things will come together fairly quickly. The business case must then be signed off by DFP, after which there will have to be a commitment from the various Ministers to make money available for the police college. Mr Attwood mentioned other capital projects, which will simply go in with all the other capital projects for the Executive to prioritise and push through.

I think that Mr Maginness wanted to rewrite the budget. He had a whole list of things. He said that it was a good day; he was quite right, and I emphasise that. Now we must have leadership on all the issues that he raised. He said that the budget must be well spent, and he raised issues about the justice system being more sensitive to victims; the cost of keeping prisoners, which seems to be a favourite theme; young offenders; the need for a new prison; and not just doing things the old way. When it comes to building new prisons, which may well become an issue, I will be interested to hear whether Mr Maginness thinks that we should move away from the traditional role of the Justice Department and the Prison Service and look at some sort of private initiative. In other parts of the United Kingdom, opportunities have emerged not just in prison design but in their operation, and some private companies have been successful in rehabilitating prisoners. It is something that we will have the opportunity to debate in the Assembly, and it is something which the Justice Minister will have to look at.

Mr Maginness also talked about the PPS and the Law Commission, about which he made a relevant point. On Friday, I had a long session with the Law Commission, and we looked at how it will approach its work for the Assembly on managing shared spaces in apartment developments etc. Initially, the issue appears to be very simple, but when one gets down to it, it is fairly complicated. Lawyers always make things complicated, do they not, Mr Deputy Speaker? Nevertheless, things become much more complicated than they appear at first sight. Having that kind of input from people with the professional capacity to deal with the issues is something that Departments will want to make more use of in the future, and, based on our conversation, the commission seems to have a good approach. We need to be careful

not to duplicate work. For example, we do not want one body doing research and consulting on changes that might be required in the law and Departments feeling that they have to do the same. To avoid unnecessary expenditure, we must ensure that that does not happen.

Mr Maginness also raised the issue of legal aid. He wanted more money for the Human Rights Commission, the Equality Commission — two of my favourite targets, so maybe it is just as well that I will not be in charge of allocating that money — the Civic Forum, CAB and a range of other bodies.

Mr A Maginness: Will the Member give way?

The Minister of Finance and Personnel: I will give way in a minute. Looking at the usual wish list, as I have said in other Budget debates, it is one thing to say that one wants money to be spent in a certain way, but, especially when resources are finite, it is another to say where one will save the money that one wishes to be reallocated.

Mr A Maginness: Schedule 2 refers to the Civic Forum in relation to the Office of the First Minister and deputy First Minister. Will the Minister clarify how much money has been allocated to the Civic Forum? If money has not been allocated, what is the purpose of the Civic Forum being mentioned in schedule 1?

The Minister of Finance and Personnel: I cannot give the Member an answer, but I may get that answer handed to me very soon. If I receive it before the end of my speech, I will come back to the Member.

The Member also raised the —

Lord Morrow: The answer is circled.

The Minister of Finance and Personnel: The amount of money that has been allocated to the Civic Forum is £316,000, and I am sure that we could find lots of different, much more productive ways to spend £316,000. That is one of the issues that the Justice Minister will want to look at in the future.

Mr Maginness also raised the issue of legal aid reform, as did Mr Attwood. First, additional money has been received for legal aid. Mr Attwood is right to say that there are still pressures. With any demand-led budget such as that, there may well be pressures. However, at least we know why that additional money

was required. We know that there was, and is, a disparity in legal aid expenditure between Northern Ireland and other parts of the United Kingdom. Redressing that requires reform and finding efficiencies. A start has been made on introducing some of those reforms. In September 2009, criminal cases in Magistrates' Courts were put on a standard fee system, and remuneration arrangements are to be put in place for the high-cost Crown Court cases.

There are still efficiencies that have to be made. Importantly, the Prime Minister's package has given us the flexibility to introduce those reforms without impinging on other parts of the Budget. That does not mean that we can sit back with the attitude that because that money is there, no changes are required. That money simply gives us the ability to work our way through the required changes. Mr Maginness said that it was important to have a legal profession that is independent and, therefore, properly funded. Equally, with so many other Budget priorities, it is important that we do not have a system that is simply designed to make the legal profession rich. That is why, despite the extra money, there will be a requirement to address that issue.

I come now to Mr Farry, who raised the fact that in Northern Ireland the cost per prisoner place was now £78,750. That is a reduction from £90,000 at the beginning of the devolution period in 2006-07. Nevertheless, it is much more expensive than in other parts of the United Kingdom. There are lots of reasons for that difference, but we do not simply accept that there is nothing much to be done. If savings can be made, the Assembly will have to look at them. I understand that it comes down to things like prison design, which determines how many prison officers are required to look after a particular wing, and Mr Attwood's point about staffing and payment practices. I imagine that that will be a huge challenge involving no easy decisions.

6.15 pm

Mr Farry said that the status quo was not sustainable, and I welcome his suggestions on options for savings. That was a welcome development because some of the other speeches were all about more funding for this and that. I have said time and again that Mr Farry is always very happy to stick his head above the parapet. After 12 April, it may be a

case of lifting Mr Ford's head above the parapet. I wonder whether he will be quite as happy for Mr Farry to do that for him.

Mr Farry made an important point about cross-departmental thinking. In response to Mr Attwood's point, ring-fencing the policing and justice budget cannot go on for ever because the kind of cross-departmental thinking to which Mr Farry referred would not occur. He gave some excellent examples of where such thinking may help to save money, reduce policing costs and provide better outcomes. That is important. It is not just a case of whether we can reduce costs; it is about whether we can get a better result by spending money in different ways.

I think that Dolores Kelly said that early intervention could prevent people from getting into a cycle of crime; she said that money could be directed to that area rather than into building prison cells to put them in once they are in that cycle. The status quo is not sustainable. Even if it were, perhaps we need to challenge some of the ways in which money is spent to achieve better outcomes.

