
NORTHERN IRELAND ASSEMBLY

Monday 23 November 2009

The Assembly met at 12.00 noon (Mr Deputy Speaker [Mr Dallat] in the Chair).

Members observed two minutes' silence.

MATTERS OF THE DAY

Dissident Republican Attacks

Mr Deputy Speaker: The Speaker has received notice from representatives from a number of parties seeking leave to make a statement on a matter that fulfils the criteria set out in Standing Order 24. I will call Mrs Arlene Foster to speak first on the subject. I will then call each of the other parties in order. There will be no opportunity for intervention, for questions or for a vote on the matter. I will not take any points of order until the item of business has been concluded. If that is clear, we shall proceed.

Mrs Foster: I contacted the Speaker's Office this morning about the incident that took place in Garrison in my constituency at the weekend. However, the Speaker wants Members to speak about all the incidents at the weekend, and I will do so.

The incident in Belfast was an attack on the very heart of democracy. It was an attack on the accountability body, the Policing Board, and it should be seen as such. Undoubtedly, those who planted the bomb wanted it to be seen as such. I utterly condemn that bomb attack, as I utterly condemn the attempt on the life of a young police recruit in Garrison, County Fermanagh, who has answered the call of duty to serve his community in Northern Ireland and who stands in stark contrast to those who sought to end his life on Saturday evening.

I congratulate the Police Service on its work in thwarting that attack. It has shown its service, dedication and commitment to the community that it serves in Northern Ireland, and it stands in stark contrast to those who had murder in their hearts at the weekend.

A strong and united message must come from the Assembly today. At the weekend, my party leader said that there can be no going back. Indeed, there can be no going back. We need to move forward into a confident Northern Ireland, a Northern Ireland that is

normal and has confidence in moving forward. Strong political leadership from the House and, indeed, outside the House is needed. I trust that others will give that strong political leadership, as we will today.

Ms Gildernew: Go raibh maith agat, a LeasCheann Comhairle. I condemn the attacks that took place over the weekend in my constituency of Fermanagh and South Tyrone and in Belfast. Those carrying out such attacks are doing so against the expressed wishes of the Irish people and are seeking to wreck the advances of the peace and political process.

The attack on the Policing Board was a reckless attack: a no-warning bomb in an area containing both social and private homes as well as office buildings and bars. It was a clear attack on the accountability mechanisms in the policing structures and on our community, which elects its representatives to the Policing Board in order to hold the PSNI to account at the highest levels.

The attack on a young officer in Garrison was equally reckless and futile. Let me make it clear: anyone with information about that should bring it forward. Today in the Chamber we need to provide more than ritual condemnation. We need to show our people the political leadership that is necessary to steer us through the remainder of the process.

On the one hand, there are the opponents of peace who carried out the attacks over the weekend and, on the other, there is the TUV. Both are united in their attempts to bring our community back to where it has clearly said it does not wish to go. Members have the opportunity today to show the leadership that is necessary to get the job done and to bring the powers on policing and justice to locally elected and accountable representatives here in the North. All the parties in the House agree that that is what needs to happen. The PSNI, the Police Federation, the Policing Board and the judiciary all agree that the transfer of policing and justice powers should happen, so we need to get the job done and make sure that it happens.

Some people may seek to turn today's debate on such a very important issue into a squabbling session. To them I say that this is bigger than petty party politics, and the events of the weekend have shown us why. There is an obligation on all parties to complete the process. I reiterate our party's position that those events must be condemned, and I call on all of us to play our part in showing the leadership required to move us all to where we need to be.

Sir Reg Empey: Members will be aware that the Chief Constable and, in a recent report, the International Monitoring Commission (IMC) indicated that the level of threat to our community had risen to the highest it has been for a long time. It is perfectly clear that there is a strain of republicanism that remains addicted to

physical force. That was demonstrated at the weekend. It is only by the grace of God that we are not here this morning condemning a number of fatalities, which could easily have occurred as a result of either attack.

I do not believe that this morning is the correct time to get into the detail of the devolution of policing and justice, save to say that the challenge that has been thrown down to the whole community and this House in particular can only be addressed if the parties in the House discuss it, which we have not done. There is a need for that discussion to take place, and I hope that will happen.

When we were last challenged, with the murders that took place in February, this House was shown at its best. Today, I hope that we can give a similar united response to the challenge that has been made, not only to the House but to the democratic process. Those terrorists are trying to pursue their objectives by other means: physical force and murder. It was not very long ago that we were discussing an attack in my constituency in which a relative of a police officer was blown up in a car. When we also consider the attack in Armagh and the finding of a horizontal mortar, it is perfectly clear that people have a capability. We cannot sweep it under the carpet any more. It requires a united response from this House, and that response will be best achieved if there is proper discussion among the parties on the way ahead. Until that happens, the vacuum that the terrorists are exploiting at the moment will remain.

Mr Durkan: I join other Members in recording the Assembly's total condemnation of the violence and attempted violence of the past weekend. As others have said, the serious bomb attempt at the Policing Board headquarters was aimed at the heart of the democratic ethos that is part of the new policing dispensation. In Garrison, County Fermanagh, a deadly attempt was made on a young police officer, which, thankfully, was thwarted.

The weekend's attacks were not the first to be attempted by those who were involved. We know that they have been widening their threat, intimidation and rate of attack on people in every part of this region. They have attacked not only police officers but policing families and, indeed, the wider policing family. That has been shown through the threats not only to police officers but to many other people who play a positive role in policing and by the attack on the Policing Board headquarters.

The Assembly must send out a clear message to all who provide strong policing services that they have our total support as they face the challenge of those threats. We must also communicate that strong resolve to all members of policing families who feel vulnerable and under threat. We must take the threat from those groups seriously, and the challenge is to

ensure that those groups take our resolve seriously not to be thwarted or to turn the clock back in any way.

We must send out a strong united message of condemnation and deepen our commitment to ensure that any future such efforts by those people will not only be met with the sort of statements that have been heard in the Chamber today but will be dealt with by statements from our own devolved justice Minister. That would allow us to show, in the fullest sense possible, that all of us, as democrats, are part of the policing family. The Police Service and its accountability arrangements are part of the democratic dispensation here.

We need to send out a clear message to those people that what they attempted to do at the weekend was defeated and that anything that they attempt to do over the coming months and years will not succeed either. Our resolve is much greater than their malice.

Mrs Long: I associate myself with the words that have already been spoken by other Members today. Three incidents took place: the attempted murder of a police officer in Garrison; the attempted bombing of the Policing Board headquarters in Belfast; and the chaos that has been brought to Armagh this morning by a serious security incident there.

Reports on the radio in the past 24 hours resonated with media reports from the darkest days of the Troubles. It is difficult to find words that are adequate to condemn the actions of people who, in such a reckless fashion, would undertake not only to take the lives of specific individuals but to rob people of their peace of mind and communities of their freedom of thought and movement. That must be condemned by all Members.

An attack on a police officer is not only an attack on an individual and his or her family but an attack on the community that that individual serves. Police officers go out daily and provide a service to the community, and, when they are under attack, the community that they serve is also under attack. I pay tribute to the work of the Police Service not only in thwarting the Garrison attack but in the courageous work that it does daily, despite the level of threat that it is under. It is owed our utmost respect and support for its work.

12.15 pm

The attack on the Policing Board headquarters is an attack on the community, but it is more than that: it is an attack on the progress that we as a community have made. It is also an attack on the democratic structures that have been put in place to ensure that the communities that we represent get the efficient and effective policing service to which they are entitled. No one has the right to rob people of that service, and it is despicable to take a bomb of that size into the middle of a busy city, into a residential area and into

an area that contributes massively to our economy. It is reprehensible to be so destructive. I also condemn the serious threats that caused massive disruption and chaos in Armagh city.

Although news reports over the past 24 hours may have been reminiscent of bleak times in the past, the context in which we now speak is not the same, because we now have political institutions and a degree of progress that were not present then. The context has changed, and the fact that some people seem incapable of comprehending that is their loss.

It is important that we politicians move forward together with a strong, united voice to support the Police Service in its work, to support communities in the work that they do to support the police and to ensure that there is nowhere to hide for those who were involved in those attacks.

Ms Purvis: I join other Members in condemning the attacks. There is not a great deal more that I can add, other than to reiterate that all such attacks are on the structures of peace and democracy. I have some concerns, however, that raising these matters elevates those who carried out the attacks and their warped sense of their own importance, although that is not to play down their actions or the threat that they pose. Their ideology, like their methods, pre-dates the 1970s, and we are not going back there. We will do that by ensuring that the Assembly works and that political stability is the way forward for Northern Ireland. I praise the Police Service for its actions. Intelligence-led policing is the way to defeat those people, and, along with other Members, I call on the public to assist the police in pursuing them.

EXECUTIVE COMMITTEE BUSINESS

Suspension of Standing Orders

The First Minister (Mr P Robinson): I beg to move

That Standing Orders 10(2) to 10(4) be suspended for 23 November 2009.

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 Standing Orders 10(2) to 10(4) be suspended for 23 November 2009.

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

Goods Vehicles (Licensing of Operators) Bill

Further Consideration Stage

Mr Deputy Speaker: I remind Members that, under Standing Order 37(2), the Further Consideration Stage of a Bill is restricted to debate on any further amendments to the Bill that have been tabled. No amendments have been tabled, so there is no opportunity to discuss the Goods Vehicles (Licensing of Operators) Bill today. Members will, of course, be able to have a full debate at Final Stage. The Further Consideration Stage of the Bill is, therefore, concluded. The Bill stands referred to the Speaker.

Department of Justice Bill

Further Consideration Stage

Mr Deputy Speaker: Members have a copy of the Marshalled List of amendments, which details the order for consideration. Two amendments have been grouped together for debate, as set out in my provisional grouping of amendments list. There will, therefore, be one debate. Amendment Nos 1 and 2 will be debated together and voted upon separately. Members should note that, as it is Further Consideration Stage, the Assembly will not debate the Bill's clauses, schedule or general principles. Remarks should be confined to the text of the amendments alone.

Amendment Nos 1 and 2 deal with the creation of reporting obligations. They would require the First Minister and the deputy First Minister to report to the Assembly on a range of matters on the day of commencement of the Act.

New Clause

Mr Attwood: I beg to move amendment No 1: After clause 2, insert the following new clause:

“Duty of First Minister and deputy First Minister to report on certain matters

2A. The First Minister and deputy First Minister acting jointly shall make a report orally and in writing to the Assembly on the day of commencement of sections 1 and 2 of the Act, explaining the provisions of protocols and concordats on —

- (a) national security;
- (b) the work of the Serious Organised Crime Agency;
- (c) the independence of the Judiciary;
- (d) the independence of the Public Prosecution Service

and the consequences of the provisions on the exercise of the functions that the Department of Justice is to exercise.”

The following amendment stood on the Marshalled List:

No 2: After clause 2, insert the following new clause:

“Duty of First Minister and deputy First Minister to report on co-operation on criminal justice

2B. The First Minister and deputy First Minister acting jointly shall make a report orally and in writing to the Assembly on the day of commencement of sections 1 and 2 of the Act, explaining the provisions of any arrangements entered into with the Government of Ireland concerning co-operation in criminal justice matters.”

— [Mr Attwood.]

Mr Attwood: I thank the Bill Office, the Business Office and anyone else in the Building who enabled the amendments to be brought to the Floor of the Assembly. I invite other parties to consider supporting them for several reasons. The previous debate at Consideration Stage dealt with the who and when of devolution of justice. The amendments attempt to move discussion on the devolution of justice to a

different place and level. They attempt to address the character and content of devolution of justice, if and when it arises.

Given the events of the past 24 hours and several days, it seems to the SDLP that it would be useful and timely to attempt to reframe part of the discussion of devolution of justice, without prejudice to any party's view on any other matters that have already been discussed. It seems timely and appropriate for Members to apply their minds to a debate on what should or should not happen on the day of devolution and on the day of a justice Minister's appointment.

The amendments seek to address those critical and relevant issues on which the Assembly should receive a report, orally and in writing, from the First Minister and the deputy First Minister on the day of devolution. It is important that the Assembly sends a message to the wider community that the day of devolution is not about the creation of a Department or who may or may not hold the office of justice Minister. It is important that we send a broader message to the community about the character and content of devolution of justice. The amendments touch on some of that, although not exclusively or exhaustively.

Behind the amendments is confirmation that the SDLP, as a political party, has issues and concerns about a range of matters on which those amendments touch. That concern may be shared to a degree by other parties on the Floor of the Chamber. The SDLP's main issue is to ensure that devolution, if and when it happens, will create maximum confidence, reduce any possible exposure and take forward justice issues in a way that best helps the Assembly and the wider community.

The Bill Office will be aware that my party tabled a third amendment that dealt with consequences for the programme of work that would arise from the appointment of a justice Minister and the establishment of a Department of justice. That amendment was ruled to be outside the Assembly's legislative competence. It is, however, my understanding that, in any case, the Northern Ireland Act 2009 includes a requirement for the Assembly to debate any amendment to the Programme for Government that arises from the formation of a justice Department. That debate and any resolution therein will be subject to a cross-community vote. Therefore, I trust that there will be a future opportunity for the Assembly to discuss the wider issues around the devolution of justice, including the content of any Programme for Government.

Mr Deputy Speaker: Order. I remind the Member that he can address only amendment Nos 1 and 2.

Mr Attwood: I will now focus my attention on the amendment requiring the First Minister and deputy First Minister to come to the Floor of the Assembly to

advise orally and in writing of any arrangements put in place in respect of a North/South justice agreement.

There is a justice agreement between the British and Irish Governments that deals with issues of justice co-operation. That agreement addresses issues not only between east and west but between North and South, and it arose from the Good Friday Agreement. It is operational as we speak.

The Assembly has been advised, rightly, through the Assembly and Executive Review Committee, that on the day of devolution the British-Irish justice agreement will be amended to take into account the change in circumstances that will arise when justice and policing powers are transferred to the Northern Ireland Assembly. The amendments will involve the elements of co-operation that are properly within the competence of the Executive on the one hand and the Government of Ireland on the other. There is no dispute about that and nor should there be. The British-Irish justice agreement deals with, among other things, advisory projects in respect of forensic science; public protection; registered offenders; support of victims; and youth justice. Given the nature and character of those areas of work, there are good reasons why, the day after the devolution of justice, there should be a justice co-operation agreement between the Executive and the Government of Ireland in relation to matters that fall within their competence and jurisdiction.

On the day of devolution, it will be important and healthy for the character and purpose of justice that the First Minister and deputy First Minister come to the Assembly and report on the terms of the agreement that will exist at that time, its impact on the lives of the people of this island and how public protection is enhanced because of that agreement. That will create certainty about the issues that have been taken forward between the British and Irish Governments since the Good Friday Agreement and the matters that need to be taken forward in the future between the Government in the North and the Government in Dublin.

The SDLP has a view about taking forward further areas of justice co-operation, including a proposal to create a justice sector within the North/South Ministerial Council. There will be adequate time, especially in the debate next week, for the Assembly to consider the potential of a proposal to create such a sector. However, I remind Members that, last week, Robin Newton, acting on behalf of the First Minister and deputy First Minister, gave an extensive report in respect of a meeting of the British-Irish Council that touched on a number of areas of justice and concerns about justice, and we feel that there are good grounds and evidence for the issue around a wider North/South dimension on justice to be taken forward in the fullness of time.

That is the height of the amendment in respect of a report from the First Minister and deputy First Minister on the justice co-operation agreement that may exist at the point of devolution. It is to confirm its nature and its consequences for the operations of the Northern Ireland Assembly and to deepen confidence that the respective Ministers and Administrations will attend to matters that are referred to.

12.30 pm

Mr Paisley Jnr: The Member says that he wants a report on the changed circumstances that will arise on the day of the devolution of policing and justice. Does he accept that, on that day, nothing will have changed in national security relationships, or does he believe that that relationship has changed? If I read proposed new clause 2A properly, he may believe that that relationship has changed.

Mr Attwood: I thank the Member for his intervention, and I will address that matter when I talk about amendment No 1. If he is suggesting that, on the day of devolution, nothing will change in respect of North/South justice co-operation, I can confirm that that is the case. I may wish it were different, and the SDLP may have aspirations for something bigger and greater than that which exists at present, but on the day of devolution, as far as North/South justice co-operation is concerned, that which is within the current British-Irish Agreement and which falls to the respective jurisdictions in Dublin and Belfast is all that will be in place on that day. However, I hope that, shortly thereafter, we may have the opportunity to make proposals and expand areas of co-operation on justice to benefit citizens, North and South.

Mr Paisley Jnr: I do not understand where the Member stands on the matter. Will he confirm that, when he talks of national security, he means UK national security issues? He may be talking about something else.

Mr Attwood: Again, I thank the Member for his intervention. I reassure him that when I come to discuss amendment No 1, which touches on issues of national security as opposed to justice issues on the island of Ireland governed by a North/South justice agreement, I will attend to all those matters. If it is helpful to the Member, I will take further interventions at that time.

I turn to amendment No 1, which covers an area of broad interest to the SDLP and, I trust, to Committee members. It calls on the First Minister and the deputy First Minister to provide a report, orally and in writing, on a number of matters that will have relevance at the point of devolution of justice and thereafter. Four areas are named in the amendment, which are to be governed by concordats and protocols that are being prepared by the British Government in consultation with the Office

of the First Minister and deputy First Minister. I will explain why it is important that, in each case, those matters are brought to the Assembly's attention by way of a report.

I wish to provide a little background. On 23 September 2008, the Assembly endorsed a motion to refer certain matters to the Assembly and Executive Review Committee, and, in doing so, placed on that Committee a requirement to have:

“consideration of any other matter relating to the devolution of policing and justice matters.” — [*Official Report, Bound Volume 33, p144, col 2*].

In January 2009, the Assembly accepted that Committee's first report on the arrangements for the devolution of policing and justice matters, and the Committee then considered 12 further areas, three of which touch on the protocols and concordats referred to in the amendment. On many occasions during the course of its work, the Committee has been in contact with the British Government in respect of those concordats and protocols. Over and above the wider relevance and significance of those concordats and protocols, that is one reason why the SDLP has decided to table this amendment. There has never been any dissent in the Committee from the idea that those matters should be raised with the British Government. The Committee has made many attempts to extract those protocols and concordats from the British Government, but, to date, it has not been successful.

We have a situation in which it has been agreed that there will be a number of concordats and protocols governing relevant matters such as the independence of the Public Prosecution Service (PPS) and the judiciary, the work of the Serious Organised Crime Agency (SOCA), and issues of national security, to which Mr Paisley Jnr referred.

The British Government said that documents are being prepared on those matters and that those should be shared with the Assembly and Executive Review Committee as well as the Office of the First Minister and deputy First Minister (OFMDFM). Members of that Committee know that a series of letters have been sent to the Northern Ireland Office and the Secretary of State since February requesting sight of those documents, and that, to date, the Committee has not had the benefit of seeing those documents, never mind considering them.

That is despite the Secretary of State saying on a number of occasions that the various documents will be shared with Assembly and Executive Review Committee within weeks. Those are not my words; they are the words of the Secretary of State. Yet, as we approach the end of November, none of the documents has come across —

Mr Paisley Jnr: On a point of order, Mr Deputy Speaker. Although some of us on the Assembly and

Executive Review Committee may be familiar with that issue, is it in order for the Member to try to introduce a debate on his failure to get documents from the Secretary of State, given that the Committee has not yet agreed to that issue being debated in the House? The Member is now moving away, quite dramatically, from the amendments, and he is using this debate as an opportunity to have a completely separate debate on matters that he has failed to achieve a resolution to in Committee. That is wrong, and you, Mr Deputy Speaker, should rule the Member to be out of order.

Mr Deputy Speaker: I remind the Member that he should be addressing amendment Nos 1 and 2.

Mr A Maskey: Further to that point of order, Mr Deputy Speaker. One of the issues of concern is that Mr Attwood is raising matters that are part of an ongoing deliberation in the Assembly and Executive Review Committee. Those are matters for that Committee, and the Member should not be selectively quoting from a deliberation that has not yet concluded.

Mr Deputy Speaker: Those are matters for the Committee to address. We are here to discuss the amendments.

Mr Attwood: I shall certainly comply with that ruling, Mr Deputy Speaker. However, given that we are debating a piece of primary legislation, it is entirely appropriate to have certainty about matters relating to that, regardless of what the Assembly and Executive Review Committee is discussing in its deliberations. I will come to the reasons why it is important to create such certainty shortly.

Given that there is a level of uncertainty on matters arising from the Committee's deliberations, which, for the fullest part, are held in public, are reported by Hansard and by the media, and which members of the public and representatives of the British and Irish Governments attend, I think that it is entirely appropriate and consistent with the nature of this debate to refer to, if not rely on, those matters.

Mr Deputy Speaker: Order. I accept that it is in order for the Member to paint a background to an issue that is relevant to the debate.

Mr Attwood: I appreciate that ruling, Mr Deputy Speaker. I will conclude my remarks on those matters, so that my colleagues on the Assembly and Executive Review Committee do not have further cause to be anxious.

The fact is that seven, eight or nine months after the Committee began asking for those documents, which it did further to a mandate that was given to it by an Assembly resolution, it is still not in a position to comment on them.

It is entirely appropriate to air that on the Floor of the Assembly. It is because of that background and of the wider need to create political certainty that —

Mr Paisley Jnr: On a point of order, Mr Deputy Speaker. I am interested in debating the amendments as they appear on the Marshalled List. The content of the amendments is clear, and in debating them, we will discuss issues of national security, the work of the Serious Organised Crime Agency, the independence of the judiciary, the independence of the Public Prosecution Service, and what will happen on the day that the powers are devolved.

It would be wrong, and be an abuse of our privileges in the House, to debate issues that we are discussing in Committee in confidence. If we do have such a debate, we may as well scrap the Committee. Trying to have such a debate today will do the members of the Committee and the Member no justice whatsoever.

Mr Deputy Speaker, I urge you to turn the Member back to speaking about amendment Nos 1 and 2, which are specific and clear. Those are what we have come to debate.

Mr Deputy Speaker: I have continually asked Mr Attwood to stay on the subject.

Mr Attwood: I have complied consistently with the Deputy Speaker's rulings. I will not pursue the matter, because, for various reasons, at least one Member is unhappy about me doing so. It is entirely appropriate when the Committee —

Mr A Maskey: On a point of order, Mr Deputy Speaker. Thank you for your indulgence. The Member has questioned the ruling that you made just a moment ago. You said that you have repeatedly reminded the Member to stick to the item of business. However, he says that he has been doing that, so he is contradicting you.

Mr Deputy Speaker: That is for me to decide. I have not picked up what you have.

Once again, I remind Mr Attwood that, although he can paint the background to amendment Nos 1 and 2, he must stay on the subject.

Mr Attwood: Thank you for that ruling, Mr Deputy Speaker. I will comply with that ruling, because I have outlined the background for those Members who were not fully aware of it.

I will address the four issues that amendment No 1 would make the First Minister and the deputy First Minister report on to the Assembly at the point of devolution. As Members can see, amendment No 1 calls for an explanation of concordats and protocols that are being prepared on national security, the Serious Organised Crime Agency, the independence of the Public Prosecution Service and the independence of the judiciary.

The matters that are subject to the preparation of concordats and protocols are areas of interface between the devolved and non-devolved aspects of the devolution of justice and between the Assembly and the criminal justice institutions in the North. Therefore, the fact that those concordats are being prepared indicates that they are deemed to be of significance over and above or in parallel to all the other areas of policing and justice that will arise. Those matters are the subject of particular attention and of particular concordats and protocols. For the SDLP, that is a good reason to bring those matters to the Floor at the point of devolution in the form of a report.

In addition to creating certainty on how the matters will be handled, reporting to the Assembly will create confidence, because the protocols address important issues about the character of policing and justice when the powers are devolved. The independence of the Public Prosecution Service and of the judiciary is a fundamental principle. Given that the independence of those bodies is of such importance, and that reporting on the issue can contribute to the creation of certainty and confidence, it should be brought to the Floor of the Assembly for consideration.

12.45 pm

I will deal briefly with the four specific areas, starting with the Serious Organised Crime Agency. Recent comments in the media have suggested that one or other members of a political party want to cross the line of the independence of the Police Service, the operational responsibility of the Chief Constable or the operational responsibility of SOCA. In those circumstances — when people have gone close to a line that is best not crossed — it is important that, when devolution comes, clear lines of demarcation are laid down and understood about the work and role of the Serious Organised Crime Agency. We trust that, although we have not had sight of it yet, that will be the content of the concordat on the Serious Organised Crime Agency, along with any other relevant aspect of its operations in the North after the devolution of justice.

