



Northern Ireland
Assembly

**COMMITTEE
FOR THE OFFICE OF THE
FIRST MINISTER AND DEPUTY
FIRST MINISTER**

**OFFICIAL REPORT
(Hansard)**

Department of Justice Bill

9 September 2009

NORTHERN IRELAND ASSEMBLY

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FOR THE OFFICE OF THE FIRST MINISTER AND
DEPUTY FIRST MINISTER**

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Members present for all or part of the proceedings:

Mr Danny Kennedy (Chairperson)
Mrs Naomi Long (Deputy Chairperson)
Ms Martina Anderson
Mr Alex Attwood
Mr Tom Elliott
Mr Ian McCrea
Mr Barry McElduff
Mr Stephen Moutray
Mr Jim Shannon
Mr Jimmy Spratt

Witnesses:

Mr Tony Canavan) Office of the First Minister and deputy First Minister
Mr Geoffrey Simpson)

The Chairperson (Mr Kennedy):

The Committee will now receive a briefing from departmental officials Tony Canavan and Geoffrey Simpson on the forthcoming Department of Justice Bill. Included in members' papers are the Clerk's brief and a copy of a letter from the First Minister and deputy First Minister, to which is appended the draft Bill and its explanatory and financial memorandum. Also included in members' papers are copies of the Northern Ireland Act 2009 and the Northern Ireland Act 1998 (Ministerial Offices) Order 2009.

I welcome Tony and Geoffrey. Good afternoon. You are here to give the Committee a presentation on the draft Department of Justice Bill, which will be recorded by Hansard for future reference.

I invite you to make an opening statement, and I will then allow members to ask questions. Thank you very much for your attendance.

Mr Tony Canavan (Office of the First Minister and deputy First Minister):

The devolution of policing and justice powers to Northern Ireland has been a long-standing UK Government policy objective. That is referred to in the Belfast Agreement of 1998, and policing and justice powers were listed as reserved matters in schedule 3 of the Northern Ireland Act 1998, which were not devolved at that time.

Subsequently, extensive Westminster legislation has been enacted, but not activated, that envisaged future devolution of policing and justice powers, one of the strongest examples of which is the Justice (Northern Ireland) Act 2002. Furthermore, the 2006 St Andrews Agreement envisaged the Assembly requesting devolution of policing and justice powers by May 2008, and the Northern Ireland (St Andrews Agreement) Act 2006 placed a statutory duty on the Assembly to report on the devolution of policing and justice powers by March 2008. The Assembly and Executive Review Committee (AERC) was tasked with preparing that report, and it found that there was no consensus for proceeding to devolution at that time. However, that Committee did agree on most of the areas that should eventually be devolved, and on many of the associated organisational issues, following extensive consultation with a range of stakeholders.

In the autumn of 2008, the Assembly gave the AERC a fresh mandate to review and progress its work and, in November 2008, the First Minister and the deputy First Minister set out a 37-step process to implement devolution without undue delay and — *[Inaudible due to mobile phone interference.]*

In January 2009, the AERC produced its first modalities report, which was debated by the Assembly and was endorsed.

The Bill has now been forwarded to the Committee by the First Minister and the deputy First Minister. The key recommendations of the AERC's January 2009 report that are relevant to the

Bill are: recommendations 1 and 2, which advocate that there should be a single Department to be known as the Department of justice, in addition to the other existing Departments in the Executive; recommendation 9, which referred to interim arrangements being entered into only until May 2012; and recommendation 10, which deals with the appointment of the Minister of justice and states that the appointment of the new Minister would:

“require a majority of Assembly Members voting...a majority of designated nationalists and a majority of designated unionists.”

Earlier this year, Westminster legislation was enacted to facilitate those recommendations. That amended the Northern Ireland Act 1998, and, by an Order, increased the maximum number of permitted Executive Departments to accommodate the future Department of justice. In July 2009, the Executive agreed to introduce a Bill following the summer recess that would lay the groundwork for a future Department of justice. That is the Bill that the Committee now has before it.