Dr Farry: Does the Minister think that there is a danger that he could be coming across as a bit of a liberal?

The Minister of Finance and Personnel: That is the ultimate insult. I am no liberal when it comes to ensuring that those who do wrong do not escape the consequences of their actions. However, if there are ways of preventing them from doing wrong in the first place, that is the right way to go.

Mr McGlone raised the issue of Desertcreat, which is a constituency interest of his. I have already talked about that issue and do not want to dwell on it, but I hope that I have at least explained where we are. The decision by the Minister of Health, Social Services and Public Safety is one of the important steps that need to be taken so that the project can proceed. I hope that members of the Committee for Health, Social Services and Public Safety will get that message to him. Since the Fire and Rescue Service, the police and others have to work closely together, having all training on one site creates immense benefits. Considerable running costs are attached to that large site, so having economies of scale that help to reduce those costs can only be of benefit in the running of the site.

Mr Gallagher raised the issue of illegal dumping. I was drifting off when he started talking about PPS, the sustainable development of the countryside and illegal dumping. I thought that we had moved on to another debate. I wondered whether he was on about planning policy statement 21 (PPS 21). The issue of illegal dumping has been dealt with by the Minister of the Environment. Indeed, I know something about that issue because it was resolved while I was Minister of the Environment. Mr Gallagher is right: the authorities in the Irish Republic have to deal with that problem because they did not keep an eye on what happened to rubbish when it was passed to contractors. They have accepted liability for the problem. I am not making a political point, but it would have been far better if it had not happened because it has left a scar on the countryside. About 20 sites in different parts of Northern Ireland will have to be cleared over the next 10 years.

I also note the points that Mr O'Loan made about Maghaberry prison. I am not going to comment on them at this point, because a lot of them are management matters, which the Justice Minister will have to deal with in the future.

Mr Attwood raised the issue of capital spend and what I meant by ring-fencing and whether ring-fencing would go on. I hope that I have answered that point for him sufficiently. To ever answer a point sufficiently for Mr Attwood is an achievement —

Mr Attwood: It is an achievement for you.

The Minister of Finance and Personnel: It is an achievement for anybody. Nevertheless, I will make one point in response to a point that Mr Attwood raised. He had his usual dig at the Prison Officers' Association and its role in the cost of prisons. However, I wish to put on record that prison pay is determined by the Prison Service Pay Review Body. It makes recommendations to the Secretary of State, and he then decides whether to implement the recommendations. The review body has direct input from the Prison Officers' Association (POA), but there is also input from the Northern Ireland Prison Service and the Prison Governors Association. Therefore, Mr Attwood is wrong to give the impression that pay levels are decided by the very people who will benefit from them, and I want to put that straight.

Mr Attwood: A very senior person in the Prison Service once referred to the direct negotiating rights that the POA has with the Secretary of State. Whatever way you dress it up and whatever input there is from other individuals and groups, it has direct negotiating rights with the Secretary of State. I do not think that a trade union, whether it is the POA or any other, should have direct negotiating rights with a Minister for Justice in the event of the devolution of justice.

The Minister of Finance and Personnel: Mr Attwood made an argument about the high cost of the Prison Service and the influence that the Prison Officers' Association has when it comes to pay negotiations, but exactly the same point could be made about the whole legal aid system, where there is considerable pressure by and ability for lawyers to determine what happens there. Therefore, if he wants to go after the Prison Service in the way that he does, he must accept that there is an equal argument when it comes to the whole area of legal aid.

Mr Attwood: I thank the Minister for giving way. I conceded that point when Mr Spratt intervened during my speech. I will repeat again that I agree with Mr Spratt that the fees that lawyers get in the North are disproportionate to the fees that lawyers get in Britain. However, the legal aid bill per capita in the North is not that disproportionate to the legal aid bill per capita in Britain. Therefore, the legal aid bill may well be the same regardless of whether or not the fees are reduced.

The Minister of Finance and Personnel: There is some dispute about the difference. The Member quoted a report from the —

Mr Attwood: It was impartial.

The Minister of Finance and Personnel: I would hardly think that it might be regarded as an impartial report. The Prison Officers' Association gives me all kinds of reasons for the cost of prisons being legitimately much higher in Northern Ireland. If we are going to make those comparisons, at least let them be done by someone who is objective. He also mentioned the status of the PPS. A number of Members wrongly indicated that it was funded by my Department. It is not; it is funded by the Assembly when it votes through the resources, as it does for all Departments. The director will be answerable to the Assembly.

Mrs Bradley mentioned the funding of the youth justice system. The current spending plans for that area are £21.5 million, and any future change will be a matter for the new Justice Minister and the Executive. If we are going to release more funding for that area, we will have to take it from somewhere else. Some £316,000 has been allocated for the Civic Forum, and I think that OFMDFM officials are considering options for the way forward on the Civic Forum.

I think that it was Mrs Kelly who raised the incentivisation receipts from SOCA. The situation will remain as it is; the Public Prosecution Service is the approved recipient of the funds. Up until December 2009, we had received £1.6 million. The direction from the Home Office is that at least a proportion of those funds should be used to drive up performance on asset recovery and, where appropriate, to fund local crime-fighting priorities for the benefit of the community. That is a requirement from the Home Office, so there is an assurance that a proportion, but not all, of the funds will remain in Northern Ireland, and the criteria that were used in the past will apply to those funds.