Last week, the House of Commons Home Affairs Committee issued a report that looked, in a preliminary way, at the work of the Serious Organised Crime Agency. It is important that we have sight of that protocol to determine whether it is fit for purpose and rigorous enough in the event of the devolution of justice. As an indicator of that, the House of Commons Committee's report recommended:

“the establishment of some form of police authority for SOCA.”

That gives rise to issues around the accountability of SOCA. Given that SOCA will, in the event of the devolution of justice and policing, be part of the non-devolved side, we want to know the issues of accountability for SOCA and, if appropriate, its

responsibility to liaise with a justice Minister and a justice Committee in the future.

Issues of serious and organised crime are of grave concern to the people of Northern Ireland, not only because of ongoing criminality but because of criminal assets from the past. SOCA has a significant role in the North, which has been apparent in recent days. We should have sight of the protocol, and the First Minister and deputy First Minister should give their view on it to the Assembly at the point of devolution, in order to recognise the importance of the agency and to create certainty and confidence in its work in the North. If gaps need to be filled in and issues of concern need to be worked further, consistent with the House of Commons Select Committee's report last week, those matters should be attended to.

However, first base is to gain knowledge of the document. The First Minister and the deputy First Minister should come to the Floor of the Assembly to give the Assembly and the wider public insight into the work of SOCA in the North and to create confidence in it.

Mr Paisley Jnr: I am not aware of whether there is a document on the SOCA relationship. The Member thinks that there is; he has yet to prove that. In the past, the Member, who is also a member of the Northern Ireland Policing Board, has sat with me on a panel and met SOCA to discuss important matters. There is a level of accountability that falls within the standards that even the Member accepts are sovereign matters for the United Kingdom Government. Is the Member suggesting that, as well as the Policing Board and the special accountability mechanism that it has with SOCA, we need another board to hold SOCA to account?

Mt Attwood: The Member is absolutely correct. SOCA has at times, including recently, provided briefings to the Policing Board in confidence. As I understand — and as I am sure that Mr Paisley Jnr understands — the relationship between SOCA and the Policing Board may deepen in the future. However, that is not the only place where SOCA has a responsibility to share relevant information with political representatives and other representatives in the North.

The mere fact that the British Government have agreed that there is a need for a concordat and a protocol governing the work of SOCA in the event of the devolution of justice powers is proof that they recognise the need for a relationship between SOCA and the justice Minister. Indeed, in correspondence to the Assembly and Executive Review Committee — without breaching the confidence of that correspondence — the Secretary of State has indicated the terms under which information might be shared with the justice Minister. He has gone even further by saying that it might be for the justice Minister to

decide whether any such information is to be shared with the justice Committee.

I disagree with the Member if he is saying that SOCA or some other agency is neither obliged nor required to share information with the justice Minister or even the justice Committee, and I am not alone in that. The Secretary of State has accepted that principle, which suggests that there are good grounds for so doing.

The Member's final point concerned SOCA's overall accountability. Again, I refer to what the House of Commons Home Affairs Committee said. Based on the experience of the past 18 months, during which SOCA's role was broadened, its having taken over the responsibilities of the Assets Recovery Agency here and in Britain, the Home Affairs Committee concluded that the accountability of SOCA is something that should be looked into. It did not go into any great detail but merely established the principle of some form of accountability for the overall work of SOCA, which, it described, would take the form of a police authority.

I tend to agree with that. I will not push that point today, but I am pushing the point that although SOCA has a relationship with the Policing Board and the PSNI, it must also have a relationship with the justice Minister. That is the purpose of amendment No 1, which deals with the content of a proposed protocol's being drafted by the British Government about what the relationship will be and what will be shared, and how and when it will be shared, with the future justice Minister. All of that is sensible and forms the minimum requirements for democracy to work effectively in the North.

I will now speak about the issues surrounding the independence of the Public Prosecution Service and the judiciary. At this stage, we have not had the benefit of seeing what those protocols and concordats might entail. I understand that they may be modelled on similar protocols and concordats that exist for the devolved Administrations in Scotland and Wales, but we do not know that for certain, because we have not had sight of the documents to date.

I do not deny that there is a need to assert the independence of the Public Prosecution Service and the judiciary. The prosecution decisions that the Public Prosecution Service makes and the penalties that the judiciary imposes after prosecution are based on important principles. As I said earlier, there have been indications that one or two Members see a blurring of the lines around some of those issues. The SDLP does not, and just as we accept the operational responsibility of the Chief Constable on policing matters, we accept that it is the responsibility of the Public Prosecution Service and the judiciary to make prosecution decisions and impose sentences. Nobody should doubt any of that.

It is important to see those documents in order to confirm the precise nature of what is being proposed for the protocols that govern the independence of the Public Prosecution Service and the judiciary. It is important to ensure that those protocols do not create an imbalance between the appropriate input of a legislature and others into the work of the Public Prosecution Service and the business of the judiciary.

I will give two brief examples of that. The SDLP believes that it is not inconsistent with the independence of the judiciary for Northern Ireland to have, as is the case in England, a sentencing guidelines council, whereby appropriately qualified people examine sentencing guidelines and give their views. The SDLP is anxious to ensure that, consistent with a protocol — as outlined in amendment No 1 — for the independence of the judiciary, any future wish of the Assembly to have appropriate input into the thinking of the judiciary by way of, for example, an appropriately established and representative sentencing guidelines council is not foreclosed or frustrated.

Without rehearsing any particular public prosecutions, we are all aware of some high-profile instances, even a pattern of instances, where issues have been raised about how the Public Prosecution Service has reached decisions on prosecutions and on the withdrawal or reduction of charges.

We are anxious to ensure that, consistent with a protocol governing the independence of the service, which we have yet to see, the Assembly, the Minister or the Committee are not foreclosed from having appropriate input into the governance and management of the Public Prosecution Service and on relevant issues of public concern. Amendment No 1 would help to ensure that. It would enable the Assembly to know the principles behind the independence of the prosecution service and to consider how it would progress a prosecution policy or strategy. We do not believe that the amendment is a threat to anybody. It is a mechanism to protect the public good and to fulfil our political obligation with respect to the public interest.

The fourth element of amendment No 1 relates to the protocol governing national security. I anticipate some interventions from colleagues on the other side of the Chamber. Members are fully aware of the issues that the SDLP has raised around national security being handed to MI5 and the relevant safeguards and protections. As with the other concordats and protocols, it is important that we know what that protocol will say, how it will be managed, how it will operate and what the appropriate role for a justice Minister will be.

Whatever our view on MI5 and national security, there have been recent cases in the North where the role of MI5 has raised concern. For example, senior

police officers from the RUC have said that strategic intelligence direction in the years of the conflict was set by Whitehall and MI5, not by the RUC. We do not know the truth of that, but it indicates that MI5's historical influence in the North and the question of whether it set overall strategic intelligence requirements need to be considered.

The recent prosecution of an individual in north Belfast, who is alleged to have been involved in a number of murders, has brought to light details about payments made in respect of that individual that, although approved by the police, were issued by MI5. The ongoing House of Commons investigation into the Omagh bombing has highlighted questions around how intelligence was managed and shared at critical times. The recent conduct of MI5 in the North has given rise to public concern and debate. In the SDLP's view, those concerns have proven to be substantial.

The way in which the interface between the justice Minister and the national security agency is managed will be critical.

Amendment No 1 does not suggest that the Assembly, the Committee, the Policing Board or a justice Minister can cross lines in respect of national security and the primacy of national security intelligence. Amendment No 1 says that the protocols and concordats, which I and others have yet to see, will, presumably, define and manage the relationship between the Security Service and a justice Minister as regards what will be shared, how it will be shared and when it will be shared. It is an attempt to create certainty around that relationship without prejudicing the SDLP's concerns about how primacy for national security has passed to MI5 and about annex E of the St Andrews Agreement.

1.00 pm

As I said at the commencement of my speech, the amendments are an attempt to reframe the debate on the devolution of justice and move it beyond where it has been in recent times. We would have liked the Assembly and the Assembly and Executive Review Committee to have explored and probed many other issues, and the amendments are of a minimum nature. In amendment No 1, we are, essentially, stating that it would be timely, appropriate, necessary and balanced for the First Minister and deputy First Minister to report on certain matters at the point of devolution of justice and policing, when a Minister is in place, given all the turbulence, toing and froing and difficulties that there have been in past, and more recent, negotiations regarding the nature and timing of the devolution of justice.

Amendment No 2 suggests that the First Minister and deputy First Minister should report on the nature of the arrangements that will be in place to continue

the North/South justice agreement in respect of matters that fall under the competence of Dublin and Belfast. The First Minister and deputy First Minister should report on how the protocols and concordats, the preparation of which indicates their importance, will affect national security, SOCA and the independence of the judiciary and the Public Prosecution Service.

Dr Farry: The Member argues that he wants those statements to be made at the point of devolution of policing and justice, but the amendments refer to the commencement of the Act. The Act in itself will not bring about the devolution of policing and justice. It will simply create the Department of justice and put in place the necessary measures for the appointment of a Minister of justice. What guarantee is there that the concordats will be in place on the commencement of the Act and that we will get the reports that the Member seeks?

Mr Attwood: I anticipated that someone would raise that matter sooner or later. The wording of the amendments could have been a little bit more precise, but they have, nonetheless, been deemed competent by the relevant authorities. We are quite clear that there should be a report to the Assembly at the time that a Minister is appointed and a Department is created, which sections 1 and 2 of the Act will legislate for.

The protocols and concordats have long been ready. In the run-up to May 2008, officials advised the relevant Assembly Committee that the British Government would be in a position to devolve justice and policing by May 2008. I suggest to the Member that if, in the run-up to May 2008, British Government officials were saying that the British Government were ready for the devolution of justice and policing, it follows that they would also have been in a position to confirm the nature of the various protocols and concordats at that time. It is regrettable that, 18 months later, the Assembly and its relevant Committee is still not aware of the nature of those protocols and concordats. It is quite clear that matters on the British side are all but concluded if, indeed, not concluded already.

That is my final point. The Committee has had discussions about all those matters, but we have not been able to move the issue over the line. I trust that the Committee will conclude and attend to the matters in question, subject to the British Government's input to and participation in sharing them. Independent of that, however, the issues have their own relevance, authority and standing. At the point of the creation of the Ministry and the appointment of the Minister, it seems entirely appropriate and reasonable, but not threatening, to ask all Members and parties to endorse the provisions that amendment Nos 1 and 2 propose. Therefore, amendment Nos 1 and 2 should be endorsed.

Mr Moutray: I welcome the opportunity to speak in the Further Consideration Stage debate of the Department of Justice Bill. This is an important issue, and, therefore, I welcome this Stage. I intend to keep my remarks brief, owing to the fact that the Bill has been debated previously at great length. I am satisfied with its current content. However, I state my opposition to both amendments.

Amendment No 1 notes the duty on the First Minister and deputy First Minister to report on certain matters both orally and in writing. The amendment is uncalled for and most unnecessary, because it would double the mechanisms that are in place already in the form of the Assembly and Executive Review Committee and the Executive. Mr Attwood and his colleagues will know that Westminster and the Executive have agreed that a number of documents need agreement in areas such as the Public Prosecution Service, the independence of the judiciary, and the interface between the devolved policing responsibilities and national security. That process has commenced already, and the Assembly and Executive Review Committee has been involved in requesting that information from the Secretary of State.

Ultimately, the Assembly and Executive Review Committee will be best placed to consider and judge the implications that the provisions of protocols and concordats will have on all those areas. I oppose the amendment simply because the proposed mechanism exists already in the Assembly and Executive Review Committee for Assembly scrutiny and for the preparation of those documents. The Assembly and Executive Review Committee has requested the relevant information already.

Likewise, I oppose amendment No 2. It covers an issue that the Assembly and Executive Review Committee considered previously. In fact, a report that was published in March 2008 recommended that the Northern Ireland Office and the Office of the First Minister and deputy First Minister should take forward work to ensure that the current agreements will remain in place at the point of devolution and that they should be reviewed by the Department and the Statutory Committee.

Members will be aware that there are a number of agreements dealing with crime between the PSNI and the Garda Síochána. For example, such an agreement was demonstrated at the weekend following the attempt on the life of the officer in Fermanagh.

Additionally, I welcome east-west arrangements between the jurisdictions in the United Kingdom and the Republic of Ireland, particularly those that deal with the exchange of information about sex offenders. That is a very important agreement.

I accept that the agreement on criminal justice co-operation between the Northern Ireland Office and the Irish Department of Justice, Equality and Law Reform will ultimately need to be amended. However, it is clear that those relationships will remain unaffected in the interim. Indeed, the approach to cross-border criminal justice co-operation will very much be an issue for the new justice Minister when devolution occurs.

In conclusion, the Members who tabled the amendments will know that the First Minister and deputy First Minister have been, and continue to be, very vocal. In fact, they attended the Assembly and Executive Review Committee twice to answer questions, and they briefed the House in detail more than once. This issue will not be, and has not been, a closed book, and Members well know that. I believe that both the First Minister and deputy First Minister have no problem with reporting on certain matters. Therefore, both amendments are unnecessary because the mechanisms that they propose to introduce are in place already.

There has been a great deal of scrutiny of this process already, and, should devolution happen, there will be much more at every stage. Furthermore, the Minister's appointment will be discussed on the Floor of the House, and the Minister will be answerable to the House. I support the Bill and oppose amendment Nos 1 and 2.

Mr A Maskey: Go raibh maith agat, a LeasCheann Comhairle. On behalf of Sinn Féin, I oppose both amendments, and I commend the Bill as tabled. I do not intend to engage in the sham debate that the Member's amendments have triggered, because, no later than a week ago, we had a lengthy debate on the matter, and I am not sure how much we were illuminated by it. That time could have been usefully spent doing many other things. However, individuals and parties felt that it was more important to grandstand and score political points in order, perhaps, to make themselves more relevant than they would otherwise be. I say that advisedly, because —

Mrs D Kelly: Will the Member give way?

Mr A Maskey: Not at the moment. Given that Standing Orders have been suspended, the Member will have plenty of hours in which to make her points.

The Bill has been subjected to substantial and ongoing debate on the airwaves, in the Assembly and Executive Review Committee and, not least, in the Chamber. Although the matters that are referred to in the amendments are important in their own right, it is interesting that the proposer has acknowledged a number of them. In the Member's terminology, he trusts that the appropriate concordats will be arrived at and tabled. In fact, he understands that a lot of that

process is already well under way. For example, referring to amendment No 2, he said that he has no doubt and has been assured that provisions will be made to ensure that there will be no gap between the current situation and what will be in place when powers are transferred.

The Member accepts, and he has been given assurances in the Assembly and Executive Review Committee and elsewhere, that provisions will be in place at the appropriate time. Nevertheless, just to make sure, next week there will be a further debate on the justice sector. That is fine; however, to make extra sure that there is yet another opportunity to raise the subject, the Member's colleague Mr Durkan has tabled question 12 for oral answer this afternoon. We have had and will have plenty of opportunities in the House and elsewhere to raise those issues.

To some extent, every matter in the amendments is important. Commentators have made great play of operational independence, and we have said repeatedly that the devolution of policing and justice powers into the hands of locally elected representatives will be underpinned by two important pillars: on the one hand, accountability, and how that is defined and, on the other, the appropriate operational independence of every aspect of the criminal justice system, whether in respect of the PSNI, the judiciary or the Public Prosecution Service. The transfer of powers will be underpinned by these very necessary components: accountability and necessary and appropriate operational independence.

Of course, from time to time, we will all disagree about one or two issues and definitions. For example, the Member's party colleagues on the Policing Board argued that the deployment of Tasers is not an operational issue. I share that view, and Sinn Féin made the same argument. Nevertheless, there was public debate within the Policing Board. Some members disputed whether their deployment was a policy issue and others said that it was an operational decision for the Chief Constable. Those of us, including the SDLP, who argued that the deployment of Tasers was a policy matter, and a very important one at that, lost the argument, so their deployment is now an operationally independent decision for the PSNI. Of course, the PSNI's role in the matter will, appropriately, be held to account by the Policing Board, and I expect it to do that robustly. We know that a number of weapons and Tasers have been fired, and such incidents will be dealt with in due course by the Policing Board working within its statutory remit.

1.15 pm

The Bill is enabling legislation, and none of the amendments that were proposed today will accelerate the discussions that are under way among both

Governments, the Assembly and Executive Review Committee, OFMDFM, the DUP, Sinn Féin and others. None of the amendments is necessary to provide the enabling legislation. The amendments do not impact on that one iota nor will they accelerate the ongoing discussions and deliberations, which may or may not be regrettable. The Member who proposed the amendments acknowledged that a range of discussions about the matters that are referred to in both amendments are under way already and that they will all be in place. Therefore, I fail to see why the amendments are needed, when the Member who proposed them said that he understands that those things will happen but wants to know the precise detail.

At least one of the examples that the Member referred to when talking about amendment No 2 is flawed. The Member said that we need to have discussion or some clarity on a sentencing framework. The Members who want to see the transfer of powers and, I suspect, a lot of people in the community, want to debate the type of sentencing framework that is considered appropriate for repeat offenders or particular types of crime. However, we do not want those matters to be dealt with by way of a joint statement from the First Minister and deputy First Minister, both of whom I respect highly. We want to have such debates in the context of the transfer of powers having been delivered to a Department that is held by a Minister who will be held to account by a justice Committee. It is appropriate that that is where considered and informed debates will be had on all important wider criminal justice issues. Therefore, for someone to argue that we need all this to happen but then to say that we want a tablet of stone to be handed down by the First Minister and deputy First Minister is fundamentally flawed. That is one reason why we will reject that particular amendment.

The Member who proposed the amendments started off by saying that he wanted to paint a particular backdrop, and he went the long way round the houses to do so, making a number of totally disconnected political observations and platform pieces away from the particular amendments and repeating and rehearsing some of the arguments that he made elsewhere and continues to try to bring into this debate. Today, we want to focus on the processing and progress of the legislation, which will be a very important piece of enabling legislation. The amendments add absolutely nothing to it. Most of the matters referred to by the Member are for wider political debate in the longer term; they are certainly beyond the establishment of the Department, which is the point at which more considered and informed debate can be had.

About an hour ago, various Members commented on the weekend's events. For Sinn Féin and me, that is the important backdrop, which is why I do not

intend to grace this debate any further. The important backdrop is that the Member's party colleague, outgoing leader Mark Durkan, made the point in his commentary that we want to see, sooner rather than later, "our own justice Minister" in place so that we can send a clear message to the rejectionists. The real and only important backdrop this afternoon is the fact that Members addressed the issues of the weekend, and those issues are on two fronts.

First, a number of people in the TUV and, unfortunately, in other parties are rejectionists. I have heard some of them referred to as cavemen. Certainly, those people are rejectionist and want the institutions to collapse around our feet.

On the other hand, there are people who are almost the mirror image. They want the institutions, which people voted for in big numbers, to collapse around us, and they want to bring us back to a position, to which, as my colleague Michelle Gildernew said, people do not want to return. The Member who proposed the amendments said that it is important to send out a message about having a justice Minister in place. However, he and his party leader have come here and, in gilded words, at every opportunity —

Mr Deputy Speaker: Order: you are well off the subject.

Mr A Maskey: I am taking a certain similar latitude —

Mr Deputy Speaker: I have given you a lot of latitude.

Mr A Maskey: I am concluding. Thank you for your guidance and direction, Mr Deputy Speaker. The tabling of the amendments, when joined with the comments that the SDLP leader made less than a hour ago, show that the SDLP is telling the people that it is not serious about delivering on what it says that it wants to see delivered: a justice Bill, and a Department of justice that will be in the hands of locally elected people. The SDLP's behaviour in this matter is nothing short of disgraceful; it is completely and utterly against any notion of the provision of political leadership.

Yet again, the public will hear an attempt by a party to introduce spurious arguments to make itself sound relevant or concerned about some of these matters. It is disgraceful that there is a likelihood that, once again, we will be treated to hearing people say that we need to get the job done and that we need to send out a clear message. However, what do they want to do here? They want to twiddle their thumbs, and they want everyone else to do likewise. To do so against a backdrop of rejectionism is shameful. The SDLP simply wants to have another six- or seven-hour debate.

Mr McFarland: I declare an interest as a member of the Assembly and Executive Review Committee. I

pay tribute to Alex Attwood, who has managed to get on his soapbox, again. I hope that today's debate will not be another 12-hour marathon, because I think that we did fairly well when the Bill received its Consideration Stage. I will attempt to keep my contribution short.

The Assembly and Executive Review Committee is, as colleagues said, still discussing these matters. Therefore, to use a cockney expression, it is somewhat previous to be discussing them here. However, it is an opportunity for parties to set out their position on the issues. These are important issues. There are a number of protocols and memorandums of understanding between various agencies and the Policing Board. I think that the Policing Board works fairly well; I was on it for five years, and it seems to be working for my colleagues who are on it now. Some form of interaction between a future justice Minister, the justice Committee and such agencies is needed. It is understood that those are ready and have been available for some time: it is a pity that they have not been shared with the Assembly and Executive Review Committee, because the issue would probably be progressed if they were made available to the Committee. Hopefully, they will be shared in due course.

It is worth recalling that national security sits with our national Parliament at Westminster. It is a national issue; it will not come here, but there can be some links. I know that the SDLP and Sinn Féin want to get their hands on it, but they will not, because it is a national issue. SOCA has been left in the same area. However, that organisation is slightly different, because part of its remit relates to organised crime, which affects Northern Ireland, and part of it relates to the legacy of terrorism, which does not. SOCA is a more hybrid animal than the Security Service. However, there needs to be some links between them.

Last week, I was particularly dismayed by the reaction to SOCA's legitimate actions in south Armagh. It is worrying when members of Sinn Féin are straight out of the traps to say how dreadful and appalling it is that the Serious Organised Crime Agency, which we tasked with dealing with such issues, does its job. The immediate reaction of Sinn Féin was wailing and gnashing of teeth about SOCA interfering with someone who, I think, was a senior member of the Provisional IRA. That does not bode well for the future; the only saving grace is that security remains a national issue, which prevents Sinn Féin from getting its hands on it.

The independence of the judiciary and the PPS are also key issues, and we politicians must not be allowed to interfere with the operational remit of the judiciary or with the Public Prosecution Service. However, it is perfectly valid for the Assembly, the future justice Minister and the Committee to be interested in broad

justice policy, because such policy will eventually pass through the House.

It is also legitimate for the Assembly to be interested in those areas, because when policing and justice powers are eventually devolved, justice will be paid for from the Budget that is voted for in the House. Therefore, it is perfectly legitimate for us to have an interest in how that money will be spent and how justice will be administered.

Such administration will, however, require protocols. The policing protocols are in place at the moment, but protocols dealing with the links between the justice agencies and the Assembly are also required. The nature of those protocols has still not been decided by the Assembly and Executive Review Committee, and if policing and justice powers are to be devolved in any reasonable time, someone at some stage in the DUP and Sinn Féin — the parties that are leading on the issue — must turn their mind to those issues.

I will talk briefly about amendment No 2. It is a fact, as has been said already during today's debate, that the Agreement on Co-operation on Criminal Justice Matters between Britain and Ireland is to be renewed and will remain in place. It is also a fact that policing agreements between the Garda Síochána and the Police Service of Northern Ireland are, and will remain, in place. The SDLP is terribly keen for justice powers to be put into a cross-border body, but, because the current system works perfectly well, the Ulster Unionist Party does not believe that that is necessary. It will not support any extension of "North/Southery".

I said that I would keep my contribution short, and I will. The Ulster Unionist Party is minded to support amendment No 1, because it might be quite useful for things to be explained in more detail when policing and justice powers are devolved. However, it will not support amendment No 2.

Dr Farry: Like others, the Alliance Party is somewhat confused and bewildered as to why another detailed debate is taking place on the Department of Justice Bill; neither is the party sure how the debate will advance the devolution of policing and justice powers. At best, the debate will be neutral to the process, but it could further undermine the process by creating more barriers and issues and by elevating them to an unnecessary degree of controversy.

At its heart, this debate is about the battle in nationalism. It is also an attempt by the SDLP to tell Sinn Féin that it has come up short in delivering an ideal approach to the devolution of policing and justice and that certain issues have not been resolved to its satisfaction.