It is quite a short Bill, and has only three clauses: the first establishes a Department of justice; the second sets out a process for the appointment of the Minister of justice within the context of the Westminster legislation that was enacted earlier this year; and the third clause requires that the operative provisions of the legislation would come into effect only after a commencement Order was made by the First Minister and the deputy First Minister.

In addition, and linked to the first clause, one schedule is included in the Bill, which tidies up existing legislative provision to accord with the name of the new Department. That is because there are several pieces of existing legislation, including the Northern Ireland Act 1998, which refer to a future justice Department. When the new Bill is enacted, those references will change to read “Department of Justice”.

The important point that I wish to emphasise — and the Committee will see this point repeated in the explanatory and financial memorandum of the Bill — is that this Bill, in itself, does not give effect to devolution of policing and justice powers. Rather, it makes some essential statutory preparations in advance of a future decision by the Assembly to request the devolution of policing and justice powers, and an Order by the Secretary of State for Northern Ireland to transfer those powers. The effect of the Bill, and the reason for bringing it before the Assembly now, is that it would make the lead-in process before the transfer as straightforward and as short

as possible.

The Chairperson:

Thank you very much. I am a member of the AERC and I think that it might be sensible to declare an interest.

Mr Spratt:

I declare an interest as the Chairperson of the AERC.

The Chairperson:

Is an enabling power being sought?

Mr Canavan:

It is an enabling power in the sense that the Bill provides for the framework that would create a Department of justice, but it would create it after a commencement Order was made by the First Minister and the deputy First Minister. It is an essential step in the process, which lays the foundation for a future decision to devolve policing and justice powers.

The Chairperson:

What would be the usual timescale for a measure of that nature?

Mr Canavan:

With regard to the passage of the Bill?

The Chairperson:

Yes.

Mr Canavan:

The point at which it would be brought forward will be a matter for the Assembly and for the Ministers.

The Chairperson:

How would the process be disrupted if the enabling power were not granted?

Mr Canavan:

It would disrupt the process in the sense that at the point when the Assembly decided to ask the Secretary of State to devolve policing and justice powers, a period of time would need to be factored in to allow for the passage of the legislation by the Assembly. The legislation must be enacted at some point in the process. The value of enacting it at this stage and bringing it to the Assembly after the recess is that it shortens the eventual timescale between the point at which the Assembly requests the devolution of justice and devolution day.

The Chairperson:

Therefore, the timescale is a factor. There is an expectation — perhaps no more than that — that at some point in the future a request will be made to devolve policing and justice.

Mr Canavan:

That was the gist of the AERC's report and the process paper prepared by the First Minister and the deputy First Minister, which gained the endorsement of the Assembly in January.

Mr Shannon:

Is the finance necessary already there to ensure that the devolution of power takes place, and is that finance set aside to ensure that the new power — if and when it comes — could be delivered in its totality? We are very much aware of the current financial restrictions — certainly from central Government and the Assembly. I want to make sure that the finance is in place. Are you aware of whether that is the case?

Mr Canavan:

I am aware that a number of strands of work are proceeding, including work by the Assembly and Executive Review Committee, and finance will be an aspect of its second report, to be prepared later this year. The AERC has been engaged in direct discussions with a number of bodies that have spending responsibilities on the policing and justice side. In addition, there have been contacts between the First Minister and the deputy First Minister, and senior Whitehall Ministers. There have also been a number of contacts and meetings between officials in the Treasury and significant Whitehall Departments. As for the outcome of those meetings, I do not think that they have yet reached the position where the finance has been finalised — and I understand that the First Minister said words to that effect recently. However, that is not something that, in itself, would necessarily delay the clearing of the ground by enacting a Bill that would facilitate the

creation of a Department of justice.