Mr McDevitt raised an issue that I think we will live with for a long time, as more examples of child abuse, especially institutionalised child abuse, emerge. It is up to the Police Service to investigate those cases. Given that people have lived with the consequences of that abuse, some of them for long periods in their lives, many will want to see the police pursuing those cases, where possible. It is for the police to give those cases priority. When it comes to how the police will allocate the resources, I am not sure whether it will be a job for the Assembly or for the Justice Minister. However, any Chief Constable who is aware of the public outcry over the issues and who knows the views that I am sure are shared by Members across the Assembly would want to give some priority to the investigation of those cases. The PPS would also want to carry out prosecutions, regardless of how far back the case occurred, so long as there is sufficient evidence.

Mr McDevitt: There will, undoubtedly, be police investigations, but there is a strong possibility that there will also be processes of inquiry. Although all of us will want those processes of inquiry to be inexpensive in the sense that they do not become a charter for lawyers, they are likely to have an impact on the Budget that

we are voting on today. Members must bear in mind that the answer that we need to find on behalf of the survivors might not be found within the confines of a police investigation; the investigation might have to be broader.

The Minister of Finance and Personnel: I am not an expert on the various formats that inquiries of this nature may take. I listened to what has been said about the events in Londonderry and the inquiry there. Almost £200 million was spent, and people are still expressing their unhappiness. The Justice Minister and the Assembly will want to consider whether we can get answers to the hurt and suffering that people have gone through by simply putting in place structures that benefit only the lawyers who fight over the minutiae of the legal process.

Meanwhile, people who have suffered simply sit back in frustration with it all.

6.30 pm

I am not a fan of inquiries per se. My preference, and what the Assembly must do now, is to look at previous expensive inquiries that have not gone as expected and try to ensure that a mechanism is set that, at least, deals with people's hurt and, importantly, brings perpetrators to justice and makes them pay for their crimes.

In closing, I want to thank all Members who took part in the debate, which has been wide-ranging and shows the interest that there will be in the budget for policing and justice during the coming year as the Assembly seeks to shape it into a budget that is designed for Northern Ireland. I ask the House to support the Bill.

Mr Deputy Speaker: Before I put the Question, I remind Members that, as it is a Budget Bill, the motion requires cross-community support.

Question put and agreed to.

Resolved (with cross-community support):

That the Second Stage of the Budget (No. 2) Bill [NIA 11/09] be agreed.

Committee Business

Motions to Amend Standing Orders

Mr Deputy Speaker: Order. As the next 17 motions relate to amendments to Standing Orders, I propose to conduct the debate as follows: I propose to group the motions and to conduct two debates. The first group includes the motions (a) to (p) as detailed on the Order Paper. I shall call the Chairperson of the Committee on Procedures to move motion (a). Debate will then take place on motions (a) to (p). When all Members who wish to speak have done so, I shall put the Question on motion (a). I shall then ask the Chairperson to move formally each of the remaining motions in the group in turn, and I will then put the Question on each motion, (b) to (p), without further debate.

I shall then ask the Chairperson of the Committee on Procedures to move motion (q). Debate will then take place on that motion. I will put the Question on that motion after the debate. If that is clear, we shall proceed.

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

(a) After Standing Order 49 insert —

“49A. ESTABLISHMENT OF COMMITTEE FOR JUSTICE

(1) This order applies where, subsequent to all Ministerial offices being filled following the election of the Assembly, the office of Minister of Justice is established.

(2) All chairpersons and deputy chairpersons of statutory committees shall cease to hold their offices on those committees. All other members shall continue to hold their seats on those committees.

(3) The procedures set out in Standing Orders for —

(a) determining the number of statutory committees;

(b) establishing statutory committees (in respect of the Minister of Justice);

(c) appointing chairpersons and deputy chairpersons to statutory committees; and

(d) allocating seats on statutory committees (in respect of the Minister of Justice);

shall apply as they apply after all Ministerial offices have been filled following the election of the Assembly.

(4) The Business Committee shall review the allocation of seats on statutory committees made under Standing Order 49(2) as soon as is practicable following the application of this order.”

The following motions stood in the Order Paper:

(b) After Standing Order 49A (as inserted above) insert —

“49B. MEMBERSHIP OF COMMITTEE FOR JUSTICE

A person cannot be a member of the statutory committee established to advise and assist the Minister of Justice if that person is a member of the Northern Ireland Policing Board, a district policing partnership or a sub-group of the Belfast district policing partnership.” — [The Chairperson of the Committee on Procedures (Lord Morrow).]

(c) After Standing Order 52 insert —

“52A. CHANGES IN THE NUMBER OF STANDING COMMITTEES

(1) This order applies in respect of changes in the number of standing committees, including changes by way of —

(a) the establishment of a new standing committee; or

(b) the dissolution of an existing standing committee;

subsequent to the application of the procedure set out in Standing Order 51 following the election of the Assembly.

(2) All chairpersons and deputy chairpersons of standing committees shall cease to hold their offices on those committees upon that change taking effect. All other members shall continue to hold their seats on those committees.

(3) The procedures set out in Standing Orders for —

(a) establishing standing committees (in respect of any new committee);

(b) appointing chairpersons and deputy chairpersons to standing committees; and

(c) allocating seats on standing committees (in respect of any new committees);

shall apply as they apply following the election of the Assembly.

(4) The Business Committee shall review the allocation of seats on standing committees

made under Standing Order 52(2) as soon as is practicable following the application of this order.” — [The Chairperson of the Committee on Procedures (Lord Morrow).]

(d) In Standing Order 59 after paragraph (4) insert —

“() The committee shall —

(a) review the operation of the amendments made by Schedules 2 to 5 to the Northern Ireland Act 2009;

(b) report on its review by 30 April 2012; and

(c) include in its report any recommendations it has for changes to the way in which judicial office holders are appointed and removed.” — [The Chairperson of the Committee on Procedures (Lord Morrow).]