Such issues include how quickly the devolution of policing and justice occurs. We must deal with the

practicalities of compromise and of trying to find agreement between parties, and in doing so we must also recognise the political and legal environment in which we operate. We are a regional Assembly and part of a wider national framework, and it is perfectly logical that responsibility for criminal justice and enforcement issues is handled at different tiers of government. That is the situation elsewhere in the world.

The SDLP's amendments raise important practicalities, and I agree with Alex Maskey in that respect. They are issues where understandings have to be reached. However, I make the point that other Members have made: a process has already been established for airing the issues through the Assembly and Executive Review Committee and, in due course, there will have to be procedures for trying to agree on the contents of those documents.

1.30 pm

Indeed, I suggest that there will be a range of ways in which final conclusions will be drawn, given that each of the protocols that have been suggested by the SDLP is of a different nature and involves different criminal justice agencies. It will also require agreements to be found between different levels of government, whether that is between the Assembly and our national Government or between the Assembly and other Northern Ireland institutions. We are talking about a range of different types of agreements, the timing of which is still to be determined.

The list set out in amendment No 1 is far from being inclusive of all the issues of that nature that need to be discussed. I am not sure about the logic of pulling out four of those issues at the expense of others. For example, there is the clear issue, to which Mr McFarland referred, about the way in which a statutory justice Committee of the Assembly would relate to the Policing Board and how questions relating to operational issues of the criminal justice agencies, most notably the Police Service, will be handled in the Assembly. Those, in themselves, are important issues.

The amendments do not alter the actual facts relating to those documents one bit. They simply call for a statement to be made in writing and orally by the First Minister and the deputy First Minister on the commencement of the Act, and I stress that it says "the Act". During his comments, Mr Attwood referred to that happening at the point of the devolution of policing and justice, but he corrected himself to clarify that it was at the point of commencement of the Act. Although I appreciate his party's desire to see that happen as early as possible, we need to be aware of some of the pitfalls.

First, the timing of the commencement of the Act may not be entirely within our hands. We hope to have the Final Stage next week and, hopefully, that debate

will be as brief as this one. However, the commencement of the Act and Royal Assent are out of our hands. It is likely that commencement might happen outside the sittings of the Assembly. It may happen during recess, and that would create a needless issue of timing where no sense of urgency would be required whatsoever. We could find ourselves creating a legal hoop to jump through, such as a formal obligation on the First Minister and the deputy First Minister to do something that would not be necessary.

Secondly, although I appreciate Mr Attwood's point that the documents may be finished, I stress that it is more important that we look at those documents as drafts. Nothing is ever finished until it is formally finished, agreed and set in stone. Although the principles as to how different agencies and different tiers of government should relate to one another may be clear, there may be scope for revision of the subtle details right up to the point at which they are finally agreed, in particular details that relate to matters of national security and organised crime. As we are well aware, circumstances can change dramatically. It is important that we give ourselves that flexibility and respect the fact that there may be the need for some flexibility.

It is important to put what we are talking about into context and to de-dramatise its importance. There are, essentially, two levels where decisions on policy and operations are to be taken. First, there is the issue of the powers and responsibilities that are to be devolved to the Assembly, and that has been dealt with already through the recommendations of the first report of the Assembly and Executive Review Committee and, subsequently, through Westminster legislation. That is a closed debate. Although individual Members may not be completely happy with the exact outworking of that, it is not a debate that we want to reopen.

The second issue relates to the policies and programme that would be pursued by any Minister, Department and, indeed, the Executive with the support of the Assembly. That is the detail that flows at the point of devolution, preferably through an addendum to the Programme for Government, and the decisions will happen afterwards. Some of the issues that have been outlined in the amendments would, perhaps, be better addressed in that context, particularly some of the policy matters that have been mentioned, such as the establishment of a sentencing guidelines council, which is a model that has been tested elsewhere in these islands. It is at that point that those kinds of decisions can be made.

I will make a couple of points about the issues regarding operational independence. We in the Assembly need to be very careful about throwing brickbats on that issue at one another. There has been a lot of abuse relating to that from all quarters. Notably,

Mr McFarland raised the issue of comments about SOCA that were made by a Sinn Féin Member. I concur with the importance of respecting the operational independence of all the agencies that we are talking about, but that works both ways. It is important that Members from the Ulster Unionist Party and other parties reflect on comments that they have made in the past. In particular, given that it was an Ulster Unionist Party Member who raised the issue, members of that party have made comments criticising the police on operational grounds for engaging in particular raids on people's homes when it did not suit their political agenda. They have also made comments in respect of the way in which particular parades have been policed or not policed in their eyes. If we are to talk about operational independence, let us respect that and do it consistently, rather than pointing the finger at one party while ignoring the massive inconsistencies of one's own position.

We on these Benches do not intend to prolong today's debate for too long. We respect that the matter is a work in progress. Although a lot of work may have been done already, it is important that that work continues. It is also important to respect the fact that there is a Committee in place. I say that as a member of a party that, ironically, does not have any representation on the Assembly and Executive Review Committee, but it is a process that has worked until this stage, and we wish it well in its further important deliberations. We would like to see speedy conclusions from the Committee in the weeks to come.

It is important that we move ahead with the practical issues of addressing the devolution of policing and justice. It is not because people out there are demanding that it is dealt with as a number one issue, but because, quite frankly, the issue is poisoning the atmosphere in this Chamber and between parties, and the sooner we address that issue, along with the other issues that are causing political deadlock, the better it will be for the credibility of this institution and for the people of Northern Ireland.

Mr Spratt: I am pleased to be able to speak in the debate. I declare an interest as the Chairperson of the Assembly and Executive Review Committee and as a member of the Northern Ireland Policing Board. I am not speaking as Chairperson of the Committee today.

In relation to amendment No 1, it has always been, in my view, the intention of the Government to agree protocols and memoranda of understanding in advance of devolution. Those documents refer to judicial independence and the independence of the prosecution service and have been in the public domain for some time; since the report of the Transitional Assembly, in fact. As Members are aware, issues of national security will and should remain with the UK Government and

will not be a devolved matter. I am not aware that there is, as yet, a document on SOCA.

Mr Attwood has been talking about boards to look after SOCA, and the other day he was proposing a board similar to the Policing Board to look after the Public Prosecution Service. All of a sudden he is proposing two boards. The Policing Board costs around £8 million a year. I do not know where the money will come from for the boards that Mr Attwood and the SDLP are proposing in relation to justice. It is just not possible; it cannot be possible, and, instead of us calling for unnecessary quangos to be appointed to deal with those issues, that sort of money should, first and foremost, be spent on front line policing.

As the First Minister has said on a number of occasions, it should be the will of all parties in the Assembly that decisions on prosecutions and the role of the judiciary should always remain free from political interference. The Assembly and Executive Review Committee is awaiting draft documents from the Secretary of State on those matters, and it is, ultimately, his decision when to provide the documents. The Secretary of State, during his oral evidence to the Committee, said that he would share the protocols and memoranda with the Committee in due course. That is a matter of public record. Since then, he has said a number of times that he will do that. I am sure that the Committee will have the chance to scrutinise those documents, and it will then send its views to the First Minister and deputy First Minister.

I oppose amendment No 1, because it would, effectively, create a situation where the work of the Assembly and Executive Review Committee and OFMDFM would be duplicated. The First and deputy First Minister have indicated clearly the process, and the Assembly and Executive Review Committee will play its role. As other Members said, there is no need for unnecessary duplication.

With reference to amendment No 2, Members will be aware that co-operation agreements already exist between the gardaí and the PSNI. As someone who served in the Police Service for 30 years, I know that there have always been agreements and co-operation between the gardaí and the RUC and now between the gardaí and the PSNI. Thankfully, co-operation takes place with European police services and with police services worldwide. As the demands of policing change, those protocols change; the process is always evolving. Such co-operation has been demonstrated in many areas in the past, and, thankfully, the devolution of policing and justice to Northern Ireland, when it eventually happens, will not change that.

There are also agreements between the gardaí and the PSNI as a result of the agreements by the devolved Assemblies of the United Kingdom on issues to do with

sex offenders. I have no doubt that those agreements will continue. I understand that any such agreements would not be affected by devolution or by the amendments. Formal agreement between the Secretary of State and the Irish Minister for Justice, Equality and Law Reform already takes place on criminal justice co-operation matters, and that arrangement has existed for years.

Much debate has taken place in the House and other places about the amendments. Unlike other Members, I do not intend to dwell on the amendments for too long, because they are totally unnecessary. Let us get on with enacting the Bill. The DUP opposes amendment Nos 1 and 2.

Ms Anderson: Go raibh maith agat, a LeasCheann Comhairle. I declare an interest as a member of the Policing Board and an unrepentant republican member at that. I oppose both amendments. The events of the weekend strengthen the determination of everyone to ensure that the political process, through which this debate is taking place, is strengthened and defended.

Although the process is not perfect and, at times, has difficulties, against the backdrop of the debate it is incumbent on all Members to unite in order to ensure that politics work and that we make a very good contribution to try to set aside old differences in an ongoing process to build peace, stability, justice and equality on this island.

1.45 pm

The Further Consideration Stage of the Bill today and the consequences of the two amendments before us, show that the process is moving ahead, even though there are difficulties along the way, and that we are on our way to delivering policing and justice into the hands of locally elected politicians. That is what the vast majority of people out there want, and soon.

Key stages in the transfer process have already been implemented. Those include the Assembly and Executive Review Committee's report, and legislation passing through the Executive to the Assembly. The SDLP has been party to all that, so I do not believe that the amendments are truly about scrutiny. Nor are they about enhancing North/South co-operation. Sinn Féin approaches all the challenges that face us with a can-do attitude, as do other parties in trying to ensure that we are all depicted as problem solvers. By contrast, the amendments show the SDLP's continuing doom-and-gloom politics.

It is not necessary to rehearse everything that Members have said about amendment No 1, other than to say that I agree with some of it. The SDLP's latest attempt to hijack the Bill, in the shape of amendment No 1, is yet another pointless intervention. As I have said in previous debates, there is ample opportunity for the Assembly to scrutinise all aspects of the transfer of

policing and justice. The resolution requesting transfer powers will be debated and will require cross-community support. The determination of the ministerial offices will be brought to the Chamber, and the new justice Minister will be elected by the Assembly with cross-community support.

Amendment No 1 refers to provisions of protocols and concordats. The Assembly and Executive Review Committee is the appropriate arena in which to scrutinise those documents, and we have heard from the Chairperson of that Committee. The SDLP and others are well aware that the mechanism for that is in place. The SDLP is equally aware that earlier drafts of the document about judicial independence and the independence of the Public Prosecution Service are already in the public domain, and the Assembly and Executive Review Committee is actively pursuing the other documents to which amendment No 1 refers.

The SDLP and other Committee members will have an opportunity to examine and scrutinise those documents when they are received. Unfortunately, the SDLP seems determined to ignore political reality, about which we heard a lot in last week's debate, and would rather table redundant amendments than become truly involved in the process and give the sort of leadership that the people expect from all political parties across the Chamber and especially from their leaders, even if they are soon to be made redundant.

With regard to amendment No 2, all of us recognise the importance of North/South co-operation in policing. Indeed, the Committee for the Office of the First Minister and deputy First Minister, of which I am a member, was updated recently on the latest measures to intensify co-operation on child protection. As a Policing Board member, I am very aware of the arrangements between the PSNI and the gardaí, which result in intense co-operation on a range of issues — for example, the pursuit of drug dealers. I am confident that the current arrangements between the Irish Justice Department and the NIO will, no doubt, be considered by an Assembly justice Minister and a scrutiny Committee when transfer happens.

Therefore, the reports sought and proposed in the amendments will, as I understand, be available before transfer, which has been, I believe, mentioned earlier, given that I doubt the commencement Order would take effect immediately on the day that it is made.

I understand that the proposer of the amendment said that the wording of the amendments could, perhaps, have been sharper and more precise. That said, the Assembly must deal with the amendments that are before it. It would be somewhat premature to endorse them, and I urge the House not to do so.

The matters of concern that the SDLP has raised in its amendments were dealt with by the Assembly and

Executive Review Committee in March 2008, when it recommended that OFMDFM and NIO should work to ensure that the current arrangements remain and that those arrangements should be reviewed by the Minister of justice and the statutory Committee following transfer. That was over a year and a half ago.

Therefore, the requirement for the First Minister and the deputy First Minister to report orally and in writing to the Assembly on the day of the commencement of the Act is not only an unrealistic time frame, as was mentioned earlier, but would predetermine the work of the new justice Minister. Examining the effectiveness of existing arrangements and identifying new avenues for North/South co-operation will be important aspects of the justice Minister's work under the scrutiny of the Assembly, the Executive and the Committee that is established. Any attempt to predetermine that work on the day of commencement would be an unnecessary exercise. The current arrangements and practices are welcome and need to be expanded and built upon.

I look forward to the day when there is one policing and justice system on the island of Ireland. If it were left to the SDLP, that day would never come. Thankfully, the people of Ireland do not have to depend on the SDLP to negotiate that outcome. However, I will not dwell on that too much.

There is no prospect of the transfer of policing and justice adversely impacting on the arrangements that are in place; in fact, it is likely only to build on them. A locally accountable Department can build a system that is best suited to the needs of local people, whom it will be established to serve. Therefore, amendment No 2, in common with amendment No 1, is redundant.

No matter how much the SDLP tries to frustrate the process, the transfer of policing and justice powers away from London and into the hands of locally elected politicians is what people want. People demand a justice system that delivers. All Members know many people who are absolutely disgusted and fed up with the revolving-door justice system, which allows criminals back onto the streets just hours after they have been arrested.

The process is moving ahead, despite events at the weekend and the doom and gloom merchants both inside and outside the Chamber. Most Members in the Chamber have given society hope. We have raised people's confidence in the Assembly's ability to govern, lead and play a constructive and meaningful role in building the justice system and the society that they want.

Let us give leadership, look forward and work over the heads of those who seek to frustrate the progress of change. Let us reject those redundant amendments.

Mr Shannon: Here we are again: debating the Department of Justice Bill. It reminds me of 'Groundhog

Day', in which Bill Murray's character wakes up to the alarm going off and the same music playing day after day.

Mr Paisley Jnr: It is good music.

Mr Shannon: I agree; I do not mind listening to it. I used to listen to it fairly regularly. However, I do not want to hear it at 6.00 am every day.

It is vital that we state clearly that the amendments are unnecessary. Although we accept the democratic process and the need for views to be expressed, we wonder why, exactly, amendment Nos 1 and 2 are before the House.

The Bill is intended to set up a Department of justice to ensure that, when the Assembly makes a decision to appoint a Minister and set up a Department, that will take place without undue and avoidable delay. The amendments do not embrace or enhance the Bill in any respect. They do not tighten security. They do not provide any new controls. They simply address issues that have already been addressed and, I must say, waste the Assembly's time and resources in the process. I oppose amendment Nos 1 and 2 entirely. Due to their nature, they have been grouped. I will, therefore, address them together.

The proposals would mean that the First Minister and the deputy First Minister, acting jointly, would be required to report, orally and in writing, to the Assembly on the day of the commencement of sections 1 and 2 of the Act, explaining the provisions of protocols and concordats and effectively publishing those documents. The day of commencement will be the operational date for relevant provisions, as specified in the commencement Order by OFMDFM.

The first issue is that the amendment, if successful, would limit the timing of the commencement to the day of an Assembly sitting; either that or it would put the taxpayer to additional expense by necessitating the calling of a special sitting. That would not be an issue if the amendments were to bring about something beneficial to the whole of the Province and justify the expense, but that is not the case. They do not provide any extra report or mechanism for release of information pertinent to the Assembly which is not already in place. It has been known for several years that the UK Government intend to conclude concordats, protocols and memoranda of understanding with OFMDFM, on behalf of the Executive, in advance of devolution. Early drafts of the documents on judicial independence and the independence of the Public Prosecution Service have been in the public domain since the report of the Transitional Assembly in 2008. Therefore, the procedure is already in place for those who take the time to find it.

Other Members have mentioned national security. Once again, I emphasise that that is not and never can be a devolved matter. We rely on the Secretary of State

to provide us with the information needed for the Province on such issues.

The Assembly and Executive Review Committee has been seeking from the Secretary of State drafts of protocols and concordats. Although those have not yet been provided, I understand that that they are on their way. I have every confidence in the ability of the Assembly and Executive Review Committee to secure the information needed and to process that within the current procedural controls in a report submitted to the Assembly and subsequently debated. Therefore, I see no need for further legislation.

The second amendment is familiar to members of the Assembly and Executive Review Committee. They have already debated it, and the proposal was voted on, bringing the issue to a democratic conclusion. A report was made in March 2008 recommending that the Northern Ireland Office and OFMDFM should ensure that current agreements remain in place at the point of devolution and that those agreements should be reviewed by the Department of justice and the statutory Committee after devolution.

Let me be clear: there are already in place agreements to ensure that cross-border co-operation on matters such as sex offenders and co-operation between the PSNI and the Garda Síochána carry on through the transition and the establishment of the new justice Department, when it is decided that the time is right for that to take place. Anything said to the contrary is scaremongering. There will be no free-for-all allowing sex offenders to get across the border without the gardaí informing the PSNI and vice versa. Things will remain as per the status quo and with the protocol in place.

There is agreement between the Northern Ireland Office and the Irish Justice Department that agreements should remain in place until the justice Minister begins a review of them. They are working out a way to ensure that this continues until the Minister of justice is in place and able to carry out his review. That review will be an intrinsic and vital part of the role of the Department of justice and the justice Committee, and I do not believe that the Assembly needs to undertake it now. It will be brought before the justice Committee and debated across this Floor at each stage, through the mechanisms already in place. That process offers sufficient security, and there is no need to implement a costly and unnecessary review. The Northern Ireland Office will conclude its discussions with the Irish Justice Department and enable the justice Minister and the Committee to do their jobs and ensure that all concerns and questions are addressed.

The report proposed in the amendment, at this pre-devolution stage, would effectively be a historical document, or else it would pre-empt the new Minister's

consideration of how to approach cross-border criminal justice co-operation. Neither would justify the expense.

It seems clear that the amendments do nothing to aid or protect. They are unhelpful and create division. As Stephen Farry mentioned, it is time to move on and to get the work done that we were elected to do. I agree with that. In a democracy, we must ensure that all voices are heard, and that is why it is important that those who have other ideas and opinions are heard on the Floor of the Chamber.

We heard those voices today: we heard from the SDLP, and perhaps we will also hear from other parties. However, what the SDLP seeks is unnecessary, and its amendments are unhelpful. I reject amendment Nos 1 and 2 and support the Bill as it stands.

2.00 pm

Mr Durkan: I support amendment Nos 1 and 2.

I remind Members that, in a legislature, it is entirely legitimate and, indeed, proper for Members and parties to ensure that there is due scrutiny and consideration of its legislative process. If issues are being discussed and channelled in various forums such as Committees and in exchanges and conversations between Committees and others, that does not delegitimise the right and propriety of legislation's addressing the issues.

I totally reject the suggestion that anyone is trying to delay or frustrate anything by tabling the amendments. Martina Anderson and others suggested that the amendments frustrate the Bill. The amendments will ensure that, when justice and policing powers are devolved — no party wants those powers devolved more quickly than the SDLP — we will know that we have properly concluded all the business and that there are firm, clear and secure understandings in place. That is what the amendments are about.

Many Members have spoken outside the Chamber about the need to ensure that there is public confidence before the devolution of justice and policing can take place, and they have placed great emphasis on that. However, some of us want the public to have confidence in the House so that, when devolution takes place, the public will know that we, as a legislature and as a Chamber of accountability, will conduct due and proper oversight of those matters.

A good way to show that would be for the First Minister and deputy First Minister, in response to the debate, to tell us that they intend to make a statement to the Assembly on the points that are outlined in amendment Nos 1 and 2 on the day of the commencement of the Act or on the first day of devolution. If that were to be the case, these are probing amendments.

It is important for public confidence that there be that act of transparency and accountability in the

Chamber at the start of devolution. A good starting standard would be for the First Minister and deputy First Minister to set out for the record the types of concordats and protocols that we know are being prepared and are subject to discussions, and which the Assembly and Executive Review Committee have been seeking.

We all assume and hope that those protocols and concordats will be fully in place. However, it would be appropriate for those to be stated in the House as a matter of record. All that we are asking for is that the First Minister and deputy First Minister report orally and in writing to the Assembly, as they already do for meetings of the British-Irish Council and the North/South Ministerial Council. That is not a huge ask, given that the First Minister and deputy First Minister already make many statements orally and in writing to the House.

It is not big ask to require the First Minister and deputy First Minister to make a statement to the Assembly on the commencement of the two key sections of the Act or on the first day of devolution that covers the points that are set out in amendment Nos 1 and 2. That does not create a barrier. How can Members accuse the SDLP of trying to raise difficult and contentious issues when they then say that those issues are relatively straightforward and will be taken care of anyway? Members cannot have it both ways; they cannot say that the SDLP is raising difficult and divisive issues to try to create barriers while saying that the amendments do not mean anything because the issues will be taken care of.

The amendments place a burden on us, as a legislature, to ensure that the issues are taken care of and that we do not simply rely on the Assembly and Executive Review Committee or members of the justice Committee or the justice Minister, whoever they might be.

We are attempting to ensure that we, as an Assembly, will be satisfied from day one that the concordats and protocols are in place. A statement that those are in place is important not just for the Assembly but for the wider public, if they are to know that the Assembly and the Executive have made the issue a matter of record in the Chamber, which is the appropriate arena.

It is also important that we, as individual MLAs and as an Assembly, honour, reflect and respect the terms of the protocols. For instance, amendment No 1 refers to protocols and concordats on the judiciary and the Public Prosecution Service. As public representatives, we all find ourselves dealing with situations in which people are aggrieved at very low sentences being passed for grievous crimes. We all find ourselves confronted by very concerned constituents and

contending with members of the media who are asking questions on what will be done.

For the independence of both the Public Prosecution Service and the judiciary, it is very important that the relevant protocols have been the subject of a clear statement in the House. If a statement has been made in the House, the conduct of everybody in the Chamber will be a matter of record, which will be important for any further statements that we make inside or outside the Chamber. Therefore, we are trying to establish an important discipline through our amendments. A statement in the House as we approach the commencement of the devolution of policing and justice powers, or on the day of commencement, would be good practice. I cannot see how any Member could seriously argue against that sort of provision.

Amendment No 1 also refers to protocols and concordats on national security and the work of the Serious Organised Crime Agency. We know that there will be a protocol and concordat on national security, so how are we being divisive or difficult by saying that they should be the subject of a report in the House? We are not saying that the protocols and concordats must be subject to a vote in the House but have simply asked for a report, both orally and in writing, that will, I imagine, be followed by a round of questions in the same way as ordinary ministerial statements are.

Mr Paisley Jnr: The Member's colleague who tabled the motion received a letter in May this year from no less an authority than the Secretary of State, telling him:

"The intention is to share them with your Committee in parallel with the First and deputy First Ministers and nothing has changed in that regard."

Therefore, the Member and his party are going to get sight of the protocols and concordats. I do not understand why the Member's party tabled amendments for debate in the House to ask for a statement on the protocols and concordats when it heard from the horse's mouth that it will see them. What is the point? Are SDLP Members putting us through this for any reason other than hearing their own voices?

Mr Durkan: The honourable Member is saying that we will receive the protocols and concordats. He said that they will be passed to the Office of the First Minister and deputy First Minister and to the Assembly and Executive Review Committee. We are simply saying that, as a matter of good form and practice, particularly as we start the very important business of devolving justice and policing powers, the protocols and concordats should be clearly stated in the House. There should be a point at which they are properly marked and stated in the Chamber. We cannot just rely on protocols and concordats going through individual Committees. Important as the work of the Assembly

and Executive Review Committee is, it is not a substitute for the Chamber.

If we were to follow the Member's logic, there would never be any statements in the House from any Ministers. All Ministers have departmental Committees to which they can make statements on important issues or refer important matters.

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

However, it is well established and recognised that there are occasions when the Chamber is the appropriate place to make a significant statement as a matter of record and substance.

Mr Hamilton: The Member spoke about centrality and the importance of debating issues in the Chamber. Does he not accept that the amendments that he and his colleagues have tabled would, if passed, result in there being no debate or decisions taken in the Chamber? Rather, the Assembly and Executive Review Committee's work, which he denigrated, will result in a report on all the issues contained in both amendments, and the Chamber will debate and vote on that report. Therefore, using the Member's barometer, that is of greater consequence and weight than the First Minister and deputy First Minister making an oral statement to the House.