Mr Shannon:

Even if we are only dealing with the concrete foundations, there are financial obligations. I know that you cannot answer the question. However, I am conscious of the fact that there is a financial commitment, and I want to be sure that there is delivery on that.

Mr Elliott:

Paragraph 3 of the explanatory and financial memorandum refers to the Assembly and Executive Review Committee. Perhaps some of those Committee members may be able to answer my question better than you. However, that paragraph states:

“The report identifies further issues requiring detailed consideration, and these will be addressed in a second report of the Committee later in 2009.”

What impact will that have on any legislation?

Mr Canavan:

Committee members can correct me if I am wrong, but the AERC distinguished between a number of issues that it was considering. One of the first was a modalities set, which was reported on in January 2009. The modalities include the organisation of the Department, the appointment of the Minister, and so on. The AERC deliberately separated modalities issues from non-modalities issues, such as finance, which do not have an impact on this type of legislation. Those are being taken forward separately, and non-modalities issues should not affect the content of the Bill.

Mr Elliott:

Finance may not have a direct effect, but it could have an indirect effect.

Mr Canavan:

At some point in the process, the Department of Finance and Personnel (DFP) will need to bring forward a budget bill to cover finance in the Assembly. You will have an opportunity to address financial issues at that point.

The Chairperson:

Some mobile phones have been left on and are interfering with the audio transmission of the Committee proceedings. I advise members that all mobile phones should be switched off rather than merely put on silent mode. Do you have anything further to add, Mr Elliott?

Mr Elliott:

For clarity, I was trying to make the point that finance has an impact on any issue. That is why I would be slightly concerned about the draft Bill coming forward without the second report being in place.

Mr Attwood:

I have three questions. I should know the answer to my first question, but I cannot recall the nominating procedure of the draft Bill. Did the Assembly and Executive Review Committee recommend that anyone can nominate anyone?

Mr Canavan:

Yes.

Mr Attwood:

I am merely seeking clarification that the procedure is nomination by one or more Members of the Assembly — that was in the review report. I cannot recall that particular matter, so I am prepared to accept your word.

The Chairperson:

He cannot remember either. *[Laughter.]*

Mr Canavan:

Recommendation 9 states that any Member who is elected will require the support of a majority of Assembly Members.

Mr Attwood:

That is not the nomination process.

Mr Canavan:

No.

Mr Attwood:

What has the Assembly and Executive Review Committee said about the nomination process?

Mr Canavan:

I may have to get back to you on that. That is linked to the Westminster legislation at the turn of the year, which sets that out as one of the options for the appointment of the Minister.

Mr Attwood:

I cannot recall whether the Assembly and Executive Review Committee actually made a recommendation that nominations should be in the power of one or more Assembly Members. That may have been the case, but I cannot recall. Am I correct that that nominating procedure is different from the nominating procedure for any other Minister that is elected to the Assembly?

Mr Canavan:

It is different from the d'Hondt procedure of the 1998 Northern Ireland Act.

Mr Attwood:

The St Andrews legislation amended that for the First Minister and deputy First Minister, but that procedure is different for the nomination of any other Minister.

Mr Canavan:

Yes; that is correct.

Mr Attwood:

You can come back to us on whether the Assembly and Executive Review Committee made that recommendation. Why does the legislation not make provision for how a Minister is removed? It makes provision for how a person is approved to become Minister. Why does it not make provision for how somebody should be removed or replaced? Should that not be explicit in the legislation?

Mr Canavan:

I could come back to you after I have spoken to the draftsman about that.

Mr Attwood:

The letter from the First Minister and deputy First Minister states that they rely upon the Assembly and Executive Review Committee's report in respect of procedures for appointing, removing and replacing the justice Minister. However, the legislation reflects only the process for appointment. Is there legal certainty about whether that legislation governs removal or replacement? Given that that is a unique nomination process, surely there should be unique removal and replacing processes. However, the legislation is silent on that. Can you explain that?

Mr Canavan:

I will come back to you after I have discussed that with the draftsman.