(e) In Standing Order 40(1)(a) line 1 leave out “Judicial Committee decide” and insert —

“Supreme Court decides” — [The Chairperson of the Committee on Procedures (Lord Morrow).]

(f) In Standing Order 40(1)(b) line 1 leave out “Judicial Committee made by the Attorney General for Northern Ireland” and insert —

“Supreme Court made by the Advocate General for Northern Ireland or the Attorney General for Northern Ireland” — [The Chairperson of the Committee on Procedures (Lord Morrow).]

(g) In Standing Order 44(3) line 3 after “1998” insert —

“, otherwise than by virtue of an Assembly election,” — [The Chairperson of the Committee on Procedures (Lord Morrow).]

(h) In Standing Order 44 after paragraph (4) insert —

“(5) This order does not apply in respect of the Minister of Justice or the office of Minister of Justice.” — [The Chairperson of the Committee on Procedures (Lord Morrow).]

(i) In Standing Order 46(2) line 1 leave out “Committees to assist the Assembly in the discharge of its business shall be appointed” and insert —

“Committees shall be established” — [The Chairperson of the Committee on Procedures (Lord Morrow).]

(j) In Standing Order 47 leave out from “following” in line 3 until the end of line 8 and insert —

“after —

(a) all Ministerial offices have been filled following the election of the Assembly; and

(b) the Business Committee has considered the matter and made a recommendation having had regard to —” — [The Chairperson of the Committee on Procedures (Lord Morrow).]

(k) In Standing Order 48(1) line 1 leave out “As soon as practicable after the appointment of Ministers” and insert —

“As soon as is practicable after the Assembly makes a determination under Standing Order 47” — [The Chairperson of the Committee on Procedures (Lord Morrow).]

(l) In Standing Order 51(1) in line 5 and line 6 leave out “process” in both places where it occurs and insert —

“procedure” — [The Chairperson of the Committee on Procedures (Lord Morrow).]

(m) In Standing Order 51, after paragraph (1) insert —

“() The procedure set out in this order shall be applied as soon as is practicable following the election of the Assembly.” — [The Chairperson of the Committee on Procedures (Lord Morrow).]

(n) In Standing Order 60(1) line 1 leave out “appoint” and insert —

“establish” — [The Chairperson of the Committee on Procedures (Lord Morrow).]

(o) In Standing Order 93(1)(a) line 1 leave out “Judicial Committee decides” and insert —

“Supreme Court decides” — [The Chairperson of the Committee on Procedures (Lord Morrow).]

(p) In Standing Order 93(1)(b) line 1 leave out “Judicial Committee made by the Attorney General for Northern Ireland” and insert —

“Supreme Court made by the Advocate General for Northern Ireland or the Attorney General for Northern Ireland” — [The Chairperson of the Committee on Procedures (Lord Morrow).]

A large number of amendments to Standing Orders are before the House for consideration, most of which are needed as a result of the anticipated devolution of policing and justice powers on 12 April 2010.

A great deal of work has gone into producing these amendments to Standing Orders, and it started as far back as April 2009, with the bulk of the work being done since January 2010. The Committee on Procedures has had

to grapple with many technical issues. It has had to consult other Committees and respective parties that are represented on it, and I thank members for their dedication.

On 9 March 2010, the House approved the Standing Order on the appointment of a Minister of Justice. During this debate, the Assembly will consider amending Standing Orders to deal with the increased number of Statutory Committees and Standing Committees; the membership of a Committee for Justice; the production of a report on the appointment and removal of judicial officers and office-holders; and some 13 minor technical and consequential amendments.

Currently, Standing Orders do not provide for what happens to Committees if a new Minister is appointed during a mandate. Therefore, there is no direction on whether d'Hondt needs to be run afresh or just continued from the previous time that it was used. That meant that the Committee on Procedures had to consider whether the Chairperson and Deputy Chairperson of the new Committee for Justice should be appointed by taking the next two parties that would have been due for appointment from the previous time that d'Hondt was run for Committees or whether there should be a complete rerun of d'Hondt for all Committees.

Committee members consulted with their parties, and it was agreed that d'Hondt should be rerun from scratch for all Committee Chairpersons and Deputy Chairpersons. The proposed new Standing Order 49A provides that when the new Department of Justice is established, d'Hondt will be run for the appointment of Chairpersons and Deputy Chairpersons of all Statutory Committees, including the new Justice Committee. All other Committee members will continue to hold their seats, but the Business Committee will consider the allocation of seats on the Statutory Committees as soon as is practicable.

That Standing Order will be used only following the establishment of the office of the Minister of Justice, so, at a later stage, the Committee on Procedures may look at replacing it with a more general provision. The Assembly and Executive Review Committee's 'First Report on the Arrangements for the Devolution of Policing and Justice Matters' recommended that there should be a convention that a member of the

Justice Committee could not also be a member of the Policing Board or a district policing partnership (DPP). The proposed new Standing Order 49B makes that provision and adds that a Justice Committee member cannot also be a member of any of the four subgroups of the Belfast DPP. That had not been considered in the Assembly and Executive Review Committee's first report, but it was agreed by the Committee at a recent meeting.

During its deliberations, the Committee on Procedures also looked at what should happen if a new Standing Committee is established. That is not related to the devolution of policing and justice powers, but members agreed that if a new Standing Committee is established, d'Hondt should be run for the Chairpersons and Deputy Chairpersons of all Standing Committees. As with the Statutory Committees, Standing Committee members would not be required to stand down, but the Business Committee would look at the allocation of Standing Committee seats as soon as is practicable. The proposed new Standing Order 52A provides for all that.

The process of developing the proposed amendments to the Standing Orders on Statutory and Standing Committees indicated that a number of more general amendments to those Standing Orders would allow increased flexibility for the Assembly if there is a change in the number of Committees or if there is a change in membership. Therefore, we may revisit those Standing Orders in the future.