Mr Durkan: I do not accept that point, because, as other critics of our amendment have pointed out, things can change, not least in areas of national security and serious organised crime. Things can change, and things will change. Even after the first concordats are in place, there will be subsequent changes, and we will have to decide what happens to those concordats in the future when there are changes to the scope of national security. One does not have to be a fan or watcher of programmes such as 'Spooks' to know that, in the past number of years, the concept of national security has widened in response to the development of serious threats, not only those of a terrorist nature but those involving an ever more sinister level of organised crime with increasing international dimensions.

Dr Farry: Will the Member give way?

Mr Durkan: I will give way shortly. If things are to change in the future, we must determine the appropriate point to register those significant differences. We are talking about transparency and accountability. We want to create strong public confidence that the devolution of justice and policing is not about simply transferring powers from the NIO to a new Department of justice here and continuing to work as we have in the past. We must create a new, more accountable and more transparent character to the operation and conduct of those areas in the Assembly. That is why we have tabled the amendments.

Dr Farry: Will the Member clarify that the SDLP's approach to the Security Service is based on a wider range of empirical evidence than a TV programme?

Mr Durkan: Of course it is. I said that one does not have to be a watcher or fan of that programme to know that the concept of national security has widened. If the Member does not believe that that concept has widened and been employed by government, he is not listening to his sister party the Liberal Democrats. I said that one does not have to watch 'Spooks' to know that that is the case.

National security is a term that has been employed in a number of recent Westminster Bills, some of which would have interfered directly or indirectly with the conduct of devolved justice arrangements. In the past two years, the Labour Government have made several attempts to make provisions, on the grounds of national security, for secret inquests in Northern Ireland that apply on the say-so of the Secretary of State. A Secretary of State for Northern Ireland, even in the event of the devolution of justice and policing, could have intervened and, at any stage, said that matters in front of an inquest would be dealt with in secret or could have stopped that inquest. That provision was made even while that Government said that they planned to devolve justice and policing. Some of us asked questions about that here and in the House of Commons. Of course, we were told that we were the only ones who raised those concerns.

2.15 pm

Sadly, the Coroners and Justice Bill, which was going through the Westminster Parliament in recent weeks, makes provision for secret inquests. The powers in that Bill do not extend to Northern Ireland, so we are glad to claim that victory. However, the question arises: will a future British Government revert to the current position, which is that it could and should introduce such powers? That is why the SDLP has a serious interest, not just in the protocol that affects national security now, and how those matters are treated, but how that protocol may be treated and amended in future.

I assume that any devolved justice Minister, of whatever party, would not want, in a year or two's time, having tried to pass the legislation three or four times in three or four different ways, to be in a situation in which a future British Government tries to do so again in Northern Ireland. The integrity of devolution would be affected if inquests carried out by the devolved Assembly, with a devolved justice Minister and a justice scrutiny Committee, were to be subject to the overriding editorial control of a non-devolved Secretary of State. There are real issues of principle and practice that we want to protect. I do not believe that all those issues will be nailed down in a

protocol that deals with things as they are. The creation of a standard of accountability that will protect Ministers and that will ensure that any new protocols have, by a point of reference and record, to be disclosed in this Chamber, will be something that Ministers will be glad to rely on.

Mr Paisley Jnr: If that is the Member's intention, the SDLP amendment clearly fails. It asks for a statement to be made on the day of devolution. That is ex post facto: it deals with things that have happened up to that point. It does not deal at all with anything that might happen subsequent to the day of devolution. The Member should have tabled another amendment, because we are no longer debating the proposed new clause 2A; we are debating an amendment that does not exist. Mr Deputy Speaker, you should rule the Member's comments out of order.

Mr Durkan: My comments are not out of order, Mr Deputy Speaker. Unlike many of the Members who have contributed to the debate, I am addressing the subjects of the amendment; I am not straying into wider party-political issues.

In seeking statements on the protocols, both amendments would create the point of principle and precedence that any subsequent changed protocols that might well come into being would similarly have to be a matter of stated record before the House. It is the SDLP's belief that that is the logical implication when the precedent for a protocol is created at the start. In the wake of a statement to the House, a Minister could well be asked what would happen if the protocols changed and whether there would be a subsequent statement to the Assembly. I hope that the answer to such a question would be yes — *[Interruption.]*

Mr Deputy Speaker: I remind Members —

Mr Durkan: Mr Deputy Speaker, we are using the debate to say that we want certain things to be said in the protocols.

Mr Deputy Speaker: I remind Members that Mr Durkan has the Floor. Members should not speak from a sedentary position. If Members wish to make an intervention, they should ask the Member who is speaking to give way, and that Member will give way if he or she chooses.

Mr Paisley Jnr: Does the Member not accept that his amendment fails to do what he now tells us he wants it to do, and that the protocol must contain the mechanism for explaining future changes to protocols and arrangements that may or may not exist? If that is the case, the amendment fails to achieve what the Member intends. On that basis, he should withdraw the amendment and table a new one.

Mr Durkan: That is a typically nonsensical argument from the Member. The point is that the SDLP

has tabled the amendment in order to establish a principle. Other parties seem to be content that concordats or protocols do not have to come to the Chamber at all, and can be washed through a Committee, given to Ministers and left at that level.

We are saying that we want reports on such protocols and concordats to be available through a statement to the House as a matter of principle.

The First Minister (Mr P Robinson): I had assumed that amendment No 1 was a probing amendment and that the Members would hopefully withdraw it when they heard what the likely course of action would be. However, we should be very clear that this SDLP amendment lays only one requirement, which is the requirement to report at the time of the commencement of the Bill. That would create a legal responsibility for a report to be made at that time and at that time only.

The message was clearly given earlier that the full protocols and concordats would be given to the Assembly and Executive Review Committee, which would then have the chance to examine them. I am not sure, but I suspect that those documents will be 20, 30 or 40 pages long; they will certainly be nothing that could be dealt with by a statement. The way to deal with them is for the Committee to produce a full report that could be presented to the Assembly, which could then have a full debate on it. Again, when any changes are to be made to the protocols and concordats, the same mechanisms could be used.

Mr Durkan: I thank the First Minister for his intervention. I said that if, when Ministers are responding to the debate, they could say how certain matters will be reported for the benefit of the House, we would treat the amendments as probing. We want to be satisfied that these matters will be reported to the House properly.

Contrary to the allegation that other Members made, we have not said that we want the statement to be subject to a vote or anything else. We are not trying to trip people up or to set traps. We are trying to ensure that we, as a responsible legislature, have taken care of those issues properly and have been seen collectively to have done so as a matter of clear and transparent record. However, that is not to denigrate the important work that can and will be done by the Assembly and Executive Review Committee; it is recognition that it is important that certain issues be a matter of Chamber record.

The First Minister seems to be saying that changes to protocols and concordats in the future, for whatever reason they are made, would go to the Assembly and Executive Review Committee or that the justice Committee may have a view on them. Our party view is that, given the seriousness of the issues, it would be

better if the precedent that our amendment would establish were followed. The UK Government will, undoubtedly, change their idea of what does or does not amount to national security, and the remit of the Serious Organised Crime Agency could also change and develop in the future.

The First Minister: I am grateful to the Member for giving way again; he has been generous with his time. I think that he has missed the point. If he places in the legislation a legal duty on the First Minister and deputy First Minister to make a statement on protocols and concordats on one occasion alone, he is not setting a precedent, he is saying that the occasion on which the statement is required to be made is special. I suspect that the Members have been negligent by not adding to the amendment a reference to a statement being made on any future changes to a protocol. If that is the case, I am giving him the benefit of the doubt, but far from setting a precedent, he is saying that this one-time only, special set of circumstances requires that a statement be made. That is not a precedent.

Mr Durkan: I will clarify for the First Minister that it would not have been competent, proper or acceptable for us to have suggested that all future changes would necessitate statements to the House. The First Minister says that the problem with our amendment is its one-off nature. However, the problem is the one-off nature of the Bill. That is what confines us and limits and tethers the focus of our amendment.

We are simply saying that, if accepted, the amendment would establish what I believe to be an important precedent. Such a precedent would be established if the First Minister and deputy First Minister would commit themselves to that principle.

Instead, there seems to be a suggestion that everything can be done via Committees and exchanges between Ministers. People may be content with that arrangement for now, given the Assembly and Executive Review Committee's experience and the attention that it has given the matter in the run-up to devolution. However, people may not be satisfied that that arrangement will work for any subsequent changes to those protocols or for any new protocols.

There must be a clear protocol for the work of the Serious Organised Crime Agency, not least because of the different views on, and attitudes to, that agency. Some of us have legitimate concerns about whether that agency would be as competent or active in matters in this region as the Assets Recovery Agency has been, notwithstanding the high-profile activity of the past year and more. Some of us have also argued the need for a strong North/South approach to the issue of criminal assets.

Notwithstanding the criticisms that we, and other parties, have expressed recently about the political-

policing agendas of the Serious Organised Crime Agency, it is important that the public know where everyone stands on the interface between the Serious Organised Crime Agency, other policing agencies, the Assembly, the Department and the Minister in their Executive capacity. That would aid people's understanding. It is not a difficult or unnecessary barrier; it is a basic standard that would set out clear public assurances in the interests of public confidence.

Mr Deputy Speaker: As Question Time is approaching, I ask the Member whether his speech will be finished before 2.30pm. If the Member wishes, I will recall him after Question Time.

Mr Durkan: I hope to conclude my remarks before Question Time.

Amendment No 2 relates to North/South matters. As Alex Attwood said when proposing the amendments, there is a criminal justice agreement between the British and Irish Governments. As things stand, that agreement will lapse on the day that policing and justice is devolved. Matters that are the subject of criminal justice co-operation will then have to be the subject of an agreement that makes proper reference to the Northern Ireland Minister of justice or the Executive. As Alex Attwood also said, advisory groups on criminal justice matters are covered by that agreement, including forensic science, public protection, registered offenders, support for victims and youth justice. We have also been told that there are arrangements for another project advisory group to be set up, namely criminal justice and social diversity.

The important point of the amendments is that they mean that we, as a legislature, are taking care to ensure that the important work that has been done is not lost. We must not work on the general assumption that everything will be OK and that everything will be taken care of. The amendments are a matter of due diligence. They provide the basic assurance that the First Minister and the deputy First Minister will make a statement to tell the House that everything is OK and that everything has been taken care of. That request should not be too big a barrier for anyone.

Alex Attwood referred to the fact that we advocate a justice sector for North/South matters, but amendment No 2 in itself will not create a justice sector. We want such a justice sector to be created, and, for all sorts of good reasons, we will pursue that at every opportunity. Amendment No 2 simply builds a standard of accountability into North/South matters, and key North/South understandings and agreements should be the subject of statements in the House. I am at a loss to understand why the UUP says that it cannot support amendment No 2. When we were negotiating the Good Friday Agreement, the UUP was insistent that any North/South agreements between Ministers, or anyone

else, should be the subject of statements in the House and placed on the record to facilitate accountability. That is what we seek in amendment No 2.

Mr Deputy Speaker: As Question Time begins at 2.30 pm, I suggest that the House take its ease until that time. Mr Daithí McKay will be the first Member to speak on the resumption of the debate.

The debate stood suspended.

2.30 pm

Oral Answers to Questions

OFFICE OF THE FIRST MINISTER AND DEPUTY FIRST MINISTER

Good Relations

1. **Mr W Clarke** asked the First Minister and deputy First Minister whether equality, respect, diversity and tolerance are the key components of good relations. (AQO 406/10)

The First Minister (Mr P Robinson): The Executive are fully committed to a peaceful, fair and prosperous society in Northern Ireland with respect for the rule of law. We want to ensure that we make a real and positive difference to the lives of all our people. There can be no room for sectarianism, racism or any form of hate crime. Attacks or violence that are motivated by any of those are unacceptable and must be condemned.

Equality, respect, diversity and tolerance are some of the key components of good relations. The reasons for bad community relations are complex, and, therefore, the solution to the problem will also be complex. Bad community relations are not caused by any single issue; it is often a combination of differing factors. It is not only words of condemnation that are required but an identification of the causes of bad relations and actions to tackle the problem. That is why, in the Office of the First Minister and deputy First Minister (OFMDFM), we have allocated unprecedented levels of funding for good relations. We are working hard on a wide range of areas with partners such as local councils, the Community Relations Council and a range of others. Much has already been achieved, and we are committed to working towards building a shared and better future for all.

Mr W Clarke: Go raibh maith agat, a LeasCheann Comhairle. I thank the First Minister for his words. Given that equality, respect, diversity and tolerance are key components of good relations, does the First Minister reject the idea that a visit by the Pope would have a detrimental effect on community relations? Furthermore, would he welcome a visit by the Pope to the North of Ireland?

The First Minister: I am not quite sure how the question has been stretched to bring the pontiff into good relations in Northern Ireland. Many issues would have to be taken into account, not least those relating

to security. Although I have no doubt that many people in Northern Ireland would welcome the Pope, the reality is that there would be considerable disruption. We would be fooling ourselves to believe otherwise. In any advice that we might give, we would have to take into account the overall consequences of such a visit.

Mr Hamilton: Does the First Minister agree that an urgent resolution to the mechanisms that are required for resolving parading disputes is a key element in ensuring good community relations and the diminishing of tensions across our community?

The First Minister: Everybody recognises the difficulties that there have been around a small number of parades. There is a mood in the community that people who have been marching or protesting should make a real contribution towards trying to resolve those issues. The deputy First Minister and I are willing to play our part in attempting to have those matters resolved. It is a critical issue, particularly in the context of the potential devolution of policing and justice.

Mr Ford: The First Minister was asked to give some definition of the key components of community relations. Does he agree that it would be much easier to do that job if the cohesion, sharing and integration strategy were published? Will he give a commitment that he and the deputy First Minister will expedite that urgently?

The First Minister: The Member has two documents that indicate how we could move forward. Officials in our Department have looked at the two documents and attempted to draw them together. The officials have produced a draft, which is now with our special advisers and will come to the deputy First Minister and me. When I see it, I hope that it will have been endorsed by the special advisers on both sides and that the deputy First Minister and I will be able to move forward

We have indicated to other parties in the Executive, and I say it more widely in the House, that if Members want to make suggestions about the content of the strategy, we are very happy to look at whatever we receive.

Mr K Robinson: In light of the First Minister's replies, does he accept that provocative paramilitary actions at venues such as sports stadia by people who hold extreme views demonstrate a lack of tolerance, respect and diversity and that those stadia should automatically be disqualified from receiving any form of public funding?

The First Minister: It is essential that we move to a situation in Northern Ireland in which people recognise that there are different traditions, but those traditions should not be embedded through attempts to coerce people by using violence or the threat of violence, and no Department should encourage those who are involved in such activity. At the same time, all Members have a

responsibility to give leadership in this matter. I believe that the Executive have given it, and it is essential that people leave behind all the trappings of paramilitarism, which should not be celebrated in any set of circumstances. Let us move forward into a new era in Northern Ireland in which paramilitarism is a thing of the past.

Community Empowerment

2. **Mr Spratt** asked the First Minister and deputy First Minister to outline work carried out by their Department in relation to empowering communities, with particular emphasis on experiences in areas such as north Belfast. (AQO 407/10)

The First Minister: I ask junior Minister Newton to respond to that question.

The junior Minister (Office of the First Minister and deputy First Minister) (Mr Newton): Since 2003, the Office of the First Minister and deputy First Minister has provided just under £14 million to the North Belfast Community Action Unit for a community capacity-building programme in north Belfast. The purpose of the programme is to enable communities to build leadership and to better manage relations within and between neighbouring communities and to develop networks to enable people to better deal with issues that affect their lives.

In December 2008, an independent review of the programme identified a number of very effective practices and recommended that we build on those practices and make them available to other areas that are experiencing similar issues. Recently, junior Minister Kelly and I outlined a strategic direction for future funding of the programme, which will build on previous experience and will be delivered through the themes of leadership, citizenship and good relations. The new strategic programme will be operational in the new year.

Mr Spratt: I thank the junior Minister for his reply. There has been much focus on resolving community relation problems in north Belfast, and rightly so. However, does the junior Minister agree that there are many deprived communities in other constituencies throughout the Province that could benefit from help and support from groups and projects that have a proven record of success in those areas?

The junior Minister (Mr Newton): I agree with the sentiments of the Member's question. In my constituency, I have also had experience of those matters. In reply to a previous question, I think that I said that we had announced that funding for the community empowerment partnerships (CEPs) would end in 2008. However, in recognition of the fact that some problems remained in north Belfast, it was agreed that we would continue the good work in those areas with a new scheme for community empowerment.

Nevertheless, it is critical that we use the experience that has been gathered in the past number of years to take forward the work not only in north Belfast but in similar communities across Northern Ireland. In many ways, we are learning from the situation in north Belfast, and the good practice that we have seen there must be applied elsewhere. Therefore, we are examining ways in which we might maximise the sharing of that best practice with projects in other areas.

Ms Ní Chuilín: Go raibh maith agat, a LeasCheann Comhairle. I thank junior Minister Newton for his answer and Jimmy Spratt for asking the question. The junior Minister said that funding will continue in the new year. Will that be after the present funding cycle ends?

Furthermore, given that north Belfast is a deprived area — as are most interface areas, wherever they lie — will its good practice experiences be applied from early next year? Regrettably, areas must go down to the wire — pardon the pun — before they receive any indication of whether they are to receive continued funding.

The junior Minister (Mr Newton): I thank the Member for her question. I very much understand the point made. I have said already that the new programme — we are talking about a new programme — will be based on what we have learned. That could be described as best practice and it will be drawn from the experience that has been gained over the past number of years of the programme.

I also said that there will be three core themes to the programme. It will be a thematic programme rather than a geographical one. The three core themes are citizenship, leadership and good relations. Officials from OFMDFM are working closely with the groups in this transition phase of the programme funding.

Current CEP funding will continue until the new programme is operational. We are hoping to finalise the new scheme over the next few weeks. If that happens, we are aiming to have the application and evaluation processes over the next number of months, with funding going out to successful projects by the start of the new financial year.

Mr Attwood: I want to push the point slightly further.

I agree with the comments made by colleagues from north and south Belfast. Will the junior Minister confirm whether it is the intention of OFMDFM to create a new programme that invites applications from not only north Belfast but relevant parts of the North? Therefore, no matter what the transition and the programme may be in north Belfast, will there be a wider programme for Northern Ireland? If so, when will applications be invited from other communities in Northern Ireland? Over and above Belfast, Coleraine and Derry have very similar issues to face.

The junior Minister (Mr Newton): I thank the Member for his question. He will be aware that there is

a ministerial-led working group on north Belfast. In my previous two answers, I indicated strongly that we have learned a lot from the north Belfast experience. We have also learned a lot that we can apply to, for instance, the Coleraine experience. In identifying the thematic approach that I have spoken about, we need to look at other areas, as I indicated in my answer to Mr Spratt's question. Other areas should benefit from the experience that we have gained in the very sharply focused work that has been done in the north of the city.

Mr Cobain: Poverty and deprivation in north Belfast are growing. Despite all the money that has been spent, some of the most deprived wards in western Europe are in north Belfast. Therefore, we should not get carried away with the programmes that we are talking about.

Mr Deputy Speaker: The Member should ask a question.

Mr Cobain: Building capacity and empowering communities is probably the most important element, outside financial support, in bringing communities out of deprivation and poverty. Will the junior Minister explain what benchmarking is in place to evaluate the programmes in north Belfast?

The junior Minister (Mr Newton): I thank the Member for his question. He will be aware that a number of reports looked at the situation in north Belfast, made recommendations on good practice and benchmarked it. It is from those reports that the three thematic areas have been identified.

I agree with the Member that investing money in an area and walking away is not sufficient for the future. I want to see the continuation of funding, and we have said that that will happen. This time, funding will not be based on geographical areas but on taking up the three themes that I have talked about. Hopefully, having learned from the exercises and having seen best practice, we can take that experience into the three themes and bring benefit to the north Belfast area.

2.45 pm

Programme for Government

3. **Mr Paisley Jnr** asked the First Minister and deputy First Minister for an update on monitoring of the Programme for Government framework.

(AQO 408/10)

The First Minister: The Programme for Government (PFG) promised that the Executive would monitor progress on the delivery of their key priorities. Our PFG reporting framework allocated clear delivery responsibilities to Ministers and Departments, and that allowed us to present to the Assembly and the public a delivery report showing the progress on performance at 31 March 2009.

As a result of that delivery report, we set up accountability meetings with ministerial colleagues to discuss progress in three areas: the promotion of science, technology, engineering and mathematics subjects; greenhouse gas emissions; and regeneration. We also completed a second delivery report showing the position at 30 June 2009. Additionally, we have commissioned a third delivery report detailing the half-year position at 30 September 2009. That half-year report will be made available to the Assembly when it has been considered by the Executive.

We are well under way to building a series of reports that will successively demonstrate our performance on the delivery of the promises in the Programme for Government. Each report is important in giving us a strategic overview on progress. However, the underlying process that generates the reports and engages Ministers and officials is one of proactive interventions that allow us not only to report performance, but to drive it.

Mr Paisley Jnr: I thank the First Minister for his response. In light of the political maxim that, if it is not measured, it is not done, and the First Minister's comments to the House today on monitoring performance, will he outline what actions will be taken if, for example, there is a failure to achieve targets? How will his Department encourage performance to ensure the delivery of the important targets that were set by the entire Executive?

The First Minister: The Member rightly draws attention to the fact that the targets are exacting. Any meaningful target must be one that is deemed to be just beyond reach, so that people will stretch to get there. The economic downturn has made meeting our targets all the more difficult. I do not want to give the impression that the process in which we are engaged is one that we can use to beat Ministers over the head if they have not met the necessary targets or are not on course to do so. The purpose of the process is to identify the targets that are on course, those on which we need to accelerate and those that seem to be vastly out of step with where they should be.

As meeting targets is a cross-cutting responsibility, the Executive will consider how they can assist any Minister who lags behind in meeting a target. Ministers may well be failing to meet targets because the economic circumstances have changed the environment in such a way that it is difficult, if not impossible, to do so. They may be failing because they need further resources to assist them, because they require support from another Department, or because they have not been considering a particular target as their greatest departmental priority. Regardless of the reason, the Executive will be on hand to encourage Departments to meet their targets.

It is the responsibility not only of the Executive to keep to the Programme for Government but of the

Assembly, because it endorsed the Programme for Government.

Mr O'Loan: I thank the First Minister for his comments. However, does he agree that there are serious concerns about the monitoring of the Programme for Government? Some of its targets are so loosely written that it would be hard for anyone to say that they had not been achieved. We have heard targets described as having been achieved when it is clear that they have not. Last week, the Committee for Finance and Personnel received expert evidence that Committees in some legislatures, not only in this one, habitually do not obtain the hard evidence that would allow them to assess performance. Does the First Minister agree that his Department has not put in place a structure for the Assembly properly to assess the performance of the Executive?

The First Minister: If the Member feels so strongly about those matters, I am surprised that his party colleague has not raised any of them at meetings of the Executive. Perhaps he should speak to her and find out why those are important to him but not to her. Let us be very clear, Assembly Committees have very considerable powers, and no Committee should have difficulty in obtaining information. Committees have the power to call for papers and people, and if Committees are having difficulties, they must use the powers that they have to obtain the information that they require.

Mrs Long: In his earlier answer, the First Minister referred to "meaningful" targets and outcomes. Does he agree that some of the targets that are being met are procedure- and process-driven, which often involves the setting up of meetings to arrange forums?

The targets that are the most difficult to achieve and the ones that are more "meaningful" are those that focus on outcomes. Does the First Minister agree that there is the potential in future Programme for Government rounds to have more outcome-driven rather than process-driven measures?

The First Minister: In the very early stages of examining the Programme for Government targets, I was much more driven by having clear outcomes and creating a programme that was identifiable of what we wanted to achieve during the time that we were to be in government. However, it must be recognised that some of the steps that have been taken have been much less precise. For example, issues such as good relations are difficult to measure and to create identifiable targets for. Therefore, we must have something less precise for those issues.

Nonetheless, we must meet all the aims and goals of the Programme for Government, and there must be some mechanism to allow us to gauge whether we are on course. We have made the best fist possible, and I

have not received any suggestions from Committees or Members on changes that could better measure the progress that is being made. However, the Executive are willing to look at any better suggestions.

OFMDFM: Decision-Making

4. **Mr Savage** asked the First Minister and deputy First Minister to outline the steps being taken to speed up decision-making within their Department.