Mr Attwood:

You are here from the Office of the First Minister and deputy First Minister to explain a piece of legislation that is three clauses long. I have asked you a question about the removal and replacement of Ministers — in respect of which the legislation is silent. Given all of the theatrics and the sensitivity around those issues, surely there is a straightforward answer to my question.

The Chairperson:

Mr Canavan has indicated that he will seek to respond further after taking advice. That is the situation in which we find ourselves. We are not going to get that answer today. However, upon further advice, Mr Canavan will report back directly to this Committee.

Mr Canavan:

OK.

Mr Attwood:

There may well be a simple answer to that question, Chairperson. I do not know.

What is the default position after May 2012 arising from British legislation earlier this year and this draft Bill, if it is approved by the Assembly, in respect of a justice Minister?

Mr Canavan:

The justice Department will be dissolved on 1 May 2012, unless the Assembly has either extended the process that has been set up or has produced a second or new form for the appointment of a justice Minister.

Mr Attwood:

So your understanding is that, in May 2012, if there is devolution of justice before that date, unless there is agreement about another method going forward, there will be no justice Department?

Mr Canavan:

The justice Department would be dissolved; yes.

Mr Attwood:

Is that your understanding?

Mr Canavan:

Yes. That is in the Westminster legislation.

Mr Attwood:

So here we are, 18 months or so from that date, and we may only have a justice Department for 18 months, as you understand it?

Mr Canavan:

It is more than 18 months. It is two and a half years.

Mr Attwood:

I have a final question. Are you saying that there is no default position in the legislation that was passed by the House of Commons earlier this year in respect of the nomination of a justice Minister at that time?

Mr Canavan:

The only statement is that the justice Department would be dissolved at that point.

Mr Attwood:

So where does responsibility for justice go at that point, as you understand it?

Mr Canavan:

The assumption is that the Assembly will, by that stage, have agreed the process for after 2012.

Mr Attwood:

Parliamentary draftsmen do not draft legislation on the basis of hoping that something may happen by 2012. They have to draft on the basis of legal certainty. What is the position after 2012 in the event that there is no agreement by then, given that you say that the Department is dissolved at that date? The British Parliament will have devolved powers to the North, but there will not be a Department in existence. Do you think that a Westminster Parliament would legislate in that way?

Mr Canavan:

The responsibility for legislation would rest with the Assembly.

Mr Attwood:

What would happen in the absence of the Assembly so legislating?

The Chairperson:

I am not sure how successful it is to speculate about a situation that has not yet arisen. However, I know the point that you are making. We are being told clearly that there is no — to use your words — “default mechanism”.

Mr Attwood:

I ask OFMDFM to check again whether, in fact, a default position is buried in schedules to the legislation that was passed by Westminster earlier in 2009. I am subject to correction. I believe that if you search, you may find that the legislation contains a default position. Westminster does not legislate for a vacuum. Westminster, or indeed any legislature, must legislate for legal certainty, not for a vacuum. In my view, a default position exists. I will, however, await your answers.

Mrs Long:

Chairman, in respect of Mr Attwood's question about the removal of Ministers, and so on, I understand that that was dealt with in Westminster legislation, which is, perhaps, why it is not replicated here. We should be able to get clarity on that. I believe that the removal of Ministers is to be resolved by a vote in the Assembly. That can certainly be checked. That is my understanding.

Mr Spratt:

On Mr Attwood's point about the Department and the 2012 deadline, surely, Chairman, you answered that question earlier: if the Department is not set up, it will be because the First Minister and deputy First Minister have not called for it to be set up. Basically, the Bill is simply enabling legislation that mirrors legislation that has already been agreed and passed by another Parliament. It does not, however, mirror each and every aspect of the legislation that has passed through Westminster. Is that not correct?

Mr Canavan:

It is part of the legislative framework.

Mr Spratt:

It is part of the framework. The other legislation is much longer, is it not?

Mr Canavan:

It is longer. The other legislation includes a range of options in respect of the process for appointing a Minister.