There is a requirement in schedule 6 to the Northern Ireland Act 2009 that an Assembly Committee is to review the arrangements for judicial appointments and removals by May 2012. However, the Act is silent on which Committee that should be. The options that the Committee on Procedures considered for carrying out the review were the Assembly and Executive Review Committee, the Committee for the Office of the First Minister and deputy First Minister (OFMDFM), or the new Justice Committee. In considering the options, the Assembly and Executive Review Committee seemed the most appropriate, as there could be a tension between the Justice Committee and the judiciary, and any relationship with the OFMDFM Committee is less clear-cut.

Therefore, it is proposed to amend Standing Order 59 to require the Assembly and Executive

Review Committee to undertake a review of judicial appointments and removals and to report on the review by 30 April 2012, that is, before May 2012. However, although that Committee had agreed to carry out the review, I understand that it may be reconsidering its decision. Therefore, a future amendment to Standing Orders may be needed.

Some 13 minor technical and consequential amendments need to be made as a result of some of the proposed changes to Standing Orders that I have mentioned. Some are required because of legislative changes. I do not intend to go through those individually, but I want to point out that there is an addition to the title of Standing Order 44 to make it clear that that Standing Order does not apply to the Minister of Justice. That is not an amendment as such, and Members are not required to vote on it, although they will be voting on the same matter that is being clarified in the body of Standing Order 44.

A great deal of work has gone into producing the amendments, and more needs to be done in relation to the Attorney General for Northern Ireland and, possibly, the Public Prosecution Service, because their relationship with the Assembly is unclear at this stage. I commend the amendments to the House.

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Chathaoirleach as an obair atá déanta aige, agus ba mhaith liom fosta mo bhuíochas a ghabháil le foireann an Choiste as an obair a rinne siad.

I thank the Chairperson. As he said, the amendments represented a complicated piece of work, but he brought a focus to it and steered the Committee through it. I also offer my thanks to the Committee Clerk and her staff for their work.

The Chairperson has outlined that the changes to Standing Orders are important because of the imminent transfer of policing and justice powers to the Assembly. Among the matters that he mentioned are the selection of the Chairperson and Deputy Chairperson of the Committee for Justice, issues around membership of that Committee and the DPPs, and judicial appointments. I have nothing further to add other than to say that Sinn Féin supports the changes.

Mr McClarty: I welcome and support the motions to amend Standing Orders. Proposed new Standing Orders 49A and 49B are a somewhat convoluted way of reinforcing and making clear the status quo. The new Standing Orders will provide that, once a Justice Minister has been appointed, a Justice Committee will be established, its membership will be set by the Business Committee in the normal way and its Chairperson and Deputy Chairperson will be appointed in the normal way through the means of d'Hondt.

The system for appointing a Committee and its Chairperson and Deputy Chairperson was part of the basis on which the Assembly was elected. When the Assembly election took place in 2007, all parties and the public knew how Committees were to be formed and how we would arrive at a decision on who would chair those Committees. It would be entirely wrong for the Assembly to alter those rules midterm. It would be inappropriate for us to seek to alter the rules of the game to suit our own political interests. The Assembly's rules are clear and understood, and no party has sought a mandate to change them in order to distort the balance of power in the Chamber from that bestowed by the electorate three years ago. I make those comments because of the rank hypocrisy that the motions before us demonstrate on the part of the DUP/Sinn Féin coalition.

New Standing Orders 49A and 49B highlight the rules. Last Friday's 'Belfast Telegraph' stated that the DUP intends to use its temporary position as the largest unionist party to take the position of Chairperson of the Committee for Justice. It is perfectly entitled to do that, but it is not entitled to change the rules for appointing Ministers in order to distort the wishes of the electorate with regard to the composition of the Executive. If d'Hondt is good enough for the appointment of Committee Chairpersons, it should be good enough for the appointment of Ministers. If the DUP and Sinn Féin have a deal between themselves not to take a ministerial position, that is their prerogative. However, it is not their prerogative to gerrymander the system to suit themselves. I support the motions.

Mr O'Loan: I declare an interest as a member of Ballymena District Policing Partnership. Notwithstanding any broader comments that I could make around the issues, I give my consent to the proposed Standing Orders.

Mr Neeson: I will speak only once in the debate. The changes to Standing Orders are important to facilitate the operation of the devolution of policing and justice. The Committee put significant work into the issue, and I thank the Committee Clerk and her staff and the Chairperson and Deputy Chairperson for focusing us on the important changes that are taking place.

6.45 pm

Perhaps the most significant issue is the election of the Chairperson of the Committee for Justice. The Committee on Procedures was unanimous that there should be a rerun of the election of all Chairpersons and Deputy Chairpersons of all the Statutory Committees of the Assembly. That makes sense, bearing in mind the importance associated with the devolution of policing and justice powers. As the Chairperson of the Committee pointed out, we thought that it was logical that those who are members of the Policing Board or the district policing partnerships would not become members of the Committee for Justice.

What we have before us today will move the devolution of policing and justice a step closer, and I support all the motions that are being put forward today.

Lord Browne: I support motions (a) to (p) to amend Standing Orders. Although I doubt that today's debate will gain as much public attention as the vote that was taken in the Chamber two weeks ago, we are, nevertheless, undertaking important decisions this evening. This debate is important for two reasons. The amendments to Standing Orders give the necessary framework to let the Department of Justice function while, at the same time, ensuring that it is accountable to the Assembly and the public. Secondly, the amendments are a fulfilment of the promises made to the public in the Hillsborough agreement, and they reflect the will of the vast majority of people in Northern Ireland.