(AQO 409/10)

The First Minister: The Office of the First Minister and deputy First Minister is jointly in the charge of the First Minister and deputy First Minister. Therefore, statutory and other prerogative and Executive powers of the Office of the First Minister and deputy First Minister are exercised by the First Minister and the deputy First Minister acting jointly.

In practice, that means that agreement must be reached on matters that require formal ministerial approval, and, contrary to what tends to be reported, the deputy First Minister and I do reach consensus on the vast majority of decisions that require our agreement. In 2009 alone we chaired 22 Executive meetings, at which around 165 papers were considered. We also answered in excess of 500 Assembly questions and responded to more than 800 other pieces of correspondence.

In the past few months, we have agreed the strategy for victims and survivors, which is due to be published; launched the consultations for the commissioner for older people and the new sustainable development strategy; strengthened legislation to address child poverty; brought the Department of Justice Bill to the Assembly; presented the proposed Order that would establish the Maze/Long Kesh development corporation; and issued the gender equality plan to the Committee for the Office of the First and deputy First Minister for consideration.

Rather than drawing attention to a handful of issues that remain under consideration, it is important that we focus on the many areas on which agreement has been made and move forward.

Mr Savage: I thank the First Minister for his detailed answer. Will he outline the number of times that major decisions have been taken in his Department rather than those that involve simple internal housekeeping? Will he also indicate what system exists for resolution when the First Minister and the deputy First Minister do not see eye to eye?

The First Minister: Perish the thought.

If I was to go around the Chamber and ask Members to divide the decisions that the Department must take into those that are major decisions and those that are

not, there would be dozens of different answers. We must treat all the decisions that come before us as important and vital, because they will be for someone.

I reported in an earlier debate that we have done considerably better at taking decisions than the previous SDLP/Ulster Unionist-led Administration, even though those parties had a longer time to make decisions. That shows that we have a process whereby decisions can be made. However, we must face the fact that, in a four-party mandatory coalition, it is inevitable that issues will arise when, for reasons of background, political ideology, or whatever, it will be hard for us to come to agreement. However, that does not stop us from continuing to try. If the processes lead to a situation where the deputy First Minister and I cannot agree, we will keep working at it.

Mr I McCrea: Will the First Minister indicate how decision-making in the Executive could be better dealt with?

The First Minister: The question almost tempts me to go slightly beyond the wording that the Member has used.

What we are doing under the system, as it stands, is the only way that decision-making can be treated. Issues come forward for decision, and our officials and special advisers look at them and try to resolve them. In most cases, the issues will be resolved, and we will simply have a decision to agree to. However, where issues cannot be agreed at that level, they come to the deputy First Minister and me, and we attempt to use our offices to reach agreement. If agreement cannot be reached, it is simply a matter of us continuing to work to see whether we can agree the matter or, if not, agree to manage the disagreement.

Of course, the deputy First Minister and I might differ on whether one could change the system to ensure a better level of delivery. I am strongly of the view that the longer the life of the Assembly, the more stable it becomes and the more we should be able to rely on normalising the systems of government to ensure that decisions can be taken without doing away with the need for cross-community support for those decisions that are of significance.

Mrs D Kelly: What steps are the First Minister and the deputy First Minister taking to resolve the impasse over the cohesion, sharing and integration (CSI) strategy?

The First Minister: I am not sure whether the Member was in the House when I answered that, tangentially, in reply to an earlier question.

The two documents that, one way or another, found their way into the public arena and gave the views of our two parties on the CSI issue have been pulled together by officials in the Department. The proposals are being considered by our special advisers and will

come to the deputy First Minister and me in due course. I hope that that process will allow us to move forward.

Both the deputy First Minister and I agree that it is necessary that we make efforts to build up good relations in Northern Ireland. However, I point out that the absence of the strategy, just as there was the absence of a strategy when the Ulster Unionist Party and the SDLP were the lead parties, does not stop us working on the issue of good relations. A lot of money and effort have gone in at ground level to ensure that we build up better relations in our society.

Immigration: Earned Citizenship

5. **Mr Hilditch** asked the First Minister and deputy First Minister if they have had discussions with the UK Government regarding the new “earned citizenship” approach to immigration and whether account is being taken of different regional employment needs within the UK. (AQO 410/10)

The First Minister: The earned citizenship proposals are just one strand of the UK Government’s review and simplification of the immigration system.

We have written to the Minister of State for Borders and Immigration concerning the practical application of the proposals here. Officials will continue discussions through the UK Home Office’s earned citizenship strategic advisory group, and bilaterally. We will continue to work with the UK Border Agency and the Home Office to ensure that UK immigration policy shows a regional flexibility that can take full account of our needs and concerns. In particular, we will explore with Executive colleagues the desirability and practicality of a separate shortage occupation list for Northern Ireland, as already exists for Scotland, to take account of our regional employment needs.

Feedback received from businesses across Northern Ireland, particularly in areas such as Dungannon, indicates that we have a reliance on migrant labour in certain sectors. Therefore, it is important that those regional differentials are reflected in any UK-wide scheme.

3.00 pm

AGRICULTURE AND RURAL DEVELOPMENT

Crossnacreevy Site

1. **Mr Cobain** asked the Minister of Agriculture and Rural Development what discussions she has had with the Minister of Finance and Personnel regarding the

valuation and realisation of finance in respect of the Crossnacreevy site. (AQO 420/10)

The Minister of Agriculture and Rural Development (Ms Gildernew): I have not yet had any discussions with the current Minister of Finance and Personnel regarding the proposed disposal of the site at Crossnacreevy. A business case has concluded that it would not be cost-effective at present to vacate the Crossnacreevy site and dispose of it. I will be having a bilateral discussion with the Minister of Finance and Personnel tomorrow, and the issue is likely to be discussed then.

Mr Cobain: Does the Minister agree that it was a foolish idea in the first place to sell that site?

The Minister of Agriculture and Rural Development: I do not. Finding a solution to a huge problem as soon as we came into office was very difficult, and the Executive as a whole handled it very well. Obviously we can all learn from it, but we had to find a solution. I needed tanks built, and I needed money to do it. Obviously, realising an asset was something to be looked at to meet that need.

Mr Ford: The original plan for the sale of Crossnacreevy was to fund the farm nutrient management scheme (FNMS), which has been funded anyway. Can the Minister give an assurance to farmers that there will be no cutback in other programmes of her Department, given the failure to realise the anticipated price for the Crossnacreevy site?

The Minister of Agriculture and Rural Development: As the Member has pointed out, the FNMS scheme has gone a long way toward completion. The Crossnacreevy relocation business case considered a number of options and concluded that, at present, the option that delivers best value for money for the location of the plant testing station work programme is the present site at Crossnacreevy. I am content that that is the case.

The business case showed that we would have to realise a sale price of around £14 million before the next best option would become the preferred option. Obviously, the plant testing work is very important, and we want that to continue. We also want to ensure that there is no diminution in other areas of work as a result of that.

Mr P J Bradley: I thank Mr Cobain for tabling the question, because the public have a right to know how a property worth £5 million could be valued at £200 million. Where does the Minister place the blame for that serious miscalculation and for the acceptance of it? Can she give the Assembly some indication of the financial consequences that followed, particularly within the Department of Agriculture and Rural Development (DARD), as a result of the £195 million mistake?

The Minister of Agriculture and Rural

Development: I am not in a position to allocate blame, nor do I think I should. We approached the disposal issue carefully. We began with a valuation based on current use, then took advice from Land and Property Services, the Planning Service and a planning consultant about alternative use and potential value. An informal, provisional view suggested that, with appropriate planning permission, the Crossnacreevy site could yield up to £200 million. Obviously, there were a lot of factors that then had to be taken into consideration, notwithstanding the current economic downturn and the fact that development land is no longer as attractive as it was when Land and Property Services gave us the valuation.

Animal Transport

2. **Miss McIlveen** asked the Minister of Agriculture and Rural Development to outline the process of certification for persons who transport animals and whether this complies with European legislation.

(AQO 421/10)

The Minister of Agriculture and Rural

Development: A person who wishes to transport vertebrate animals must comply with European Council regulation No 1/2005 on the protection of animals during transport and related operations. From 5 January 2007, all those who wish to transfer animals on journeys of over 65 km in connection with an economic activity — that is, activities that involve financial gain — must obtain a transporter authorisation from my Department.

There are two types of authorisation: one for short journeys of up to eight hours and one for all other journeys of more than eight hours. Transporters need to apply for only one authorisation. In addition, those transporting Equidae — horses, donkeys etc — cattle, sheep, goats or pigs on journeys of over eight hours must have the means of transport inspected and approved by my Department.

From 5 January 2008, drivers and attendants of Equidae, cattle, sheep, goats, pigs or poultry must also obtain certificates of competence. My Department has designated several bodies to examine for and award those certificates, including An Teagasc in the South of Ireland, the Road Haulage Association, the National Proficiency Training Council and the British Driving Society, which operates here and in Britain. Full details, forms and guidance notes are available on the Department's website.

Miss McIlveen: The question that I submitted is different to the one that appears on the Order Paper. My submitted question sought information on the

provision for testing in Northern Ireland. I am thankful that the Minister addressed that as well.

Does the Minister have any plans to review the current provision in Northern Ireland, and is there provision in Northern Ireland for training prior to testing?

The Minister of Agriculture and Rural

Development: I have not found any need to reassess the current provision, and several bodies have been designated to examine for and award the certificates. Training can be provided on request, and short-journey transporters are assessed by the National Proficiency Training Council, using an online assessment at the Greenmount, Loughry and Enniskillen campuses of the College of Agriculture, Food and Rural Enterprise (CAFRE). Transporters who are not familiar with computers receive the necessary assistance, and an information pack covering the technical aspects of the legislation is provided. Training is not a prerequisite as such, and the assessment takes the form of a short multiple-choice theory test. As I said, training can be applied for when needed.

Mr K Robinson: I thank the Minister for her detailed response. How many people who were apprehended transporting animals for distances of more than 65 km had not completed the competence courses that have been required since January 2008? How many prosecutions have been or are in the process of being brought against such individuals?

The Minister of Agriculture and Rural

Development: I do not have that information. I tried to find out how many hauliers had undertaken the training, but it was difficult to source that information. I have asked for further information and figures to create a better understanding of how many companies have completed the training.

Rural Poverty

3. **Mr Brady** asked the Minister of Agriculture and Rural Development how she intends to address poverty in rural areas, particularly amongst people on benefits.

(AQO 422/10)

The Minister of Agriculture and Rural

Development: My Department is responsible for investing significant amounts of money in the rural economy each year to help to address rural poverty. In particular, one of DARD's targets in the Programme for Government is to bring forward a £10 million package to address rural poverty and social exclusion by March 2011. That funding addresses rural fuel poverty, rural community development, rural childcare, rural transport and a rural challenge fund.

Last winter, I supported the Department for Social Development's (DSD) warm homes scheme, thereby

ensuring that up to 670 rural homes of benefit recipients received improvements to their heating and insulation systems. Last week, along with Minister McGimpsey, I announced a major new and innovative project to maximise access to and uptake of grants, benefits and services in rural households by assisting approximately 4,200 vulnerable rural households. Also last week, alongside Minister Conor Murphy, I launched the assisted rural travel scheme, which will allow people over 60 and disabled rural SmartPass holders to access free transport on their local community transport partnership's vehicles.

Letters of offer have been issued to successful applicants to the £1.5 million rural childcare programme, and we received over 125 applications from the community and voluntary sector to the rural challenge programme. I also confirmed my support for continued rural community development and funding for rural support organisations.

All those initiatives will provide positive impacts for people who are on benefits and for those who suffer from poverty and exclusion in rural areas. Through my rural anti-poverty and social exclusion work and as a member of the ministerial subcommittee on poverty and social inclusion, I will continue to advocate for the rural poor and excluded.

Mr Brady: I thank the Minister for her detailed answer. I was going to ask about maximising the uptake and provision of benefits, but the Minister has adequately answered that. Go raibh maith agat.

Dr W McCrea: Does the Minister accept that many farmers and farming families in Northern Ireland live in poverty? That is because many farmers work for well below the minimum wage, and that forces many young people to leave farms. Does the Minister agree that young people are the lifeblood of the sustainability of rural areas and, in light of that, what more can be done to keep them on the farms?

The Minister of Agriculture and Rural Development: I agree, and I take the Member's point. My Department's intervention aims to help people who are hard to reach because they live in the 88 most deprived rural super output areas. That means targeting people who would not normally feel comfortable investigating or taking up the benefits, grants or services that are available to them by right.

The project, which harnesses a community development approach, was developed with the new Public Health Agency and other government and statutory partners, such as DSD, the Housing Executive, Access to Benefits, Advice NI and Citizens Advice.

The project is based on an extension to a pilot project that was carried out with great success in parts of County Fermanagh and County Tyrone, whereby, for every £1 invested, £6 was drawn down in benefits

and grants for vulnerable people who needed the support. That is a good way to quantify the work of that project and its benefit to rural communities. However, farmers are sometimes the last people to go looking for such benefits, and we want to go out, find them and help them with that sort of information.

Mrs M Bradley: Will the Minister confirm that she had £10 million for tackling rural poverty in her budget, and, if so, say what changes that money made to rural poverty?

The Minister of Agriculture and Rural Development: I am sometimes accused of being too long-winded in my answers, and I think that the Member will find the answer to her question in my answer to the lead question.

Single Farm Payments

4. **Mr McQuillan** asked the Minister of Agriculture and Rural Development, with regard to the single farm payment scheme, why problems have occurred as a result of changes to the mapping system, and what action is being taken to resolve these problems.

(AQO 423/10)

The Minister of Agriculture and Rural Development: In line with EU requirements, as part of the controls for area-based schemes such as single farm payment, the Department is required to have a computerised mapping system to identify agricultural parcels or fields. Before my Department can pay a single farm payment or other subsidy, we have to check that the land area declared by the farmer is correct and eligible under the scheme. In order to do that, we cross-check the information received from the farmer against our mapping system.

If we find that a farmer has claimed for an incorrect area or for ineligible land, we have to adjust his claim for the current claim year and, in many cases, for previous years. Those changes fall into two categories. The first involves permanent features such as houses, lane ways or tanks; and the second involves semi-permanent features such as whins or scrub. Land under both categories is considered to be ineligible and should not be claimed for. However, such claims are still being made, and the message is not getting out.

Claims that have to be adjusted can be complex and take time to clear. The Department has no choice but to make those adjustments, and it faces about £30.5 million worth of disallowance at the current exchange rate, partly because of its approach in those cases and partly because farmers are not telling it about changes.

I cannot emphasise too much how important it is that farmers tell the Department about any changes to field areas. It is not in our interests to spend time adjusting

claims, nor is it in the farmers' interests to have their payments delayed and, in many cases, penalties applied. Therefore, I again urge farmers to come to us and let us check their maps before we find that there is a problem, at which stage it will be much more difficult to resolve.

Mr McQuillan: Does the Minister agree that the best solution would be a complete review of the single farm payment scheme?

The Minister of Agriculture and Rural Development: We will not get a complete review of the single farm payment scheme. Elements of the scheme were examined in a health check earlier this year. However, it will be 2013 before we see an overall review of the common agricultural policy (CAP), under which the single farm payment falls. For now, therefore, we have to use the system that we have. The best way to alleviate problems is to get the message out that farmers must check their maps and let us put them right before we find a problem. We just have to deal with the present system and make it work better until 2013.

Mr McCarthy: The Minister will recognise that all her Department's clients are in rural areas. She also spoke about a mapping system. Will she assure the Assembly that, when she is replying to her clients, she will use the townland name in their address?

The Minister of Agriculture and Rural Development: If someone writes to me using a townland name, I will always respond with the correct townland name. I recognise the importance of townlands and the good work that has been done to protect them. We could all do more.

Mr McCarthy: Will you give a lead, though?

The Minister of Agriculture and Rural Development: If I know the townland name, Kieran, I will use it.

Mr Brolly: Go raibh míle maith agat. What, precisely, has the Department done to encourage farmers to notify it of changes to maps?

The Minister of Agriculture and Rural Development: Since 2007, I have made at least 20 appeals to farmers — I am starting to feel like an owl, and I do not mean the four-legged variety — to check their maps and to tell my Department about changes. I have constantly encouraged them to take care when completing their applications and to make sure that their farm maps are correct. In order to make it easier for farmers to tell us about changes, we have included a form in all single farm payment application packs. Earlier in 2009, I invited farmers to call into their local offices to see their maps on screen alongside aerial photographs. I am disappointed that only 208 farmers took up my offer. I hope that, of the 208 farmers who

went to check out their maps, at least 11 were members of the Committee for Agriculture and Rural Development.

3.15 pm

During the recent European Commission audit, the auditors again expressed their concerns about the failure of farmers to report mapping changes. The auditors consider the Department to be too lenient in its handling of those cases. Given those concerns, the Department is considering what other steps it can take to ensure that farmers tell us about changes to their maps and its approach to applying penalties.

Agri-Food and Biosciences Institute: Pensions

5. **Mr Donaldson** asked the Minister of Agriculture and Rural Development what progress has been made in resolving issues relating to the transfer of pension rights for the Agri-Food and Biosciences Institute staff at Hillsborough. (AQO 424/10)

The Minister of Agriculture and Rural Development: Employment issues, which include staff pensions — in this case, the transfer of pension rights — are a matter for the Agri-Food and Biosciences Institute (AFBI). Thirty-seven former Agricultural Research Institute (ARINI) staff chose to transfer their pension rights from the local government scheme to the principal Civil Service pension scheme.

My colleague will be aware from my letter to him dated 5 November 2009 that, on 26 October 2009, AFBI held a meeting with the Local Government Officers' Superannuation Committee (NILGOSC) to resolve outstanding issues. At that meeting, NILGOSC agreed to provide the value of assets that are to be transferred from it to the principal Civil Service pension scheme in respect of the 37 staff who opted to transfer their rights.

AFBI has pressed NILGOSC for that information, which has not yet been provided. The business case to seek approval for that expenditure to complete the bulk transfer cannot be finalised until NILGOSC provides AFBI with the total transfer value for the former members who opted to participate in the bulk transfer.

AFBI, supported by the Department, works with NILGOSC, the Government Actuary's Department (GAD) and the principal Civil Service pensions branch to resolve the outstanding issues so that AFBI can complete the business case and bring the matter to a satisfactory conclusion.

Mr Donaldson: I thank the Minister for her comprehensive reply. She and I have corresponded on the issue since devolution was restored.

Obviously, staff have transferred to the new institute. Since then, there has been uncertainty about their pension provision. I know that the Minister is conscious that some of those staff are approaching retirement age and want to consider the options that are available to them.

Will the Minister assure the House that every effort will now be made to persuade NILGOSC to get that information on transfer values and to bring it forward as soon as possible so that the business case can be completed and staff can, finally, have a clear idea of what pension entitlement they will have under the transfer arrangements?

The Minister of Agriculture and Rural

Development: It is important that NILGOSC does what it has to do as quickly as possible so that the matter can reach a satisfactory conclusion. It is fair to say that DARD and AFBI have pioneered that area of work. Since AFBI was established on 1 April 2006, 10 of those staff have retired. Since then, AFBI has worked with NILGOSC and the principal Civil Service pensions branch to ensure that that principle is applied.

Mr Doherty: Go raibh maith agat, a LeasCheann Comhairle. I also thank the Minister for her detailed answer. Will she assure the House that no former Agricultural Research Institute staff will suffer as a result of their pensions being transferred to the principal Civil Service pension scheme?

The Minister of Agriculture and Rural

Development: Former staff of the Agricultural Research Institute who work for AFBI have been provided with the option either to defer their pension rights with NILGOSC or to transfer their accrued service to the principal Civil Service scheme. Staff will, therefore, be offered the opportunity to receive their full pension entitlement in accordance with each individual's option decision. Staff will be provided with an update on progress by early December 2009.

Rural Transport Services

6. **Mr O'Dowd** asked the Minister of Agriculture and Rural Development how she intends to work with the Department for Regional Development to improve transport provision in rural areas, particularly for isolated groups or people with disabilities.

(AQO 425/10)

The Minister of Agriculture and Rural

Development: In conjunction with the Department for Regional Development's (DRD) dial-a-lift scheme, I was delighted to announce the assisted rural transport scheme (ARTS) on 10 November 2009. The scheme, which will be supported by DARD, has been developed following work with DRD in response to the transport/access priority that has been identified as part of the

rural anti-poverty and social exclusion work. It will be rolled out from 1 December 2009. Under ARTS, SmartPass holders who are over 60 years of age and disabled people who live in rural areas can avail themselves of free and concessionary transport via the 16 rural community transport services.

As part of my work to develop a rural White Paper for the North, I have spoken to rural stakeholders, who have consistently identified transport as one of their biggest stumbling blocks. I have spoken to young people with disabilities and heard at first hand how lack of transport provision inhibits their ability to work and socialise. The lack of suitable, reliable rural transport has, for some time, been a concern to me because it compounds rural poverty and social exclusion.

I am pleased that, through working closely together, Minister Murphy and I were able to announce the introduction of the assisted rural travel scheme and the dial-a-lift scheme. Improving rural transport will make a real difference to the lives of rural dwellers, particularly the mainly elderly and disabled people who are entitled to SmartPasses.

Mr O'Dowd: Go raibh maith agat, a LeasCheann Comhairle. Will the Minister elaborate further on the dial-a-lift scheme and how exactly it works?

The Minister of Agriculture and Rural

Development: The dial-a-lift scheme has been piloted by DRD through three of its 16 rural community transport partnerships (RCTPs). The dial-a-lift scheme enabled the RCTPs to facilitate individual, unscheduled journeys, in that members could call up and arrange journeys specific to their needs. As that is rolled out to all RCTPs, the level of service will expand, and it will become more accessible to all users. Introducing the assisted rural transport scheme simultaneously with the dial-a-lift scheme will provide significant access provision, particularly for elderly and disabled people, as they will be able to arrange individual journeys and to avail themselves of the concessions.

DRD is funding the additional costs of introducing the dial-a-lift scheme, and that includes the non-passenger costs associated with ARTS. The Department of Agriculture and Rural Development will pay the cost of the concessionary journeys actually taken by passengers, and DRD will cover the other costs required to facilitate such journeys. Therefore, it is a real example of how joined-up government and partnership working can deliver for people.

Mr Paisley Jnr: While I welcome what the Minister has said, is it possible for her to outline how she intends to protect rural areas when prime agricultural land is being cut to pieces and new roads are being built through those areas? Does she agree that any new roads in the countryside ought to be built in parallel

with existing roads and that good agricultural land should not be used willy-nilly, destroying farms?

The Minister of Agriculture and Rural

Development: I could answer the Member now, but, with his indulgence, I will deal with it in my response to a later question. However, I agree that, working together with DRD, we want to maximise the benefits to rural people and minimise the difficulties.

Mr Kennedy: I am grateful to the Minister for her earlier replies. Has the Minister held any discussions with the Minister for Regional Development to address and improve areas where serious road flooding has occurred, especially in the many minor roads and rural roads of my constituency of Newry and Armagh?

The Minister of Agriculture and Rural

Development: The question was about how we are going to work with DRD to improve transport provision in rural areas, particularly for people who are isolated or have disabilities. Therefore, it is a bit of a creative stretch to get that in, but I am happy to respond to the Member in writing.

Farm Nutrient Management Scheme

7. **Mr Campbell** asked the Minister of Agriculture and Rural Development when the outstanding farm nutrient management scheme payments will be made. (AQO 426/10)

The Minister of Agriculture and Rural

Development: I am pleased to report that good progress has been made with farm nutrient management scheme payments, and £116 million of grant aid has now been paid to farmers. That represents 95% of the total grant payable under the scheme, which closed in December 2008. All claimants have had a pre-payment inspection. My Department is aiming to make the remaining grant payments by the end of December. In a limited number of cases, there are minor issues that claimants must resolve before their final grant payment can be made.

The scheme is the largest capital grant scheme ever run by DARD. Through the farm nutrient management scheme, some £200 million has been invested in farm infrastructure. More than 3,900 projects have been completed, and farmers have demonstrated their commitment to the environment and to improving water quality. I congratulate farmers on their vision in investing that money and in getting their storage up to standard. It has been a very positive scheme that I am very proud to be associated with.

Mr Campbell: The Minister outlined the extent of the scheme. Can she elaborate on any appeal mechanism for the outstanding issues that she referred to in her initial reply? When does she expect the outstanding 5% of claimants to be paid?