Mr Spratt:

I am just trying to get my head around the 2012 deadline, which would apply if the First Minister and the deputy First Minister had called for the devolution of policing and justice. It is only to enable that to take place; is that not correct?

Mr Canavan:

Yes. That legislation could come into effect only after there had been a call for the transfer of powers.

Mr Spratt:

If the transfer were not called for by 2012, the suggestion is almost as though that would create some kind of vacuum. No justice Department would exist. However, the legislation must contain a mechanism to allow Government to take over those responsibilities. A vacuum would not be allowed to happen. Surely, legislation that could create any sort of vacuum would not be allowed to proceed through Westminster.

Mr Canavan:

That is the point that Mr Attwood was making.

Mr Spratt:

My understanding was that all of that was covered.

The Chairperson:

The witnesses will seek clarification on that matter and report back to the Committee.

Mr Elliott:

How will the Bill proceed?

The Chairperson:

Its First Stage is expected on Monday 14 September 2009. Its Second Stage is expected on 22 September 2009. I suppose that that now begs the question as to whether the Committee is content for the Bill to proceed, given the lack of clarity on it.

Mr Attwood:

I am certainly prepared to let it proceed, although I want clarification and answers. I believe that Naomi may have answered one issue. Certainly, the Bill should proceed.

The Chairperson:

The Business Committee has already scheduled its First Stage for Monday 14 September, with its Second Stage on Tuesday 22 September. Therefore, the Bill's Committee Stage would commence on Wednesday 23 September. The Committee has 30 working days to take and consider evidence and to report its opinion to the Assembly. That is the framework and timescale under which the Bill seeks to operate.

Mr Elliott:

OK. I am just considering the practicalities. The consultation period of 30 days during Committee Stage is quite short. There is no pre-consultation.

The Chairperson:

It is 30 working days. We will discuss how best to proceed with that.

Mr Elliott:

Am I correct to say that there has been no pre-consultation?

The Chairperson:

I am not aware of any pre-consultation. Are there any further questions for Mr Simpson and Mr Canavan? Gentlemen, can you come back to us with your reflections as quickly as possible?

Mr Canavan:

Yes.

The Chairperson:

Thank you very much indeed for your attendance.

The Committee must now consider how we wish to take evidence on the Bill and whether we expect to report back to the Assembly within the 30 working days or wish to table a motion to extend the Committee Stage. Please bear in mind that two Committee visits are planned, and that the Halloween recess falls during that time. Therefore, if we do not extend the Committee Stage, there would be only three meetings in which to deal with the Bill. We have to decide whether or not to extend the Committee Stage.

Ms Anderson:

Can you remind us what the two Committee visits are?

The Chairperson:

They are a visit to the holding centre at Dungavel on 4 November and a proposed visit to Washington from 11 to 16 October.

Ms Anderson:

Has the proposed visit been discussed? Did I miss that?

The Committee Clerk:

It will be discussed today under any other business.

The Chairperson:

It was agreed in principle in April, but the bones of it have now to be discussed.

Mr Spratt:

Is Dungavel the Scottish visit?

The Chairperson:

Yes — the holding centre.

The Committee Clerk:

The Committee agreed to go on 4 November.

The Chairperson:

An extension until 11 December, which is the Christmas recess, would give five routine weekly meetings, without the need for additional ones. How do members wish to proceed?

Mr Elliott:

In the light of some of the queries, I am not content with what I heard. Mr Attwood further reinforced that. I am not content with the Bill proceeding at all until we see the second report of the Assembly and Executive Review Committee. I propose that we ask OFMDFM to hold the legislation until that second report comes forward.

The Committee Clerk:

The Business Committee met yesterday with all the Whips, and it agreed that the Bill would have its First Stage next Monday. That has been agreed already, and it will be on the Order Papers that are issued tomorrow.

Mr Elliott:

Whatever others may have agreed, I want to put my tuppence worth in.