The content of the motions comprehensively dispels the myths created by those who oppose the Hillsborough agreement and set in stone the commitment that we made to the people of Northern Ireland. Indeed, it is a reflection of the success of the Hillsborough agreement and its widespread public support. It is to be commended that the amendments to Standing

Orders are being tabled so soon, and that is due to the hard work of the staff and the Committee.

Not only is this one of the final steps in completing the devolution of policing and justice powers, it demonstrates to the public that the Assembly can really work for them and have a positive impact on their lives. It also proves that the Assembly can handle the responsibility of creating robust legislation that can give effect to the will of the people. The amendments are proof that the Assembly can deliver for the people of Northern Ireland, and I am confident that, in the next weeks, hard work will continue to address the other amendments that will possibly be necessary to deliver that.

Mr Storey: I echo the Chairperson's words of thanks to the Committee for its hard work in producing the additions and amendments to Standing Orders. They are quite technical in nature, and additional sittings of the Committee have been necessary to ensure that the Assembly is in a position to establish the new Committee for Justice after the Department of Justice comes into being and has the necessary Standing Orders in place to facilitate all the related devolution issues.

However, the Committee has more work to do on other policing and justice matters that are to be devolved on 12 April. That includes the Attorney General and the Public Prosecution Service. At this stage, we do not know what relationship either of those will have with the Assembly or how they will be accountable. That needs to be addressed as a matter of urgency.

Section 25 of the Justice (Northern Ireland) Act 2002 provides that the Attorney General will have non-voting participation in Assembly proceedings to the extent permitted by Standing Orders. At this time, we have no information on how that relationship will work in practice, so we have nothing on which to base the Standing Orders. We do not know whether the Attorney General will appear on the Floor of the House to answer Assembly questions or to respond to motions, or whether he will be limited to appearing before Committees. We shall keep the matter under review as information becomes available, and I expect that we shall come back to the House with further amendments in the near future.

There is also a difficulty with the Public Prosecution Service, which is to be a non-ministerial Department. Consideration must

be given to how the service will be answerable to the Assembly, including consideration of the matter of who will answer Assembly questions and respond to motions. The Minister of Justice will have no role in that, and given that the Attorney General is required by legislation to act in a consultative capacity to the PPS, it is unclear whether he will be able to respond on its behalf. Therefore, more research has to be done before the Committee on Procedures can develop Standing Orders to deal with those matters and introduce the necessary Standing Orders to the Assembly.

I thank the Members who made a constructive contribution to the debate. It is unfortunate that Mr McClarty did not raise his political points in Committee, rather than engaging in political grandstanding in the Chamber. I commend the motions to the House.

Mr McClarty: Will the Member give way?

Mr Storey: Yes, I will give way to the Member.

Mr Deputy Speaker: The Member has concluded. I am sorry.

Question put and agreed to.

Resolved (with cross-community support):

(a) After Standing Order 49 insert —

“49A. ESTABLISHMENT OF COMMITTEE FOR JUSTICE

(1) *This order applies where, subsequent to all Ministerial offices being filled following the election of the Assembly, the office of Minister of Justice is established.*

(2) *All chairpersons and deputy chairpersons of statutory committees shall cease to hold their offices on those committees. All other members shall continue to hold their seats on those committees.*

(3) *The procedures set out in Standing Orders for —*

(a) *determining the number of statutory committees;*

(b) *establishing statutory committees (in respect of the Minister of Justice);*

(c) *appointing chairpersons and deputy chairpersons to statutory committees; and*

(d) *allocating seats on statutory committees (in respect of the Minister of Justice);*

shall apply as they apply after all Ministerial offices have been filled following the election of the Assembly.

(4) *The Business Committee shall review the allocation of seats on statutory committees made under Standing Order 49(2) as soon as is practicable following the application of this order.”*

Resolved (with cross-community support):

(b) After Standing Order 49A (as inserted above) insert —

“49B. MEMBERSHIP OF COMMITTEE FOR JUSTICE

A person cannot be a member of the statutory committee established to advise and assist the Minister of Justice if that person is a member of the Northern Ireland Policing Board, a district policing partnership or a sub-group of the Belfast district policing partnership.” — [The Chairperson of the Committee on Procedures (Lord Morrow).]

Resolved (with cross-community support):

(c) After Standing Order 52 insert —

“52A. CHANGES IN THE NUMBER OF STANDING COMMITTEES

(1) *This order applies in respect of changes in the number of standing committees, including changes by way of —*

(a) *the establishment of a new standing committee; or*

(b) *the dissolution of an existing standing committee;*

subsequent to the application of the procedure set out in Standing Order 51 following the election of the Assembly.

(2) *All chairpersons and deputy chairpersons of standing committees shall cease to hold their offices on those committees upon that change taking effect. All other members shall continue to hold their seats on those committees.*

(3) *The procedures set out in Standing Orders for —*

(a) *establishing standing committees (in respect of any new committee);*

(b) *appointing chairpersons and deputy chairpersons to standing committees; and*

(c) *allocating seats on standing committees (in respect of any new committees);*

shall apply as they apply following the election of the Assembly.

(4) *The Business Committee shall review the allocation of seats on standing committees made under Standing Order 52(2) as soon as is practicable following the application of this order.* — [The Chairperson of the Committee on Procedures (Lord Morrow).]

Resolved (with cross-community support):

(d) *In Standing Order 59 after paragraph (4) insert —*

“() The committee shall –

(a) review the operation of the amendments made by Schedules 2 to 5 to the Northern Ireland Act 2009;

(b) report on its review by 30 April 2012; and

(c) include in its report any recommendations it has for changes to the way in which judicial office holders are appointed and removed. — [The Chairperson of the Committee on Procedures (Lord Morrow).]

Resolved (with cross-community support):

(e) *In Standing Order 40(1)(a) line 1 leave out “Judicial Committee decide” and insert —*

“Supreme Court decides” — [The Chairperson of the Committee on Procedures (Lord Morrow).]