The Minister of Agriculture and Rural

Development: On 13 November, 312 farmers still had to receive their 50% balance, and 11 still had to receive their full payment. I introduced the part-payment facility last year, and most farmers opted for it. That has enabled the Department to pay half of the grant before the prepayment inspection and so help the farmers' cash flow. The balance is paid after the final prepayment inspection has been cleared. However, we will wind up the scheme by 31 December 2009, as per EU Commission rules.

Mr O'Loan: I thank the Minister for what she said. Some £6 million must still be available for spending. Will she clarify whether that sum and the money paid out in this financial year was budgeted for? If not, what is the source of that money?

The Minister of Agriculture and Rural

Development: The farm nutrient management scheme has been budgeted for. It has long been a part of our budgetary roll-out. We have been planning for completion of the scheme.

Mr Savage: Will the Minister tell us what proportion of applicants was required to undergo a repeat inspection? Will that hold up their payments?

The Minister of Agriculture and Rural

Development: As I said, only a small number have still to be inspected. A few issues need to be tidied up, but they will not hold up the scheme. It closed on 31 December 2008, and it finishes entirely on 31 December 2009.

Dangerous Dogs

8. **Mr G Robinson** asked the Minister of Agriculture and Rural Development for an update on her planned reform of the dangerous dogs legislation. (AQO 427/10)

10. **Mr A Maskey** asked the Minister of Agriculture and Rural Development how she will consult on the proposed Dog Control Bill. (AQO 429/10)

The Minister of Agriculture and Rural

Development: With your permission, a LeasCheann Comhairle, I will answer questions 8 and 10 together.

On 5 November, the Executive approved my plans to consult on new policy proposals for new dog control legislation. I thank my Executive colleagues for their support on that.

In 2008, some 8,000 stray dogs were impounded, 2,900 unwanted dogs were collected, and 3,500 dogs were put down. Almost 800 people were attacked by dogs, and 59 of them were admitted to hospital. To address those serious issues, I propose to introduce new dog control measures that are based on a more robust and effective dog licensing regime. The new measures will include compulsory microchipping and new powers for dog wardens to intervene at an early

stage and to add conditions to a dog licence if a dog's behaviour has given cause for concern. Those licence conditions could include, for example, requiring the dog to be leashed and muzzled when in public. I also propose to make it an offence to allow a dog attack another dog.

The dog licence fee has not changed since 1983, and, as a result, the cost of dog warden services is borne by all ratepayers, whether or not they own a dog. Therefore, I propose to increase the licence fee to £12.50 in line with inflation. As an incentive towards responsible ownership, the fee will be pegged at the current level of £5 for those who have their dogs neutered. I also propose that, for the first time, the dog licence will be free for dog owners who are aged 65 and over. If an older person has more than one dog, the fee for the second dog will also be paid at the current rate of £5. The dog licence for those on means-tested benefits will also be pegged at £5. I propose to increase the penalties for offences to enhance the effectiveness of the new measures.

I launched the formal consultation process on my proposals today, and that will run until Friday 1 February 2010. Details of my proposals and how to respond to them are available on the Department's website and, to enhance the consultation, arrangements are being put in place for public workshops that will help individuals and organisations formulate their responses. Details will be available on the DARD website shortly.

My proposals will address the key problems while protecting the elderly and those on benefits and will encourage neutering and provide additional resources to district councils to meet the costs of dog control. I believe that the proposals will be widely welcomed and look forward to hearing responses to my consultation. I will carefully consider all the comments made during consultation before finalising my legislative proposals, and I aim to introduce a new Bill to the Assembly before the summer recess.

Mr G Robinson: I ask the Minister for an answer to my question.

Mr A Maskey: I thank the Minister for her detailed response. Is she hopeful or confident that the measures that she has announced will prevent the type of instance that she referred to?

The Minister of Agriculture and Rural Development: I hope so, and that is why I took such steps. My proposals will result in the most robust and innovative legislation available, and they will help us to tackle this problem. Dangerous dogs are a problem not only here but elsewhere. Children have been killed by dogs that were out of control. I want to do my best to protect people, and I am grateful to the public for writing to me about issues and to the Committee for

Agriculture and Rural Development, with which I have worked closely to bring about the best legislation that we can.

Mr K Robinson: On a point of order, Mr Deputy Speaker. I congratulate the Minister on getting through 10 questions, and I hope that that habit spreads to some of her ministerial colleagues.

3.30 pm

EXECUTIVE COMMITTEE BUSINESS

Department of Justice Bill

Further Consideration Stage

Debate resumed on amendment Nos 1 and 2, which amendments were:

No 1: After clause 2, insert the following new clause:

“Duty of First Minister and deputy First Minister to report on certain matters

2A. The First Minister and deputy First Minister acting jointly shall make a report orally and in writing to the Assembly on the day of commencement of sections 1 and 2 of the Act, explaining the provisions of protocols and concordats on —

- (a) national security;
- (b) the work of the Serious Organised Crime Agency;
- (c) the independence of the Judiciary;
- (d) the independence of the Public Prosecution Service

and the consequences of the provisions on the exercise of the functions that the Department of Justice is to exercise.” — [*Mr Attwood.*]

No 2: After clause 2, insert the following new clause:

“Duty of First Minister and deputy First Minister to report on co-operation on criminal justice

2B. The First Minister and deputy First Minister acting jointly shall make a report orally and in writing to the Assembly on the day of commencement of sections 1 and 2 of the Act, explaining the provisions of any arrangements entered into with the Government of Ireland concerning co-operation in criminal justice matters.” — [*Mr Attwood.*]

Mr McKay: Go raibh maith agat, a LeasCheann Comhairle. I will not speak for half an hour, as did the previous Member who spoke for the SDLP. I will keep my remarks short and to the point.

I oppose amendment Nos 1 and 2. It is becoming clear to Members, if it was not already clear, that the SDLP is intent on holding up and frustrating the devolution of policing and justice, regardless of the consequences.

The issues outlined in amendment No 1 are currently under the remit of the Assembly and Executive Review Committee. Those matters are very important and must be addressed, as has been recognised. However, the amendment serves only to delay and complicate the transfer process, as the Members who proposed the amendment know fine well.

Practically speaking, a difficulty arises from the need for the First Minister and deputy First Minister to report to the Assembly on the day of commencement

of sections 1 and 2 of the Act. That would require the commencement to fall on a day on which the Assembly sits, which could conceivably cause further delay. That would be extremely unhelpful.

I will conclude at that. I commend the Bill as it stands and oppose both amendments. This sham debate serves only to hold up and delay the process of devolving policing and justice powers. That is irresponsible, given the events over the weekend and the fact that there are those who want to capitalise on a delay in devolving policing and justice — on the one hand, Jim Allister, and, on the other, the micro-groups. The Governments want to see policing and justice powers devolved, as do most politicians here and the Police Federation. Even police officers want to see the issue resolved, as does the public.

I commend the Bill to the House, and I oppose amendment Nos 1 and 2.

Mr Hamilton: I want to begin by trying to be at least a little charitable to the SDLP. I know that that is a difficult task for Members — [*Interruption.*] I am being criticised by my colleagues. If they would only let me progress, they would see that my charity does not run deep. It is but a few fleeting remarks as I start.

I want to be charitable to the SDLP in this respect: there has been some criticism of the SDLP today for tabling the amendments. As we sit here, well into our third or fourth hour of debate, with perhaps more to come, a lack of good spirit and generosity towards the SDLP can sometimes be justified. However, I would never seek to deny the SDLP its right to table amendments, no matter how silly or spurious the amendments might be. I accept, as Mr Durkan said, that, on this occasion, the amendments are not necessarily an attempt to frustrate things — unlike the previous raft of amendments tabled by the SDLP at Consideration Stage. It may be frustrating for the rest of us, but I do not believe that the amendments are an attempt to frustrate anything.

However, amendment Nos 1 and 2 do not advance anything in the debate. They certainly do not advance, in any respect, the SDLP’s ideal of having the devolution of policing and justice powers as rapidly as possible or straight away. Contrary to what the Member who spoke previously said, I do not think that the defeat of the amendments or the ultimate passage of the legislation will hasten the devolution of policing and justice because, as everyone knows, there are outstanding issues that have yet to be resolved. That said, amendment Nos 1 and 2 do not do anything to advance the devolution of policing and justice, although I accept that they are not in any way as frustrating as the amendments that the SDLP tabled at Consideration Stage.

I want to pick up on a couple of points and to state my opposition to the amendments. By its own argument, the SDLP has got this one wrong; when it comes to timing, the SDLP is badly wrong. If the issues are so important, why is the SDLP seeking to have a report on a host of issues — a fairly meaningless report, as I will come to later — come before the Assembly after commencement of the legislation?

I think that Dr Farry was wrong about the timing of the report when he referred to that in his contribution. He talked about the passage of the Bill, but on reading the amendment, it is clear that the report would have to be made after the commencement of sections 1 and 2, which would be a much more advanced stage in the process. When we get to that stage, we will effectively begin the countdown towards the devolution of policing and justice powers. Therefore, why do those Members want to wait to such a late stage in the process to get a report on the issues that they seem to value so highly?

The truth is that those issues are being discussed and debated regularly, although that is not what the SDLP seems to be inferring. The place in which they were, and still are, being discussed is the Assembly and Executive Review Committee. Some members of that Committee have endured lengthy discussions on those issues and no doubt they will have to endure many more discussions on those and other issues. I firmly believe that those issues will be explained fully and fulsomely in and to the Assembly and Executive Review Committee before the devolution of policing and justice powers and that they will be resolved, if, indeed, any resolution is required.

The issues may not be resolved to everyone's satisfaction, which is an important point that may have been a core reason for the amendments being proposed. The issues may not be resolved to the satisfaction of the SDLP, but they will be resolved. It is worth pointing out, as I tried to do earlier in my intervention to Mr Durkan's contribution, that the deliberations of the —

Mr Durkan: I thank Mr Hamilton for giving way. I wish to respond to the questions that he asked of the SDLP. It has been suggested to us, by the First Minister among others, that the issues that we are talking about will be washed through the Assembly and Executive Review Committee and that that report will be subject to a vote in the House. Whether we are dissatisfied or not, we will be voting one way or another on that report.

However, the point of the amendment is to make clear, beyond whatever some parties might contend, that there should be a clear status given to the protocols and that, as a matter of form, the First Minister and deputy First Minister should make a statement about what the protocols are on the day of the commencement of the Act.

People might regard that as a bit of political liturgy, but it would be a significant bit of political liturgy as part of the devolution of justice and policing. It is important that there is a report so that whatever contentions there were about those matters — matters that may have been the subject of votes — no one can dispute the status of the protocols as reflected in that statement, which, under the amendments, would be in the form of a report.

Mr Hamilton: From what the Member said, I presume that he is seeking some sort of imprimatur from the First Minister and deputy First Minister, and that seems to differ from what was said previously.

I do not accept the argument that the protocols and memorandums will be “washed through”. It is disrespectful to the House and the Committees to suggest that anything will be washed through them. Hours upon hours have been spent discussing these issues and after today's debate, further time will be spent debating them in those Committees in order to reach a conclusion. Whether they are resolved or are agreed to the Member's satisfaction is something that he will have to resolve in his mind.

Mr Durkan: I assure the Member that I regard “washed through” as a positive thing. I did not use the term “washed through” in a pejorative way. I was not talking about a whitewash in the Committees. To me, “washed through” means going through the proper scrutiny.

Mr Hamilton: The Member has helpfully made my point. If the protocols are going through the proper scrutiny in the Assembly and Executive Review Committee, why is there a need for a superfluous, meaningless report from the First Minister and deputy First Minister? Such a report will merely repeat what has been said in debates and in the Assembly and Executive Review Committee, which has had, and will have, time to scrutinise all the relevant documentation.

I firmly believe that the deliberations in the Assembly and Executive Review Committee, which will tease out all those subjects, come to conclusions on them and ensure that the issues are resolved, even perhaps if not to the Member's satisfaction, are sufficient scrutiny. The Committee will produce a report, which, if experience is anything to go by, will be fairly lengthy and contain a number of conclusions and recommendations. The report will then come to the House for a reasonably lengthy debate and will, ultimately, be voted on by Members. I consider that to be a much more appropriate way to examine the issues in the amendments than the Member's suggestion of a statement by the First Minister or the deputy First Minister in the House.

Mr Durkan: I thank Mr Hamilton for giving way again; he is very generous. Does he accept that the Assembly and Executive Review Committee report

will cover many issues, hopefully including the ones that the amendments seek to address? Whether the debate on the report adequately reflects all those issues is another matter.

Unlike the vote that may or may not take place on a report by the Assembly and Executive Review Committee, a statement by the First Minister or the deputy First Minister will have its own definitive standing of reference, because it is not subject to challenge and could not lead to a Division. Therefore, such a statement would provide assurance for the agencies that will be on the other side of those protocols. That assurance does not exist if protocols are subject to a Division, because they could become matters of controversy and the negotiations on them could become matters of controversy. There is more assurance and better protocol and form in the measure that we seek in the amendments.

Mr Hamilton: I am not entirely convinced that a statement in the House carries more weight than a debate in the House on a Committee report.

The First Minister (Mr P Robinson): Was there not something contradictory in the remarks by the Member for Foyle Mark Durkan? He said that the protocols and concordats might be one of a number of issues in the Assembly and Executive Review Committee's report to the Assembly, which could mean that other issues might be debated and that protocols and concordats might not get adequate cover. Does that not suggest that the protocols and concordats are not the all-important factors that others make them out to be? Why should they be given prominence if the natural inclination of Members is not to make them prominent in a debate on a report by the Assembly and Executive Review Committee?

Mr Hamilton: That is a fair point. I could make similar arguments to Mr Durkan about other issues that might be in an Assembly and Executive Review report and ask that they be taken out, highlighted and scrutinised. In many cases, particularly for our community, such issues would be of much greater importance than the ones that are highlighted by the SDLP amendments. We do not seek to do that, because we value the work that the Assembly and Executive Review Committee and all its members will do and the report that they will produce.

Given those points, I start to ask myself, as I always do when I see amendments, particularly from the SDLP, about the purpose. If the purpose is not to achieve the aims in the amendments, there must be other reasons behind proposing them. After having to endure lengthy discussions on the subjects in the Assembly and Executive Review Committee, I accept that the SDLP has taken a keen interest in all the matters. However, the SDLP has not taken a keen interest to merely have sight of the documents that we hope that the Committee, and,

therefore, the Assembly, will get sight of. The purpose of the SDLP amendments is not to simply see or scrutinise the protocols and concordats as has been suggested. The real motivation is a desire to interfere in the memoranda, protocols and the documentation. The SDLP is not happy with the way that many issues are going with regards to the Serious Organised Crime Agency (SOCA), the Public Prosecution Service (PPS) and the judiciary. The desire of the SDLP is not only to get sight of the documentation but to interfere with it and to try to bring about some changes to the protocols and the memoranda of understanding.

It must be made clear that in many, if not all, cases the SDLP will be unable to interfere. Most sensible people will not stand for any interference, particularly in issues of national security.

3.45 pm

After the Consideration Stage debate and the incident in south Armagh, where SOCA, justifiably and rightly, took back assets from a criminal and made arrests, some Members became jittery, jumped up and down and made inappropriate comments that they should not have made. I echo the words that I said during the Consideration Stage debate: people who think, when policing and justice powers are devolved, that anyone will have the right to interfere in individual cases should get that idea out of their heads now. That point needs to be stressed again.

I made this point during the Consideration Stage debate, and I will make it more broadly now. If the SDLP thinks that it will have the ability to interfere in such issues, it is barking up the wrong tree. National security issues will clearly remain non-devolved matters, and the ability of the Assembly, its Committees and its Members to interfere will be severely limited. We must get it absolutely straight that there is no question of interference. A future justice Minister and the Assembly at that time may show interest in, examine and scrutinise the operation of some of the other broad subject areas that are listed in the amendment, such as the Public Prosecution Service. However, we cannot interfere in such bodies' independence; that is absolutely out. Moreover, we cannot and should not become involved in the independence of judiciary.

I suggest that the SDLP's motivation for tabling the amendments is the same behind the tabling of its amendments at Consideration Stage; that is, an attempt to show up Sinn Féin.

Mrs D Kelly: Sinn Féin does that by itself.

Mr Hamilton: I will allow the Member's comment to sit for a minute. At times, it is entertaining and enjoyable for Members on these Benches to sit back and watch the squabble.

Mr Paisley Jnr: It is a family feud.

Mr Hamilton: Yes; the intra-nationalist spat is like a family feud. It is entertaining.

That is the motivation behind the amendments. Amendment No 1 lists areas such as SOCA, the PPS, North/South arrangements and the judiciary. That party wants to show that, although it tabled an amendment to seek better scrutiny and to make matters crystal clear, Sinn Féin rejected and opposed it.

If anything goes wrong in the future, the SDLP's mantra will be to trot out the assertion that it tried to do something during the debates on the Department of Justice Bill and that Sinn Féin opposed it and that, therefore, its hands are clean and Sinn Féin's are not. That is as much the motivation behind the amendments as anything else. I do not want to become involved in that family feud. There is a bit of a domestic going on; I do not do domestics, I am not getting involved, and I will let those parties fight it out among themselves. However, as much as we on these Benches enjoy that feud, it is holding us back from passing proper legislation in the House.

Amendment No 2 mentions a report on the North/South arrangements. I make it clear that my party has a record, through its membership of the Assembly and Executive Review Committee, of supporting practical cross-border co-operation where it is of mutual benefit. That does not differentiate between policy areas and does not rule out justice matters. North/South co-operation and, indeed, east-west co-operation, which is as essential, if not more so, is imperative to deal with sex offenders, who know no boundaries, and organised crime, which respects no borders. It is imperative that cross-border co-operation exists. Such co-operation has existed perfectly well for the past number of years. It has been lauded by many people on both sides for its effectiveness without having the constraints, strictures, cost, waste and inefficiency of the North/South Ministerial Council.

The Assembly and Executive Review Committee has already rejected an attempt to include a justice sector of the North/South Ministerial Council. Mr McFarland said that his party did not see the need for a justice sector at the moment, but the rest of us on this side of the House reject the need for such a sector of the North/South Ministerial Council at any time. Nonetheless, we respect the need for cross-border co-operation to exist and to continue.

Work is already well advanced to ensure that the current arrangements, which would collapse on devolution, do not do so and lead to a nightmarish scenario, but are replaced by other appropriate mechanisms. The Assembly and Executive Review Committee will deal with that issue: indeed, it will come before that Committee because its members have shown an interest in the subject, and it was put on the

Committee's agenda at the request of the SDLP. Therefore, it is clear that the Assembly and Executive Review Committee, in its deliberations, will examine the issue and ensure that the appropriate arrangements are in place, and it will report to the Assembly on that basis.

The amendments are completely and utterly pointless. Many of the issues mentioned are already documented and are in the public domain. We have had sight of quite a few of the documents that outline how the relevant agencies will work after the devolution of policing and justice powers.

It is worth touching on the point that Mr Durkan made earlier, which was that the amendment seeks a report from the First Minister and the deputy First Minister on the operation of the protocols and memorandums of understanding at one particular point, which would be the commencement of sections 1 and 2 of the Act.

We have been regaled with tales of how the Member for Foyle is scared witless every time he watches 'Spooks', and what those nasty men in the shadows might be doing and how they will change things. If the SDLP believes that that is so important, it would have ensured that the amendment provided for the publication of a similar report. If such a value is to be placed on the report at the commencement of the two sections, surely the same weight and importance should be given to such a report every time the protocols are changed. However, that is not provided for in the amendment.

We have been told that a precedent would be set, but that is clearly not the case. There is a legal requirement to report once, but there is no requirement to do it twice, three times or four times and so on for infinity. The SDLP Members who tabled the amendments should reflect on the error that they have made. They should ask themselves why, if that requirement is to be repeated for ever and a day, they did not make that clear, or if it is for now and forever, why is it not absolutely crystal clear in the amendment that that was to be the case? The SDLP has got it wrong.

The Member for Foyle Mr Durkan said that the ministerial statement would deliver due and proper oversight. Ministerial statements to the House are a valuable device for asking questions, but no one suggests that such statements, which outline the position as it is, which is clear because documents are in the public domain, offer due and proper scrutiny in comparison with the Committee's report, which will go to great length and will contain evidence from not just one moment in time or one meeting, but from several meetings in which the issues have been discussed, and other meetings to come. I suggest that that is by far the better way to achieve due and proper oversight of the issues. An Assembly and Executive Review Committee

report, with recommendations debated and ultimately voted on in the Assembly is better than a one-off, never-to-be-repeated statement by the First Minister and deputy First Minister.

For all those reasons, I believe that the amendments are pretty pointless. They do not achieve anything, nor do they make any advances. The frailties of the amendments have been proven, not by me or others, but by the bad arguments put forward by SDLP Members.

Mr Paisley Jnr: As has been said, it is unfortunate that the backdrop to today's debate has been set by others outside the Chamber who have dastardly intent. I, too, place on record my complete condemnation of those who seek to destroy the accountability mechanisms of the police. I condemn the actions of those who planted a bomb outside the headquarters of the Northern Ireland Policing Board, and of those who sought to take the life of a young police officer in Fermanagh.

To debate amendments that are completely worthless and meaningless displays, not a lack of respect for the House, but a complete immaturity on the part of those who tabled the amendments. Their piousness concerning the issues that they are trying to debate and in wanting to see devolution of these powers, suggests to me that those same Members, because of their immaturity, would be the first to call for a justice Minister to resign at the first instance of a crisis in policing. That is the problem with the debate and with the amendments that have been tabled.

As my colleague has outlined, the debate centres on one party on the nationalist side of the House saying to another party on the same side of the House that it is greener, cleverer on the issues, and has tabled the amendments because it knows what is really going on. If one were to probe the amendments in any way and test them rigorously, it would become fairly clear that they are completely and utterly pointless. That should not be lost on the House.

The SDLP has sought to pursue this matter since the St Andrews Agreement, and possibly since before then. It lost that debate in annex E of the St Andrews Agreement. Its obsession with the issue does the party no good whatsoever. The Member for West Belfast Alex Attwood, in his approach to the matter, reminds me of the little boy who cried wolf. He keeps crying wolf on national security, SOCA, the independence of the judiciary and of the Public Prosecution Service. Some day he may latch on to an issue that is important, and he will be dismissed because people will just think that Alex is crying wolf again. He should do himself a favour and stop this farce. He should stop going back over issues again and again on which the debate, from his point of view, has been lost.

I despaired when I heard the Member for Foyle Mark Durkan's justification for his reasoning on

exploring the amendments before the House, when he said that if one watched 'Spooks', one would be aware of how these matters operate.

Mr Durkan: I clearly said that one does not have to watch or be a fan of 'Spooks' to know that the concept of national security has changed and expanded, and will do further. I do not watch 'Spooks'.

Mr Paisley Jnr: I am glad. He is more of an 'Austin Powers' man.

If the Member wants to order a JCB and keep digging that hole, he can. He has shown political dexterity during the debate: he has changed horses, not in mid-flow, but mid-amendment and mid-sentence. He has moved, almost seamlessly, from proposing an amendment to hold the House to account and require the First Minister and deputy First Minister to make a statement on the day of devolution to saying that that statement would go on and on into the future. The Member already demonstrated better dexterity than that.

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

4.00 pm

Mr Durkan's comments about 'Spooks' backfired. I witnessed the expression of despair on the face of the colleague sitting beside him when those comments were made; indeed, I think that most of us saw that. The Member changed horse and tried to claim that the amendment was aimed at getting statements, in the future, on changes that may or may not occur. However, amendment No 1 states clearly that there should be a statement "on the day of commencement". Those matters are ex post facto, and the statement will be made after the event. The Member did his argument no good by referring to 'Spooks' on the Floor of the House.

I turn now to the specifics of amendment No 1. Mr Attwood mentioned a change in circumstances that will arise on the day of devolution. The amendment refers to national security, the work of the Serious Organised Crime Agency, the independence of the judiciary, and the independence of the Public Prosecution Service. However, the Member failed to present a single argument that explained the changes that will occur in respect of any of those matters. It is very simple: no changes will occur. It will be no surprise to people that national security is national security.

I remind Members of a debate that took place in a meeting of the Assembly and Executive Review Committee on 27 January 2009. As recorded in the Hansard report, I said on the issue of national security and SOCA:

"That should be the be-all and end-all of the relationship; as a devolved administration, we should have only a briefing relationship. National security is national security, and the administration and direction of national security starts and stops with the Prime Minister."

Members from the Benches opposite agreed with me at that time, and it was accepted that that was the nature of the situation. Members recognised that the same situation applied in respect of SOCA, and one Member said that that was the “realpolitik” of the situation. We can have a briefing relationship, but national security starts and stops elsewhere.