Ms Anderson:

Did your representative air that view yesterday at the Business Committee?

Mr Elliott:

I do not know what went on at the Business Committee, but there is nothing to say that there was not agreement —

The Chairperson:

Order. Please conduct business through the Chair.

Mrs Long:

In relation to the information that people are seeking, the difficulty is that we are reading this enabling Bill without the background of the detailed legislation from Westminster. We have had this debate before. It happened with the Commissions for Victims and Survivors Bill and some other bits of legislation: if you do not read the two in parallel, you end up with gaps. It might be helpful in that context if members were reissued with the Westminster Bill so that they can read the two together. That may answer the questions without further clarification having to be sought.

For example, the Westminster Bill contained a suite of options for the nomination and election procedures for putting somebody into position, but taking somebody out of position was a settled matter in the Westminster legislation. This enabling legislation deals with putting someone into office because that was not clearly defined. The Westminster legislation laid down three or four possible options.

I cannot see any difficulty with going to First Stage even if there are questions, because those questions can be answered and addressed during the Committee Stage of the Bill.

The Chairperson:

There is the issue of whether you wish to extend the Committee Stage because of the business of this Committee. Furthermore, Mr Elliott has indicated that he does not want the draft Bill to

progress until the publication of the Assembly and Executive Review Committee's second report. Do you wish to make a proposal, Mr Elliott?

Mr Elliott:

I propose that we ask OFMDFM not to proceed with the draft Bill until the publication of the Assembly and Executive Review Committee's second report.

Mr Spratt:

The work of the Assembly and Executive Review Committee is ongoing. There will be a report — you sit on that Committee as well, Chairperson. The process is ongoing, but those two matters are unrelated. As Mrs Long said, the legislation has already gone through Westminster, and it is only a mirror piece of legislation that we need to read. If there are any questions about the legislation, they should be answered on the Floor of the House. It is my understanding that the draft Bill has been discussed by the Business Committee, which agreed that it should be presented to the House. It seems a bit crazy, from our perspective, that when our representatives on the Business Committee agreed that the draft Bill should be introduced to the House, we should try to stall it. Anything that needs to be said can be said in the Chamber from next Monday on.

Ms Anderson:

I concur with Mr Spratt. I would like clarification on why we would consider an extension to the 30-day period so that we can get a sense of the work that we would have to cover in that time frame.

The Chairperson:

It is part of our remit to consider the draft Bill in detail, to advertise for representations to be made and to take evidence in relation to it. We have to factor that work into our scrutiny of the Bill.

The Committee Clerk:

Normally, we would issue a public notice in the newspapers. It takes up to a week between agreeing to a public notice and having it published. Once that happens, it is normal to allow a minimum of two weeks for people to respond. The Committee has to consider those responses and decide whether we want to call individual witnesses or representatives of organisations to give oral evidence. That takes time, and it is not possible to do it in 30 days, unless we tighten up

the process.

We are not supposed to issue a public notice until after the Committee Stage has begun, which is scheduled for 23 September. I have sought advice and gained agreement that we can issue the public notice next week, if need be, once the Bill has been introduced, in order to quicken the process. Another way to speed up the process is to reduce the time allowed for people or organisations to respond. We could give them one week in which to respond, which is a tight time frame, but it is difficult to get any Bill dealt with in 30 days, especially if we have only scheduled three meetings.

Mr Attwood:

The Assembly and Executive Review Committee's second report will be important, because it touches on finances and other substantial matters. The sooner that that report is published and presented to the Assembly the better, whether people agree to its contents or not. However, it is a separate matter from the first report, in respect of which the draft legislation gives expression to two matters only: nomination and approval of a Minister. One can differentiate the two matters, and consequently, we should not wait for the Assembly and Executive Review Committee to publish its second report. I am sure that Jimmy Spratt concurs with that view. The Assembly and Executive Review Committee does not necessarily proceed in great haste, although we do so with due diligence.