Resolved (with cross-community support):

(f) *In Standing Order 40(1)(b) line 1 leave out “Judicial Committee made by the Attorney General for Northern Ireland” and insert —*

“Supreme Court made by the Advocate General for Northern Ireland or the Attorney General for Northern Ireland” — The Chairperson of the Committee on Procedures (Lord Morrow).]

Resolved (with cross-community support):

(g) *In Standing Order 44(3) line 3 after “1998” insert —*

“, otherwise than by virtue of an Assembly election,” — [The Chairperson of the Committee on Procedures (Lord Morrow).]

Resolved (with cross-community support):

(h) *In Standing Order 44 after paragraph (4) insert —*

“(5) This order does not apply in respect of the Minister of Justice or the office of Minister of Justice.” — [The Chairperson of the Committee on Procedures (Lord Morrow).]

Resolved (with cross-community support):

(i) *In Standing Order 46(2) line 1 leave out “Committees to assist the Assembly in the discharge of its business shall be appointed” and insert —*

“Committees shall be established” — [The Chairperson of the Committee on Procedures (Lord Morrow).]

Resolved (with cross-community support):

(j) *In Standing Order 47 leave out from “following” in line 3 until the end of line 8 and insert —*

“after —

(a) all Ministerial offices have been filled following the election of the Assembly; and

(b) the Business Committee has considered the matter and made a recommendation having had regard to ” — [The Chairperson of the Committee on Procedures (Lord Morrow).]

Resolved (with cross-community support):

(k) *In Standing Order 48(1) line 1 leave out “As soon as practicable after the appointment of Ministers” and insert —*

“As soon as is practicable after the Assembly makes a determination under Standing Order 47” — [The Chairperson of the Committee on Procedures (Lord Morrow).]

Resolved (with cross-community support):

(l) *In Standing Order 51(1) in line 5 and line 6 leave out “process” in both places where it occurs and insert —*

“procedure” — [The Chairperson of the Committee on Procedures (Lord Morrow).]

Resolved (with cross-community support):

(m) *In Standing Order 51, after paragraph (1) insert —*

“() The procedure set out in this order shall be applied as soon as is practicable following the election of the Assembly.” — [The Chairperson of the Committee on Procedures (Lord Morrow).]

Resolved (with cross-community support):

(n) *In Standing Order 60(1) line 1 leave out “appoint” and insert —*

“establish” — [The Chairperson of the Committee on Procedures (Lord Morrow).]

Resolved (with cross-community support):

(o) *In Standing Order 93(1)(a) line 1 leave out “Judicial Committee decides” and insert —*

“Supreme Court decides” — [The Chairperson of the Committee on Procedures (Lord Morrow).]

Resolved (with cross-community support):

(p) In Standing Order 93(1)(b) line 1 leave out “Judicial Committee made by the Attorney General for Northern Ireland” and insert —

“Supreme Court made by the Advocate General for Northern Ireland or the Attorney General for Northern Ireland” — [The Chairperson of the Committee on Procedures (Lord Morrow).]

Mr Deputy Speaker: We now move to the second group that consists only of motion (q), as stated on the Order Paper.

The Chairperson of the Committee on Procedures: I beg to move

(q) Leave out Standing Order 73 and insert –

“73. SUB JUDICE

(1) A member shall not, in any proceedings of the Assembly, refer to any matter in respect of which legal proceedings are active (within the meaning of section 2 of the Contempt of Court Act 1981) except to the extent permitted by the Speaker.

(2) Where the proceedings are committee proceedings, paragraph (1) applies as if the reference to the Speaker were a reference to the chairperson of that committee.

(3) Nothing in this order shall prevent the Assembly from considering legislation.”

I wish to place on record my thanks to the staff and the Committee Clerk for all their help and assistance and my appreciation for how they applied themselves to the task.

The Committee on Procedures regularly reviews Standing Orders as part of its forward work programme and agreed to include a review of Standing Order 73, which covers sub judice. Members will wish to note that it is not related in any way to the devolution of policing and justice powers. It is purely coincidental that the Committee on Procedures agreed Standing Order 73 at the same meeting at which it considered and agreed the Standing Orders to facilitate the devolution of policing and justice.

Section 41 of, and schedule 6 to, the Northern Ireland Act 1998 require Standing Orders to make provision for the sub judice rule, and Standing Order 73 makes that provision. The current Standing Order provides that any matter that is awaiting adjudication in court may not

be referred to in a motion, debate, question or statement. Standing Order 73 is long, repetitive and, unlike the other Standing Orders, it is unclear whether it applies to Committees. During its deliberations, the Committee on Procedures learned that although the Standing Order, as it stands, applies only to plenary business, it applies in spirit to Committee proceedings in open session and to the timing of the publication of Committee reports. The Committee considered whether it should be made explicit that the conditions of the Standing Order also apply to Committees, as happens in the Standing Orders of the Scottish Parliament and the National Assembly for Wales. Another issue is that the Standing Order refers to “the chairperson” but the items of business to which it refers relate only to plenary business, over which the Speaker presides.

The Committee, therefore, agreed that a major revision of Standing Order 73 was needed and considered the following options: producing a complete redraft along the lines of the relevant Standing Order of the Scottish Parliament; adding a paragraph to the end of Standing Order 73, stating that it either in whole or in part applies to Committees; or creating a new Standing Order that repeats the provision for Committees, perhaps in the section of Standing Orders that deals with Committees. In any case, the Committee agreed to amend the reference to the chairperson to tie in with the chosen option.