I also indicated that the relationship between the Policing Board, SOCA and the security services is now settled. I said:

“the fact is that there is a settled relationship, and that is an operational issue. Why would we want to bring those operational matters, over which we would have no jurisdiction anyway, into week in, week out discussions in this forum? I do not think that that is necessary.”

Members from all sides agreed with me again.

In that debate, Mr Attwood acknowledged that the elements that I identified will continue. He indicated that changes could only arise in respect of matters that fall outwith the sovereign Government’s responsibilities. Members should recognise the constitutional status of Northern Ireland. Even under the terms of the Belfast Agreement, Northern Ireland is part of the United Kingdom. Given that we know our constitutional status, we should also know that national security is national security.

I tried to get the Member for West Belfast to explain some of those issues at the beginning of the debate. After promising that he would do so, he failed to develop on any of those in a speech that lasted 45 minutes. That highlights that the change in circumstances that the Member spoke about are fantasy. For good reason, the changed circumstances do not affect national security or SOCA. National security is not a parochial issue, and SOCA deals with issues of national crime, which can even cross frontiers, rather than parochial issues.

At the weekend, Sir Hugh Orde, the president of the Association of Chief Police Officers, reiterated that national security is not a parochial but a national matter. The wisdom is that we should not shrink national security into a corner and make it a parochial issue. The purpose of the amendments may have been intended to be probing, but they actually limit national security. What we saw today, and what we have been witness to in the Assembly and Executive Review Committee since January 2009, was a series of fishing exercises to try to bring the issue of national security back onto the agenda purely to satisfy green politics and to allow an argument to ensue about who is a better nationalist when it comes to the issue of national security. It does the House, and the circumstances in which we find ourselves, absolutely no good whatsoever.

Outside the House, others wish to mislead wilfully on the current set of relationships and what will happen after devolution. It has been stated that:

“Immediately policing and justice is devolved it indeed comes within the ambit of the all-Ireland institutions as a subject for the North/South Ministerial Council”.

That statement was made by none other than a QC. One would have thought that he might have known better. It is clear that that is a complete misrepresentation. In fact, it is more than that: it is a lie, and it is not the truth. None of those matters will involve the North/South Ministerial Council. Perhaps the person who made that comment thinks that issues about Special Branch are dealt with under the ambit of an animal health forum in the Republic of Ireland.

People need to get real and recognise that wilfully misleading people and trying to initiate a debate on issues to wipe people’s eyes, to create fear or to generate anger in the community will not work. Perhaps other people have had their eyes wiped in that regard, but the public will not allow their eyes to be wiped by certain people.

I have a letter that was written by the Secretary of State on 31 May 2009. The Member who tabled today’s amendments will have the letter in his possession. Members of the Assembly and Executive Review Committee will have a copy, and, more importantly, the document was made public at a Committee meeting. The letter spells out clearly that the intention is to share protocols and concordats with the Committee:

“in parallel with the First and deputy First Ministers and nothing has changed in that regard.”

Therefore, we will receive those papers. I assume that we will receive them when they are complete and are with the First Minister and deputy First Minister, which is the right thing to do. However, the letter makes a distinction about when we cannot have access to material. It states:

“However, issues will arise within the transferred policing and justice field which have a national security dimension or which touch on national security related issues. Where this happens, the UK Government will provide all the relevant information to devolved Ministers to support them in the fulfilment of their Ministerial roles and responsibilities, except where to do so would compromise national security.”

If Members really want to dissect that and say that they want national security to be jeopardised so that they can better hold bodies to account, they have taken leave of their senses. When protocols are shared with Members, it will be for the right and proper reasons. They will address some of the issues that have been identified.

Members know that some of that work is already being carried out. We are aware, for example, that an exchange of information is critical to the management of sex offenders, who can more easily be monitored between the jurisdictions of Northern Ireland and the Republic of Ireland. However, it is clear that some of that work is not complete and that that is a fluid

process. The police will be able to develop more capability in tracking computer records so that it will be easier for them to track paedophiles who use the Internet to groom victims. As technology develops, the skill and protocol will also develop. Consequently, Members should recognise that neither the protocol nor the relationship is fixed and that matters of practical co-operation should be and are fluid.

The House should reject the amendments for the reasons that I, and other Members, have stated. Moreover, the ritualistic ceremony of constantly debating needless amendments for the sake of someone who seems to have too much passion for John le Carré and not enough for realpolitik should be set aside, and Members should recognise that if we are to get on with the devolution of policing and justice powers, we should do so sensibly and in the appropriate place, which, until the powers comes to the House, is in the Assembly and Executive Review Committee. Therefore, I will vote against the amendments.

Mrs D Kelly: It would appear from Members' contributions that some of them are either unable or unwilling to understand the purpose of the amendments. To paraphrase the First Minister at his party conference: when something comes from the other side, it has to be detrimental to our side. If it were not for the Sinn Féin/DUP tag team, Sinn Féin, through its refusal to support the amendments, would not have provided a fig leaf for the DUP. Unlike the way in which Mr Paisley Jnr and others were trying to present the amendments, they are not only necessary but are related to and fall within the constraints of the Bill, and that is why they are so constrained.

Mr Hamilton said that one would not want to have superfluous and meaningless reports from the First Minister and the deputy First Minister. Perish the thought. If one were to examine what is said in Question Time at times, one might wonder whether we get meaningful answers on a wide range of issues.

Amendment No 1 recommends the insertion of a new clause 2A to cover, among other bodies, the work of the Serious Organised Crime Agency. Unlike the near hysteria from some members of Sinn Féin in the past two or three weeks when there were raids in south Armagh, the SDLP has always sought to ensure that the Serious Organised Crime Agency's work takes full account of criminal activity in the North and that the Assets Recovery Agency's work was not overlooked when it was subsumed into SOCA.

We welcome the targeting of organised criminals and gangs that rob people in the North. Perhaps one outcome of the debate and what happened two to three weeks ago will be to give some explanation of the difference between devolved and non-devolved policing matters, and allow time for members of Sinn

Féin to understand that difference, because SOCA is a non-devolved matter. It is right and proper that the public, particularly those who see criminals in their midst and believe that many of them are getting away with what they have done, see criminals being held to account under proper protocols that have been explained in the House.

Given that no one knows the date for the devolution of policing and justice powers, surely the purpose of the First Minister and the deputy First Minister's statement is not to hold it up. Last year, Sinn Féin held up the Assembly's work for five whole months on the premise that it was going to deliver on the devolution of policing and justice powers. However, here we are again, still with no debate and no time frame.

At the weekend, the First Minister said — I trust that he does not mind my paraphrasing his conference speech, because I listened well — that Sinn Féin is looking over its shoulder at Alex Attwood. Is that really what this afternoon's debate has been about? It has certainly been what Sinn Féin's contribution has been about. *[Interruption.]*

Mr Deputy Speaker: Order. The Member should return to the subject at hand, which is the debate on amendment Nos 1 and 2.

Mrs D Kelly: I will respect your ruling, Mr Deputy Speaker, although the other Deputy Speakers gave Members considerable latitude earlier in the debate.

I shall now speak about why the public might want proper protocols and agreements to be in place on national security. One has only to ask the surviving victims of the Omagh bombing about whether there should be transparency in the oversight of national security to answer that question. I welcomed Mr McFarland's contribution in which he said that the Ulster Unionist Party would be minded to support amendment No 1. I hope that that will be the case. The SDLP is not divided on the matter; it is not a division that we have created with Sinn Féin. Comments about splits in parties are rich coming from the DUP when one looks at its internal feuding. *[Interruption.]*

Did someone mention Jim Allister? What was that? Sorry, I did not quite hear that.

4.15 pm

Amendment No 2 is about North/South agreement and co-operation on criminal justice matters. As Mr Spratt said rightly, such co-operation has existed for many years. Indeed, the current co-operation between the Garda Síochána and the PSNI was exemplified in the arrest of individuals in relation to the shooting incident in Fermanagh. What is wrong with strengthening the protections of all our people on the island of Ireland? Surely, there is nothing to fear from amendment No 2. One would wonder why Sinn Féin cannot support

amendment No 2, and that party will certainly have to answer a number of questions on the matter from its supporters.

In relation to amendment No 1, the questions about the independence of the judiciary and the Public Prosecution Service have been well articulated by my party colleagues. The relevance of those issues to the amendment speaks for itself. I think that it was Alex Maskey who said in a recent press release that the decision has been made by the two main, big parties and the other parties are almost immaterial in the matter. That is coming from a party that has shouted about its electoral mandate for many years but seeks to deny the SDLP and other parties in the Chamber full disclosure and full debate by way of a statement from the First Minister and deputy First Minister at the commencement of the Act. Why should everything be held in the Assembly and Executive Review Committee? As Dr Farry pointed out, the Alliance Party is not represented on that Committee, and I am sure that it would welcome an opportunity to have more of a say.

Mr Hamilton: Will the Member give way?

Dr Farry: Will the Member give way?

Mrs D Kelly: I will give way to Dr Farry.

Dr Farry: Notwithstanding the way in which the Alliance Party has been discriminated against and excluded from the Committee, it goes without saying that we do have confidence in the workings of the Committee and respect the ability of the institutions of the House to reach conclusions. Certainly, we have aspirations to rise to the dizzy heights of a seat on that Committee some time in the future, but we respect that there are set procedures for dealing with business and it is counterproductive to try to circumvent them. We look forward to having a full debate on the detail on the Floor of the Chamber, as opposed to simply asking a question of the First Minister or deputy First Minister if a statement were made.

Mrs D Kelly: I will deal with Dr Farry's contribution right away. What about the respect for the Chamber and for the House? Does he put all his trust in the DUP and Sinn Féin? It must be incredibly difficult to be always having to perform well if the DUP is judging who is best placed to be justice Minister. It must be incredibly stressful for Dr Farry and other Members in the Alliance Party to be always on their best behaviour. It must be very difficult indeed.

Mrs D Kelly: I will give way to Mr Hamilton. Perhaps he is putting in a bid.

Mr Hamilton: The Member has cited the lack of Alliance Party representation on the Assembly and Executive Review Committee as reason for her amendment to proceed, so that a statement can be made to the House in order that the Members from the

Alliance Party can have their say. Will the Member explain to the House why, around a year ago, when I proposed that the membership of the Assembly and Executive Review Committee be expanded by one to allow for a Member from the Alliance Party to become a member, that proposal was opposed by the SDLP members on that Committee?

Now, however, she is precious about the Alliance Party's views being heard. Perhaps, she can explain that to her colleagues who resisted having Alliance Party membership on that Committee.

Mr Deputy Speaker: Order. That is not the subject of this debate. I ask Mrs Kelly to proceed with the debate on amendment Nos 1 and 2.

Mrs D Kelly: I was merely paraphrasing some of Dr Farry's comments. The amendments have been well articulated. Sinn Féin seems to have a problem with scrutiny and the length of some Members' contributions. It seems that its Members also fail to understand the difference between a volunteer and someone who is made redundant. I thought that that would not have been a difficulty in that party.

The amendments increase community confidence, which is a stated ambition of some parties with regard to the devolution of policing and justice powers. The amendments fulfil that purpose. Transparency and accountability in democracy is something to which all of us should subscribe and aspire. Therefore, there is nothing to fear from supporting the amendments.

Peter may well be the leader of the DUP and the pseudo-leader of Sinn Féin, but he is not the leader of the SDLP, which will continue to stand up and promote the best interests of the whole community and not only subsections of it, as is the wont of some political parties.

Mrs Long: We have had exhaustive and exhausting debates about the Bill as it has progressed through its stages, so I do not want to prolong the agony further. I concur with the comments that were made by my colleague Stephen Farry. The Alliance Party believes that the issues that have been raised by the SDLP are serious, so there is no disagreement about that. However, we in the Alliance Party are not convinced that the SDLP amendments are a meaningful way of dealing with such serious matters.

There is a woolliness around what the amendments do, particularly with confusion about the commencement date for the legislation and the date on which policing and justice powers will be devolved, and that was drawn out even more in the speeches from the members of the party that proposed the amendments. We agree that there needs to be clarity on the point at which we have devolution of policing and justice powers, as raised in the amendments. However, that is not the commencement date of the legislation, which simply puts in place the architecture to allow the

devolution of policing and justice powers to happen. For that reason, there does not seem to be clarity.

I do not consider the list in amendment No 1 as an exhaustive list of issues on which one would want clarity ahead of the devolution of policing and justice powers, so I am not sure what benefit that brings.

There is also an issue about whether a statement is the right way for the matters to be brought before the House. Mrs Kelly's contribution contained a reference to the work of the Assembly and Executive Review Committee and considered whether, in the absence of any Alliance Party representative on the Committee, the party had confidence in its work. There are other Committees on which the Alliance Party has no direct representation, and at no time have we questioned their capacity or ability to do their jobs. Nor have we queried the way in which they have handled the work that has been given to them. It would be unfair of the Alliance Party to suggest that the Assembly and Executive Committee is unfit, merely because we are, rightly, of the belief that we should be represented on it, given the sensitivity and importance of the issues with which it is dealing and the fact that they are relevant to our electorate. That needs to be made clear.

I assure Mrs Kelly that she need not stress herself about our pressure to perform. The Alliance Party has always performed well, and it will continue to do so. We will not be worried about the judgement of the First Minister or deputy First Minister on that; we will leave it to the electorate to decide whether we have performed well.

At best, the amendments are neutral, in that they do not achieve anything. A debate in the House on the outcome of the Assembly and Executive Review Committee report will be a more effective way for everyone to make their contributions and tease out the issues. No doubt the public will want that, rather than the statements of "whataboutery," that the Members to my immediate right are currently engaged in.

The amendments are at best neutral. At worst, they will create a legal hurdle over which we will have very little control with respect to timing and which will not make the Bill more robust or the processes more accountable. For those reasons, the Alliance Party will be opposing both amendments.

The First Minister: I begin by joining with colleagues from all sides of the House who have expressed their condemnation of the events of the past few days; in particular, the attempted destruction of the Policing Board offices in Belfast, the attempted killing of a police officer in Garrison and the attempt to kill, destroy and disrupt in Armagh.

All of us who have witnessed the attempts by dissident republican groups to disrupt the political process and disturb the progress that we have been

making will recognise that there is only one answer: it is that all of us, irrespective of background, party affiliation or future aspiration, make it abundantly clear that we condemn such people, that we want those who have evidence to give it to the police and that we give our full support to the police and those assisting them in tracking down the people responsible. We must make it clear that we will never give in to those who carry out those types of activities or allow them to dissuade us from doing our duty.

The Department of Justice Bill is critical for the preparation for the devolution of policing and justice: it is a necessary step. All parties in the House have clearly indicated that they want to see policing and justice powers devolved to the Assembly without undue delay. There are also some who are vocal outside the Assembly, and they also came from a position in which they wanted policing and justice powers devolved. Indeed, those who are positioning themselves most vocally against the Bill actually signed up to a manifesto calling for that devolution. It is for them to explain their U-turn, but I believe that we are taking the right action in preparing the way for the devolution of those powers.

I note that the SDLP has proposed amendments at every Stage of the Bill, and I do not seek to deny its Members the right to do so. I am a firm believer in the parliamentary process both here and in another place, and I believe that the best Bills are those that are properly scrutinised. When those who seek to introduce measures are questioned about, or must justify, their actions, it provides the opportunity for clarification of a position that is deemed to be unclear, and I do not detract from the SDLP's right to do that. I just hope that in proposing its amendments, that party is attempting to probe and find out the attitudes of parties and the deputy First Minister and I, a position that we will be happy to deal with during the course of the debate. However, I suspect that, as on previous occasions, there has been an attempt to ratchet up some division on the issue, which I think is unfortunate. This should not be an issue that divides us.

Our manifestos all held the same position, and it is unfortunate that people are drawing distinctions instead of trying to bring our positions together. However, during the debates on the Bill, the SDLP has not been able to use this issue to gain much traction, and it is clear that that party is running out of steam with its fairly unnecessary and irrelevant amendments.

4.30 pm

It is worth pointing out that when the Committee sought the public's view on the issue, they did not seem to be much disturbed about it. No member of the public was concerned enough about the Bill to make any comment, unless one describes Jim Allister as a

member of the public. I suppose that given that he does not have an elected position, he might be described as such. That said, he was the only person outside the institutions of the Assembly who bothered to communicate with the Committee, and even he was so nonplussed by the whole issue that he could not get his response in on time. That lack of comment does not indicate that there is any depth of concern out there about the Bill. From my perspective, the Bill has a fairly standard purpose, which is to set up a justice Department, and I think that we have met the concerns of most people. However, I accept that the SDLP will want to make a point about how the Minister is appointed.

Nevertheless, we must accept that although the present leader of the SDLP said that his party was accused of tabling amendments that were difficult and contentious, that is far from the truth. The truth is that I did not hear any Member describe the amendments in those terms; I only heard Members say that they were unnecessary and irrelevant.

I will deal with the issue behind the amendments. It is no secret that before devolution, the Secretary of State and his Whitehall ministerial colleagues will want to reach an agreement with the Executive about the number of documents that set out a common understanding on several areas. The contents of those concordats, or memoranda of understanding, will include the independence of the judiciary and the prosecution service, the interface between the devolved policing responsibilities and national security. I am not aware of any proposed document that is specific to the Serious Organised Crime Agency.

Early drafts of the concordats on judicial and prosecutorial independence were published some years ago in a report to the Committee on the Preparation for Government. I hope that common ground was reached across all parties that the work of the judiciary and decisions on prosecutions should be free from political interference.

The memorandum of understanding on national security will deal with the undeniable fact that national security responsibilities will remain non-devolved. Some of the issues on policing responsibilities that will flow from that memorandum have been set out in annex E to the St Andrews Agreement.

The Assembly and Executive Review Committee has been aware of those documents since last year. I hope that the Committee will soon be successful in obtaining drafts from the Secretary of State that will enable it to assess the contents of those documents. However, it is for the Secretary of State to decide whether to provide the Committee with those documents, although I hope that he shall soon do so. The Assembly and Executive Review Committee will be best placed to judge the implications of those concordats, protocols

and memoranda of understanding for the areas that will be under the Committee's remit.

Any decision that the deputy First Minister and I make to commit the Executive to such agreements could come only after we had consulted with the Executive and had considered carefully the views of the Assembly and Executive Review Committee. If amendment No 1 were agreed, we would not be in a position to do that.

It may be helpful to the SDLP for me to outline how I envisage the matter being addressed. In doing so, I will, perhaps, touch on an issue that was raised by the leader of the UUP at the beginning of today's business during the discussion on recent terrorist activity. He said that there must be an opportunity to discuss such issues, but that no such opportunity exists.

Let us be clear about what opportunities have been made available. The Assembly took a deliberate decision to set up an Assembly and Executive Review Committee. That Committee was charged with the task of considering all the issues that would flow from the devolution of policing and justice, including financial issues and the necessary procedures that would have to be applied. The House gave the responsibility to that Committee.

On top of that, a series of meetings has taken place, and various party leaders have been speaking to the Secretary of State and the Prime Minister. The leader of the Ulster Unionist Party has had four or five conversations with the Prime Minister and probably just as many with the Secretary of State. The Secretary of State even addressed Assembly Members from the Ulster Unionist Party on policing and justice issues, and I am sure that it was a worthwhile experience for everyone concerned. We have also had numerous debates on the issue in the Assembly.

I am sure that the deputy First Minister will not mind my putting on record what happened when he and I met the leader of the Ulster Unionist Party. Almost as though it was part of his patter, the leader of the UUP raised the issue of the lack of opportunity. There and then, the deputy First Minister and I offered to set up a subgroup within the Executive that would include representation from all four Executive parties. The subgroup would have separate meetings and deal not only with policing and justice, but with education, cohesion, sharing and integration, and any other issues that should arise. We could talk about those matters much more freely than at Executive meetings, at which officials are present and every word is recorded. That subgroup could meet without prejudice and hold in-depth discussions. That offer is still open; indeed, we renewed it at the most recent meeting of the Executive. If Members want to talk about such issues

in greater detail, the procedures can be put in place to facilitate that.

However, having set up the Assembly and Executive Review Committee to consider a range of issues that includes protocols and memoranda of understanding, that seems to me to be the appropriate body for such discussion. The subject cannot be dealt with by making a statement in the Assembly from a single sheet of A4 paper; the memoranda run to dozens of pages. We are dealing with detailed issues, and, from a security perspective, some require sensitivity. The Committee seemed the appropriate place for that, and I am still of that view.

To be honest, putting in legislation a requirement of the kind that the SDLP seeks would not do justice to what that party wants to achieve. The SDLP will gain much more from full discussions in the Assembly and at meetings of the Assembly and Executive Review Committee. That Committee can determine the extent to which it wants to report on those issues to the Assembly. Subsequently, the report would come before the Assembly, which would support, or otherwise, the Committee's recommendations.

Mr Attwood: Will the Member give way?

The First Minister: If I may finish the sentence, I will give way in a second.

Every opportunity exists for the breadth of issues that concern the SDLP to be dealt with in some detail by the Committee. If necessary, the Assembly can go into even more detail.

Mr Attwood: I listened carefully to what the First Minister said, and I welcome his acknowledgement of the rights of parties to table amendments here and elsewhere to any important legislation. His final comment was that every opportunity should be given to the Assembly and Executive Review Committee to deal with the "breadth of issues".

Will the First Minister accept two points? First, in meeting after meeting in recent times, DUP and Sinn Féin representatives have advised the Committee that they have nothing further to report on those issues. No conversation takes place at the Committee on many of those matters, and the Hansard reports of the meetings confirm that. No discussion takes place, and part of the reason for that is that DUP and Sinn Féin representatives have nothing to report. It has been the other parties, including the SDLP, that have been pushing the agenda on discussing those matters.

Secondly, there is every opportunity to discuss matters, but no opportunity to discuss the various protocols and concordats, because that documentation is not before the Committee. If the documentation is not available to the Committee, it cannot discuss matters, and if the DUP and Sinn Féin are not willing

to make proposals, other matters do not get dealt with. Does the First Minister accept that, in many ways, that is how the Assembly and Executive Review Committee has been conducting its business, despite the intentions and ambitions of some?

The First Minister: The Assembly and Executive Review Committee's substantial report gives the lie to the general accusation that nothing constructive comes out of the Committee. I can well understand that the work of the Committee has lean periods and periods of plenty, as is the case with any Committee. I have no doubt that it is difficult for the Committee to reach conclusions on protocols until the Secretary of State provides it with that information. The Committee will have that information before the point at which, under the amendments, the First Minister and deputy First Minister would make a statement.

It is clear that the Secretary of State said in his letter to the Committee that he will provide it with that information. It is not that the Committee will not get the information; it does not have it now, but it will get it. The Secretary of State has committed himself to that, and I am sure that he will not go back on his word.

When the information comes, I will be very surprised if the Member for West Belfast Mr Attwood allows someone to run off with his bone if he does not get the opportunity to have a good chew at it during the Committee's consideration of the matter. Perhaps I have more faith in his ability to do his job than he has articulated. At my most recent meeting with the Committee, I got the impression that Mr Attwood was not regarded as being a silent member, so he makes a bit too much of the difficulties that he faces.

From my point of view, it would be beneficial for the Secretary of State to provide the information as soon as possible, even if it were provided in draft. It may well be that, between now and when it is necessary for the protocols to be formally submitted, he may need to make changes. If they were provided to the Committee, the Committee might even be able to make some suggestions.

I oppose the amendments because the mechanism already exists, through the Assembly and Executive Review Committee, for the Assembly to scrutinise the documents. Therefore, I regard the proposed report to the Assembly by the deputy First Minister and me at the point of commencement of the operative sections of the Bill to be redundant.

Similarly, I regard the proposal in amendment No 2 that the deputy First Minister and I should report to the Assembly on criminal justice co-operation with the Government of the Republic of Ireland as unnecessary. Indeed, such a report might pre-empt serious consideration of cross-border criminal justice co-operation. My understanding is that the various agreements

between the PSNI and the gardaí on practical co-operation would be unaffected by devolution. Similarly, the east-west arrangements between the various jurisdictions in the United Kingdom and the Republic of Ireland for the exchange of information on sex offenders will continue to operate. That is a very important agreement.

A formal agreement is also in place between the Secretary of State and the Irish Minister for Justice on criminal justice co-operation. The Assembly and Executive Review Committee has already turned its mind to that matter, and it recommended in its report of March 2008 that the current arrangements should remain in place at the point of devolution and that those should be reviewed by the new Department and Statutory Committee following devolution.