Mr Spratt:

In criticising me, Mr Attwood is also criticising himself.

Mr Attwood:

Indeed. We should proceed with the consultation and our consideration, but we should do it in a tighter time frame. We should publish the public notice within the week and go for the shortest consultation period for responses. It is appropriate to act in that way, given that there is already a high level of public awareness of the issues. It is not as though we are advertising to a political community and a wider community that does not know what is going on. The nature and profile of the issue allow us to have an accelerated consultation. I propose that the Committee adopt the terms that were outlined by the Committee Clerk.

The Chairperson:

Mr Elliott, you propose that the Committee does not proceed with any consideration until the publication of the second report. Is that right?

Mr Elliott:

Yes.

The Chairperson:

I will second that proposal. I put Mr Elliott's proposal to the Committee.

Question put.

The Committee divided: Ayes 2; Noes 8.

AYES

Mr Elliott, Mr Kennedy.

NOES

Ms Anderson, Mr Attwood, Mrs Long, Mr I McCrea, Mr McElduff, Mr Moutray, Mr Shannon,
Mr Spratt.

The Chairperson:

The proposal falls.

Mr Attwood proposed that we proceed with the accelerated consideration of the Bill; to do everything within 30 working days following a public notice next week.

Mrs Long:

We said that there will only be three Committee sessions during that period. However, we have not agreed the date of the proposed trip to Washington. If that does not go ahead, we could have an extra meeting within the 30-day period. If we want to, is it possible to schedule an extra Committee meeting to take evidence? There is no point in agreeing to a period of 30 days if it is not a realistic prospect to be able to do the job properly. This is a significant piece of legislation and a significant change, albeit one which will not be enabled immediately.

Do we need to look at what other options are available to ensure that it can be done properly

within the 30 days? I would be uncomfortable in cutting back the time that the public has to respond. This is the public's first opportunity to have an input, and I think that it is important that they get that chance. Assuming that we allow two weeks for public responses, can we still do it within 30 days? We must bear in mind what was said about putting the advertisement in early and those other issues, and, potentially, we must look again at our schedule for the autumn. I want some guidance on how practical the timetable is.

The Committee Clerk:

I have agreement that I can issue the public notice early. Normally, that is done at the commencement of Committee Stage; however, I have permission for the Committee to do that next week. I cannot do that until after the Bill is introduced on Monday, and, if I do it then, it will take the press office up to four or five days to get it in the newspapers. Therefore, it might not be in the paper until Friday 18 September. After that, if there are two weeks for public response, the closing date would be 2 October. If the Committee were to deal with that at its next meeting, Wednesday 7 October, it will already have lost one meeting. Of the three meetings that I am talking about, the first is on 30 September. If the Committee goes to America, there will be only two meetings, on 7 October and 21 October. The closing date for the 30 days is 10 November. On 4 November, which is the first meeting after the Halloween recess, we have arranged a visit to Dungavel. That meeting could be cancelled and that would allow an extra meeting.

Ms Anderson:

I do not intend to go to Washington. If that proposed visit does not go ahead, does that give us enough time to cover it?

The Committee Clerk:

If both visits were cancelled, that would allow four meetings at which to consider the Bill, after the First Stage and two weeks' notice for submissions.

Mrs Long:

That would include the hearing of evidence and the drafting of any report from the Committee.

The Committee Clerk:

We may have to put in long hours. If the closing date is 2 October, we will have the submissions for Wednesday 7 October. From those submissions, the Committee could then decide who to call

for evidence. However, that does not give people much time to give evidence. They either have to come and give oral evidence with only a week's notice, or they have to come on 4 November, by which stage there is no time to write the report and agree it before the closing date.

However, you do not have to agree to extend or not extend at this time. A motion to extend can take place right up until just before 10 November, as long as the Business Committee agrees for that to go on the Order Paper. We would need to decide some time in the middle of the 30-day period. We do not need to decide that today.