Members agreed that all three options clarified the position but that a redraft along the lines of the relevant Standing Order of the Scottish Parliament had the added benefit of leading to a much more succinct Standing Order. In consideration of plain English guidelines, it was suggested that the title of the Standing Order be changed from the Latin “sub judice” to the English “matters under judicial deliberation”. However, members agreed that, as most people are familiar with term “sub judice”, the title should not be changed.

The motion to amend clarifies and simplifies the procedure for debate in the Assembly on matters subject to judicial deliberation, which is also known as the sub judice rule. If legal proceedings are active, they cannot be referred to in the Assembly without the permission of the Speaker. In the case of Committee proceedings, the permission of the Chairperson of the Committee is required. The Standing Order applies to criminal proceedings, civil

proceedings and proceedings in coroners' courts, including inquests and tribunals.

The amended Standing Order refers to the Contempt of Court Act 1981, which is still in force and applies to Northern Ireland. If the Act is ever repealed and re-enacted, it will not be necessary to amend Standing Orders, as that is provided for by the Interpretation Act (Northern Ireland) 1954. The Committee should, therefore, not need to revisit Standing Order 73.

In summary, there is no difference in the way in which the sub judice rule will operate. However, the new Standing Order is much shorter, and it is now clear that it applies to proceedings in Committees as well as on the Floor of the House. I commend the motion to the House.

7.00 pm

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

Question put and agreed to.

Resolved (with cross-community support):

(a) Leave out Standing Order 73 and insert –

“73. SUB JUDICE

(1) A member shall not, in any proceedings of the Assembly, refer to any matter in respect of which legal proceedings are active (within the meaning of section 2 of the Contempt of Court Act 1981) except to the extent permitted by the Speaker.

(2) Where the proceedings are committee proceedings, paragraph (1) applies as if the reference to the Speaker were a reference to the chairperson of that committee.

(3) Nothing in this order shall prevent the Assembly from considering legislation.”

Annual Salary of the Comptroller and Auditor General

The Chairperson of the Audit Committee (Mr Weir): I beg to move

That this Assembly determines that from 1 April 2010, until such time as the Assembly makes a further determination, the salary to be paid, under article 4(1) of the Audit (Northern Ireland) Order 1987, to the holder of the office of Comptroller and Auditor General, shall be the same as the amount which was paid from 1 April 2009 to 31 March 2010.

As Chairperson of the Audit Committee, I ask the Assembly to support the motion. The Audit (Northern Ireland) Order 1987 states that the salary of the Comptroller and Auditor General shall be determined by a resolution of the Assembly. Last year's resolution of the Assembly provided for the Comptroller and Auditor General to be paid a certain amount until 31 March 2010. Therefore, the Assembly needs to take a further resolution in advance of that date to cover the Comptroller and Auditor General's salary from 1 April 2010 onwards. The Audit Committee has had a good relationship with the Comptroller and Auditor General, and Members will acknowledge that he is a good friend of the Assembly. However, I fear that that friendship would be put under some strain if we were to refuse to pay him a salary.

The Audit Committee met on 9 March 2010 to consider the issue. This is the third year in which the Audit Committee has had responsibility for bringing forward such a motion to the Assembly. Prior to this, during suspension, the Secretary of State for Northern Ireland, supported by the Department of Finance and Personnel, made an order determining what the salary should be. During that period, agreement was reached that the salary should be tied into the amount that is payable to those at judicial level 5. The salary payable at judicial level 5, similar to other judicial and senior salaries, is determined by the Government on the foot of recommendations from the Senior Salaries Review Body.

In 2008, when the Audit Committee assumed responsibility for the matter, it considered all available evidence and decided to maintain the link between the Comptroller and Auditor General's salary and the salary that is payable at judicial level 5. However, it should be noted that, despite that, the salary of the Comptroller and Auditor General last year edged ahead of

that which is payable at judicial level 5. That was because the Assembly resolved to pay the Comptroller and Auditor General the amount that was recommended by the Senior Salaries Review Body as payable at judicial level 5 and not the amount that was ultimately agreed by the Government. That happened because the Assembly had to agree a resolution on the Comptroller and Auditor General's salary before the final outcome of the salary determinations at Westminster being known.

The Audit Committee noted that and agreed to consider the options open to it to allow the Assembly always to determine the salary of the Comptroller and Auditor General after other comparable senior salaries have been agreed. That is important, because the approach of tying the Comptroller and Auditor General's salary to that of a comparable officer is sound and is well worth maintaining. It is fair and transparent, and it reduces the potential for the Assembly to be seen as determining the salary in response to political or any other factors.

If we accept that principle, we must also accept that the Comptroller and Auditor General's salary must remain the same this year. This year, the Government have determined that senior salaries, including those at judicial level 5, should not increase. The reasons for that are spelled out in this year's report to the Prime Minister from the Senior Salaries Review Body. The report refers to how public finances are showing an unprecedented deficit and how substantial reductions in public spending will, therefore, be necessary in the coming year to redress the balance. The review body took those factors into account and concluded that there was no justification for general pay increases in its remit groups this year.

These are difficult economic times. The Audit Committee is of the view that the salary of the Comptroller and Auditor General should, as far as possible, be tied to the salary that is payable at judicial level 5. The Assembly cannot resolve to reduce the salary of the Comptroller and Auditor General as it does not have the power to do so. Therefore, the Assembly is being asked to agree that the salary payable to the Comptroller and Auditor General should be frozen at the amount that was payable last year. I ask the Assembly to support the motion.

Question put and agreed to.

Resolved:

That this Assembly determines that from 1 April 2010, until such time as the Assembly makes a further determination, the salary to be paid, under article 4(1) of the Audit (Northern Ireland) Order 1987, to the holder of the office of Comptroller and Auditor General, shall be the same as the amount which was paid from 1 April 2009 to 31 March 2010.

Adjourned at 7.04 pm.