Mrs Long:

We can proceed today on the basis that the advertisement goes out on Monday, to go into the papers on Friday. We can then make our other decisions with regard to what days we have available in Committee. When we receive the responses, we can make a decision as to how much time it will take us to deal with them. That seems to me a better time than now to make that decision. For example, if there are a very small number of responses, it may be a very short Committee Stage.

The Chairperson:

It is worth pointing out and reflecting on the fact that, in the past, accelerated passage has caused controversy in the Committee — objections were raised. We seem to be imposing accelerated consideration of the Bill on ourselves. The Committee is not being asked to do that; it is being done voluntarily. Are members in favour of that?

Mrs Long:

I favour the Committee issuing a call for responses and, in light of those responses, making a decision on how quickly it can deal with the Bill. It is difficult to make a decision at this stage because if three or four responses are received, the Committee must review them, have a discussion and reach a decision. If there are 50 or 60 responses, a potentially different timescale is required to gather evidence and properly consider all those responses. Now is probably not the right time to decide on the timescale.

Once we have received those public responses we should decide on how quickly we can do the work. I do not favour unreasonably prolonging that work, nor do I support making it a rush job. I want it done properly, with proper consideration. If we can do that quickly, all the better;

that is efficient. If we cannot, we must take a bit more time.

The Chairperson:

Is that a proposal?

Mrs Long:

Yes.

The Chairperson:

Will a member second that proposal?

Mr Elliott:

For clarification, how long will there be between the notice appearing in the newspaper and the deadline for responses? What is that timescale?

The Chairperson:

Will the Committee allow one week or two?

The Committee Clerk:

Two weeks. In summary, the Bill will be introduced to the Assembly at First Stage on Monday next: 14 September. The press office should be able to get the notice in the newspapers by Friday 18 September. A closing date for responses two weeks later will mean that the Committee receives them by close of play on 2 October. Members' packs may have to be sent out later than usual. If the deadline is 5.00 pm, we may send packs out electronically on Monday rather than Friday, having made sure that we had received all the responses. Members would then have all of the submissions for the Committee meeting on 7 October.

The Chairperson:

What will happen at that point?

The Committee Clerk:

Members then consider the submissions and reach a decision.

The Chairperson:

Will there still be the facility to extend the timescale?

The Committee Clerk:

Yes.

Mr Elliott:

How long does that facility extend?

The Committee Clerk:

It runs until the Committee agrees to and signs off on a motion at a Committee meeting. That motion must be signed by the Chairperson, then passed to the Business Committee for inclusion on an Order Paper.

Mr Spratt:

That can be done quickly enough.

The Committee Clerk:

I am sure that it can be done in time for the following week.

Mr Elliott:

Is there no time limit on that?

The Committee Clerk:

The time limit is 30 days. We have until 10 November, but I advise making any request for extension at least a couple of weeks before that because of the process of getting the motion agreed and signed by the Committee, then passed to the Business Committee.

Mr Spratt:

I second Mrs Long's proposal.

The Chairperson:

Is there some flexibility within that timescale to allow reasonable time to do that, if necessary?

The Committee Clerk:

Yes, from 7 October there is still some flexibility.

Mr Attwood:

That more accurately reflects what I was thinking.

The Committee Clerk:

Therefore, the proposal is that the public notice, provided that the press office can do it, will issue next week and will, hopefully, be in the newspapers by Friday 18 September, with a two-week closing date for the receipt of submissions. Therefore, the submissions have to be received by 5.00 pm on Friday 2 October, and then the Committee will consider those submissions on Wednesday 7 October.

Question put and agreed to.

The Chairperson:

Does any member wish to indicate an abstention?

Mr Elliott:

I abstain.

The Chairperson:

I abstain.

The Committee Clerk:

Members must now decide whether they agree the draft public notice contained in their papers.

The Chairperson:

That is the advertisement on behalf of the Committee. The dates will be inserted. Are members content with that?

Members indicated assent.