4.45 pm

We understand that the Northern Ireland Office and the Irish authorities have been discussing how to keep the existing agreements active at the point of devolution, allowing an early opportunity for us to develop our own approach. That would require extensive briefing, consultation and analysis, and would be a considerable and serious undertaking.

Neither the deputy First Minister nor I wish to pre-empt any future review of current arrangements on cross-border criminal justice co-operation. This amendment invites us to do precisely that. Alternatively, we could present an effectively historical account of the NIO agreement. Neither course would be desirable or a good use of the Assembly's time.

Furthermore, both amendments would restrict our flexibility and timing at what might be a very constrained period. We would have to ensure that the date of commencement coincided with an Assembly sitting day, or else impose considerable inconvenience on the Assembly. In either event, it would be close to the statutory deadline for devolution set by the Westminster section 4 Order. It would be best to avoid yet further procedural obstacles that we would have to surmount.

The Member for West Belfast Mr Attwood raised the issue of the independence of the Chief Constable, the courts and the Public Prosecution Service. Those are essential ingredients of any devolution of policing and justice powers. However, I say to the Member for North Down from the Alliance Party, Dr Farry, that there will be occasions when each of us may want to be critical of a view expressed, or a decision taken, by the Chief Constable. I do not see how making a critical remark or giving critical advice to the Chief Constable could be deemed as seeking to breach the independence of his office. It becomes a breach only if we think that we can supplant a decision taken by the Chief Constable and interfere in the role as he sought to exercise it.

I am not, therefore, in the business of removing the right of anyone in the House, or, indeed, outside, to tender advice, no matter how strongly, to the Chief Constable. However, I wholeheartedly stand by the decision and requirement for the role of the Chief Constable, the judiciary and the Public Prosecution Service to be wholly independent of political and ministerial pressures.

I have to admit that I was slightly distracted when Mr Attwood raised the issue of sentencing guidelines. As I understand it, he was seeking clarity on whether sentencing policy and guidelines would be established by the judges themselves, by the judges along with an expert commission, or by this House. As I gauge the views of Members when we talk about issues relating to policing and justice, I find that one reason why most people want policing and justice powers devolved to the Assembly is because they are deeply unhappy about the lack of an effective deterrent for many crimes in our community. I suspect that it would not be too long after policing and justice powers were devolved before pressures came from the Assembly to have tougher sentences for some crimes, particularly the current spate of crimes against the elderly.

Although judges will be more in tune with the details of any case that comes before them, and I respect that, there is a role for the elected representatives of the community that is suffering, who, perhaps, do not have the case-hardened attitude of some judges, to recognise that there may be occasions when minimum or mandatory sentences are required and when the guidelines should indicate tougher sentences than the courts are currently handing down.

Therefore, I do not want to stay the hand of the Assembly in those areas. However, I certainly agree with the Member's remark, which I understood to mean that he does not want judges to have sole command in those areas.

Mr Attwood: I want to acknowledge the First Minister's earlier point that draft concordats and protocols should be shared with the Assembly and Executive Review Committee. I hope that people in another place have listened to that view. The failure to share those documents with the Committee frustrates its work and could be a further impediment to the early devolution of justice and policing.

I welcome the comment that the First Minister has just made. The issue in respect of the Sentencing Guidelines Council, or some other mechanism, is that without sight of the protocols on the judiciary's independence, it is uncertain whether the Assembly can go in the direction that it may want to go to create new mechanisms to advise the judiciary through sentencing guidelines. As regards the very point that the First Minister has just made, until those protocols

are seen, it is uncertain whether the ambition that he and I may share with the Assembly to go in a certain direction can be satisfied.

The First Minister: The deputy First Minister and I have not yet been provided with those protocols formally. I believe that when I went to the Committee, I indicated that they had been shared with some of our officials. Therefore, I am acquainted with some of the subject matter. If the Member expects a massive bombshell to arrive, he might be disappointed.

However, as he would imagine, the protocols have been ready, in their present form, for some time. I see no reason why they could not be shared with the Committee. Even if people in the Northern Ireland Office do not read the Hansard report as they should every morning at breakfast, I will ensure that they are aware of my view on the issue. Hopefully, they will pass that on.

I hope that I did not hear a threat to delay policing and justice in the middle of the Member's comments. My party is keen to see that happen as soon as possible. I would not want the SDLP to hold back progress.

I want to touch on another issue that was raised by Ian Paisley Jnr, who was not in his place, but must have felt his ears burning in the corridor, as he has just come into the Chamber. He indicated that there are people outside the Assembly who, to use his expression, are lying about some of the issues that are involved. He is hardly surprised by that. There have been a series of what can only be described as lies from the source to which he refers.

First, the TUV told us that Sinn Féin would have ministerial responsibility. That is untrue. It then told us that Sinn Féin would control the police. I am not sure whether that was a reference to Sinn Féin's present role in what has already been devolved to the Policing Board. Again, under the arrangements, that is untrue. It then said that Sinn Féin would choose judges. Again, that turns out to be untrue. It said that the Attorney General would decide who is prosecuted. That turns out to be untrue.

When the Assembly got its financial package, the TUV said that that was only borrowed money that would have to be paid back to the reserve. That turns out to be a further lie. As regards the issue that relates directly to the amendments that are before the House, the TUV indicated that upon devolution, policing and justice would become a matter for the North/South Ministerial Council. Of course, that is another lie.

The areas for which the North/South Ministerial Council has responsibility were agreed by David Trimble and Séamus Mallon during the time between the Belfast Agreement and the first period of devolution. Since that time, no additional areas have been agreed. Therefore, yet again, that is a lie.

When each of those lies is pointed out, no apology is given and no one admits that they have been attempting to deceive. They just move on to the next effort at scaremongering in the community.

As the deputy First Minister pointed out at Consideration Stage, there is no shortage of Assembly scrutiny of this process. The Assembly will not lack an opportunity to debate the devolution of policing and justice before devolution day. I must say that the very issue that we are talking about is one that, I am convinced, would be appropriate for debate that will undoubtedly take place when the recommendation comes from the First Minister and deputy First Minister for powers to be devolved. We have not agreed or even thought about the mechanisms that we will use on that day for that vote to be taken in the Assembly, but I suspect that Members will want the opportunity to debate every aspect of policing and justice. No less is it the case that members of the SDLP will want that issue dealt with. So, whether it is in the legislation or not, at the point when we are about to ask Members to devolve those powers, they will have every facility to ask the questions that they are seeking to insert into the legislation.

Mr Durkan: I thank the First Minister for giving way. Does he believe that, at that point, it will be made clear to us who may take a decision to drop a prosecution on national security grounds? The work of the operationally independent police and the independent prosecution service would cease when such a decision is made. Will the Minister of justice be briefed by whoever takes that decision, and will the Minister be told what issues are involved and why a prosecution has been stopped on grounds of national security?

The First Minister: Let us look at the sequence of events. The Secretary of State will have provided the Assembly and Executive Review Committee with the protocols. Its members will have asked whatever questions they want, including, no doubt, the questions that the Member has asked me. The Assembly and Executive Review Committee will produce a report. That report, along with other outstanding issues that the Assembly and Executive Review Committee is considering, will come before this Assembly. The Assembly will debate that report and if, as I hope and expect, it is approved, under the processes that the deputy First Minister and I have agreed, he and I will take that report to the Executive, as a further step along the road to the devolution of policing and justice.

Therefore, before we ever get to the stage of taking the final decision in this House, before we press the button, we will have the answers to the kind of questions that the Member is raising, provided that his colleagues in the Committee ask those questions and they are recorded in the Committee's report. If they are not, he will again have the opportunity, on that day, to

raise any outstanding matters. On that basis, I suggest that there are adequate and ample opportunities to deal with all these issues.

There is a series of issues relating to the devolution of policing and justice that is important to Members. Everyone will be able to rank for themselves the priority that they attach to each. I suspect that there will not be too many of us who put the issues raised today by the SDLP at the top of our list of concerns or matters that we want to be certain of. To take this one issue and give it special status in the legislation is to indicate that other issues, which are of greater importance to many of us, are not as important. Therefore, many of us would not be prepared to give priority to this issue over other concerns.

I look forward to the opportunity to engage in debate on this subject. I state my view, that of my party and the mandated position that we have: we want to see the devolution of policing and justice powers to this Assembly. We have made very considerable progress over the past number of months and particularly over the past year in gaining community confidence. There is more to do. Let us not confuse the electorate by raising unnecessary and irrelevant issues. Let us ensure that we can build the confidence that the community needs to have on this issue.

5.00 pm

Mr A Maginness: I, along with other Members and my party, condemn the attacks on the police officer and on the Policing Board offices in Belfast. To those who have implied or explicitly suggested that the SDLP has, in some way, shown a lack of leadership in condemning political violence, I say that the SDLP has, for four decades, been opposed to political violence and continues to be opposed to it. Therefore, we rightly condemn what happened at the weekend.

Some Members have called for leadership in relation to that issue. In the past, the SDLP's leadership has not been found wanting; we have opposed paramilitary violence, and we will continue to do that.

I am surprised by the degree of opposition to the amendments that have been put forward by the SDLP. I am surprised because those amendments do no harm whatsoever to the Bill; in fact, they enhance it. I am surprised that Members from both the DUP and Sinn Féin do not see the value in the amendments. I am glad that the Ulster Unionists have seen fit to support at least amendment No 1, as is the sensible position.

Amendment No 1 adds certainty and gives people confidence in the devolution of policing and justice powers. That was the substance of my colleague's proposition speech on amendment Nos 1 and 2. Anybody who takes a detached and objective view of the amendments can see that they bring certainty and create confidence.

There are considerable issues involved in the transfer of policing and justice powers, and there are issues of real concern around the items that have been identified and enumerated in amendment No 1. National security, the work of the SOCA, the independence of the judiciary and the independence of the Public Prosecution Service are four issues which require clarity and certainty, and which, if sufficiently answered, will create the necessary confidence for people to embrace the devolution of justice and policing.

On the issues of North/South relations and the co-operation of policing and justice agencies, it is again important that we have certainty and clarity and that we create confidence so that everybody can buy into that co-operation. I was interested to hear some of the comments made in relation to that. Mr Spratt quite properly identified co-operation as an important issue and as something of value that needs to continue.

In introducing amendment Nos 1 and 2, we seek not to undermine, to do violence to or to damage the Bill; rather, we seek to strengthen it. I do not see how any element of the Bill would be weakened by the inclusion of the new clauses proposed in the amendments, and the First Minister could not identify any either. Not once did he say that the Bill would be effectively damaged by the amendments. However, he said that they are unnecessary and irrelevant.

The amendments are not irrelevant. North/South co-operation, national security, the independence of the judiciary and of the Public Prosecution Service and the work of SOCA are not irrelevant. An issue was raised about SOCA in the House last week, and we heard confused soundings from members of the Executive. Members and even Ministers are entitled to criticise, but to suggest that SOCA would somehow transmigrate from London to Northern Ireland if justice and policing powers were devolved is a ridiculous proposition. Therefore, there needs to be clarity about that issue so that Ministers understand the relationship that exists between SOCA and the Assembly, the Executive and Northern Ireland generally. It is important that those issues are highlighted, and it is right to say that they are relevant and not, as the First Minister asserted, irrelevant.

The First Minister also said that the amendments are unnecessary. We have the support of the Ulster Unionists, who appreciate the wisdom of amendment No 1 and the fact that it is necessary to create certainty on those issues. The First Minister should also recognise that amendment No 1 is necessary as it would give confidence and clarity. I do not understand how anyone can argue that our amendments are unnecessary.

Members of Sinn Féin criticised the amendments for being obstructive. They said that they would delay the transfer of policing and justice powers and that we

are, in some way, obstructing the passage of the Bill. The amendments that we tabled previously were defeated, and at that time, we explained plainly that we are in favour of the immediate transfer of policing and justice. We have been through that process, and we are now at Further Consideration Stage. We have debated the amendments, but we have not delayed the Bill. The normal course of action in any Parliament or Assembly is to debate issues of importance, and no Member can say that those issues are unimportant.

Dr Farry: The Member said that the SDLP had at no stage sought to delay the Bill and, as a consequence, the devolution of policing and justice powers. Will he explain why his party voted against the Bill at its Second Stage? If the SDLP had convinced others to follow suit, the Bill would have fallen at that stage and the process of devolution would have been delayed.

Mr A Maginness: The Member has misrepresented the SDLP position. He knows that my colleagues and I argued in great detail about aspects of the Bill that were unacceptable to the SDLP. We stated our arguments and we have gone through them; if I returned to them, I would be ruled out of order. During the debate at the Bill's Second Stage, we made it very clear that we fully supported the transfer of policing and justice powers to the Assembly. That is our position, and we made it very clear.

In one of the amendments that we tabled at the Bill's Consideration Stage, we proposed 7 December 2009 as the date for the commencement of devolution. That would not mean that the transfer of policing and justice powers would happen precisely on that date. However, it would be the key to open the transfer process, because it would mean the establishment of a justice Department and the election of a justice Minister. The Member knows quite well that we were opposed to the abandonment —

Mr Deputy Speaker: Order. Mr Maginness, you said that you would not discuss what has previously been debated, but you have done just that. Will you return to amendment Nos 1 and 2?

Mr A Maginness: That is very difficult, because some Members may think that I did not properly address Dr Farry's point. However, I accept your ruling.

It has been suggested by colleagues on the Sinn Féin Benches that in some way we are obstructing the justice Bill and are trying to prevent the transfer of policing and justice powers. That could not be further from the truth: we are firm advocates of the devolution of justice and policing powers. The SDLP established the basic infrastructure for the transfer of policing and justice by supporting the creation of the PSNI and by implementing the Patten reforms. If that infrastructure was not present today, it would be impossible to transfer policing powers to Belfast.

Nobody on the DUP or Sinn Féin Benches can challenge us on the devolution of policing and justice. In fairness, the DUP did not attack us for obstructing the Bill; those who attacked us were Sinn Féin Members. I repeat that that is a misrepresentation of the position that we have adopted consistently throughout the debate on the Bill.

The Assembly and Executive Review Committee is of value; nobody can dispute that. It is also correct that some of its work has been slow and has not been assisted by the delay in the transfer of papers from the NIO. We do not seek to diminish the Committee's role.

However, we do not accept the First Minister's argument that we can either have the Committee or the report from the First Minister and the deputy First Minister to the Assembly, as suggested in our amendments. That can happen as well as reporting through the Committee.

5.15pm

The First Minister: There already is an "as well as" through the work of the Committee, the Committee's report to the Assembly and, when we eventually take the vote to devolve the powers, a further debate in the Assembly during which Members can raise those matters. The Member wants to add a third occasion for the Assembly to talk about those issues as if they are the most important issues of all.

Mr A Maginness: I am glad that the First Minister does not diminish the issues that are being raised. Some Members have diminished those issues and said that they are not relevant. They are relevant, and it is important that the House scrutinises them properly.

The First Minister: The Member has repeated a point that I decided to let go the first time. Nobody said that the issues are irrelevant; it was said that the amendment is irrelevant. There is a big difference.

Mr A Maginness: The First Minister said that the issues are irrelevant by saying that the amendments are irrelevant. I have proposed that the substance of the amendments is not irrelevant. I have itemised the important issues contained in our amendments. If they are not important, why did colleagues on the Sinn Féin Benches raise those issues, albeit in a confused fashion, last week?

The Assembly's relationships with SOCA, the judiciary and the Public Prosecution Service are relevant. The First Minister is saying that another level of public discussion in and presentation to the Assembly by him and the deputy First Minister should not be part of the process. It should be part of the process, because it adds to it. The First Minister, rightly, talks about the Committee's good work: I and my colleagues accept that. However, that work can go further though a formal presentation to the Assembly by the First

Minister and the deputy First Minister. As with any other statement, the House will have an opportunity to engage with the First Minister and deputy First Minister at that point.

Mr Durkan: Did the Member note that, when the First Minister said that all the issues would be dealt with and addressed, he referred several times to the fact that the Secretary of State would provide the protocols for scrutiny by the Assembly and Executive Review Committee before reporting to the Assembly? Do our amendments not ensure that the standing of the protocols will be a devolved standing, not a mere hand-me-down from an outgoing direct rule Minister? Our amendments will ensure that the protocols are clearly stamped with the authority and credibility that is attached to a statement in the House by the First Minister and deputy First Minister that commends those protocols and their future standing.

Mr A Maginness: I cannot disagree with any of the points that my friend raised.

The First Minister: The Member should be careful, rather than just nodding his head to everything that his leader says. He should think about what he is agreeing to. The Member for Foyle is suggesting that, at the point of commencement, Northern Ireland will somehow have input into the protocols: that is nonsense. At that stage, all we will have done is receive the protocols, which will be the NIO version.

After devolution, of course, the justice Minister and whoever else will have an opportunity to examine the protocols and to decide whether they should be upgraded. At that stage, a version of the protocols that have a Northern Ireland thumbprint could be brought forward. However, that thumbprint will certainly not exist at the point of commencement.

Mr A Maginness: My original point was that we are trying to establish a situation in which there is certainty and confidence. Indeed, the First Minister has talked about public confidence on many occasions. Our amendments are part and parcel of engendering that confidence.

The First Minister is a parliamentarian of many years' standing — 30 years, as he told us at his party conference.

The First Minister: I am glad that the Member was listening.

Mr A Maginness: I listened very carefully, and I think that Mr Allister did the same. He was very pleased with the First Minister's performance.

As a parliamentarian, the First Minister must be sensitive to the need for Parliament or the Assembly to scrutinise issues, to hear vital pieces of information, such as the protocols, and to be in a position to question Ministers. I have never yet heard a parliamentarian say

that there is too much scrutiny, but I have heard some say that there is too little. The First Minister's argument falls flat on its face; it says that too much is going on in the Assembly. We have Committees, statements by the First Minister and deputy First Minister, and we may have a justice Committee that examines the issues along with the Assembly and Executive Review Committee. I do not believe that any parliamentarian in the House who is worth his or her salt would object to that in principle. It is a good thing, and it is important. Therefore, the argument that there is too much scrutiny is poor and fundamentally flawed, coming as it does from a very experienced parliamentarian.

Mr Brolly: Notwithstanding that there is either too much or too little scrutiny, what is wrong with having just enough scrutiny? *[Laughter.]*

Mr A Maginness: I wish Mr Brolly a very fond farewell. *[Laughter.]* I am saddened by his imminent departure.

He made an interesting point, but any parliamentarian would say that the more scrutiny we have, the better. I welcome Mr Brolly's point; it is an ingenious one that is characteristic of him. *[Laughter.]* I thank him graciously for his intervention.

I will conclude, if I can conclude. *[Laughter.]* I do not aspire to the dizzy heights of Mr Attwood's contributions to these debates.

I will conclude by saying that we have presented the House with a very useful piece of work. It is sad that some parties in the House take the view that the amendments are in some way hostile to the devolution of justice and policing powers. They are not; they do no damage whatever to the Bill.

In fact, the amendments would enhance the Bill. On that basis, I invite the First Minister and deputy First Minister to rethink their ill-considered judgment of the clauses and to support them.

The amendments are probing, but the First Minister has made it clear that he does not accept them, nor will he accept the substance of the amendments, which is that he and the deputy First Minister should report to the House. It is quite proper for the SDLP, as the party sponsoring the amendments, to push them to a vote.

The First Minister: Does the Member know what a probing amendment is? The point of a probing amendment is to seek a response and, having received it, to withdraw the amendment. It is no longer a probing amendment if one intends to take it to a division.

Mr A Maginness: My point is not inconsistent with what the First Minister has just said. We would have considered his response had he not been so dismissive of the substance of our arguments.

Question put, That amendment No 1 be made.

The Assembly divided: Ayes 24; Noes 63.

AYES

Mr Armstrong, Mr Attwood, Mr Beggs, Mr D Bradley, Mrs M Bradley, Mr P J Bradley, Mr Burns, Mr Cobain, Mr Durkan, Mr Elliott, Mr Gallagher, Mr Gardiner, Mrs D Kelly, Mr Kennedy, Mr Kinahan, Mr A Maginness, Mr McCallister, Mr B McCrea, Dr McDonnell, Mr McFarland, Mr McGlone, Mr McNarry, Mr O'Loan, Mr K Robinson.

Tellers for the Ayes: Mr P J Bradley and Mr Burns.

NOES

Ms Anderson, Mr Boylan, Mr Brady, Mr Bresland, Mr Brolly, Lord Browne, Mr Buchanan, Mr Butler, Mr Campbell, Mr T Clarke, Mr W Clarke, Mr Craig, Mr Dodds, Mr Donaldson, Mr Easton, Dr Farry, Mr Ford, Mrs Foster, Ms Gildernew, Mr Hamilton, Mr Hilditch, Mr Irwin, Mr G Kelly, Ms Lo, Mrs Long, Mr A Maskey, Mr P Maskey, Mr F McCann, Mr McCarthy, Mr McCartney, Mr McCausland, Mr I McCrea, Dr W McCrea, Mrs McGill, Mr M McGuinness, Miss McIlveen, Mr McKay, Mr McLaughlin, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Murphy, Mr Neeson, Mr Newton, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr Paisley Jnr, Mr Poots, Ms S Ramsey, Mr G Robinson, Mrs I Robinson, Mr P Robinson, Mr Ross, Ms Ruane, Mr Shannon, Mr Simpson, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr B Wilson, Mr S Wilson.

Tellers for the Noes: Ms Anderson and Miss McIlveen.

Question accordingly negatived.

Amendment No 2 proposed: After clause 2, insert the following new clause:

“Duty of First Minister and deputy First Minister to report on co-operation on criminal justice

2B. The First Minister and deputy First Minister acting jointly shall make a report orally and in writing to the Assembly on the day of commencement of sections 1 and 2 of the Act, explaining the provisions of any arrangements entered into with the Government of Ireland concerning co-operation in criminal justice matters.”
— *[Mr Attwood.]*

Amendment No 2 negatived.

Mr Deputy Speaker: That concludes the Further Consideration Stage of the Department of Justice Bill. The Bill stands referred to the Speaker.

COMMITTEE BUSINESS

Standing Orders

Mr Deputy Speaker: The next four motions provide for related amendments to Standing Orders, so I propose to group all four motions and to conduct one debate. I shall ask the Chairperson of the Committee on Procedures to move motion (a). Debate will then take place on all the motions. When all Members who wish to speak have done so, I shall put the Question on motion (a). I shall then ask the Chairperson formally to move motions (b), (c) and (d), and I will put the Question on each motion in turn without further debate. If that is clear, I shall proceed.

The Chairperson of the Committee on Procedures (Lord Morrow): I beg to move

Motion (a): After Standing Order 9 insert

“9A. TEMPORARY SPEAKER

(1) If neither the Speaker nor any Deputy Speaker is able to chair a sitting of the Assembly, the sitting shall be chaired by a temporary Speaker.

(2) Paragraph (1) does not apply in cases where Standing Order 3(2) or 4(2) applies. If the Acting Speaker under Standing Order 4(8) is unable to chair a sitting, the sitting shall be chaired by a temporary Speaker.

(3) The temporary Speaker shall be the member, present at the sitting, who has served the Assembly the longest number of days, and in the case of a tie, the oldest of the longest-serving members present. Ministers and junior Ministers are not eligible to be considered as temporary Speakers.”

The following motions stood in the Order Paper:

Motion (b): In Standing Order 3(2) leave out “eldest member of the Assembly” and insert “oldest member present at the meeting”.
— *[The Chairperson of the Committee on Procedures (Lord Morrow).]*

Motion (c): In Standing Order 4(2) leave out “eldest member of the Assembly” and insert “oldest member present at the meeting”.
— *[The Chairperson of the Committee on Procedures (Lord Morrow).]*

Motion (d): In Standing Order 4(8) leave out “eldest member” and insert “oldest member”. — *[The Chairperson of the Committee on Procedures (Lord Morrow).]*

The Chairperson of the Committee on Procedures: New Standing Order 9A is being introduced to make provision for a procedure to ensure that there will always be a Member able to chair Assembly sittings. At present, there is no provision in Standing Orders to cover a scenario in which neither the Speaker nor a Deputy Speaker is available to chair the Assembly’s plenary sittings and to carry out other functions that relate to plenary sittings. Although the situation has never arisen and may never arise, given this year’s swine flu pandemic, the prospect seems more possible. The Business Committee asked the Committee on Procedures to look into the issue in order to ensure that someone would always be available to take the Chair so that a plenary sitting would not have to be cancelled.

Standing Orders make provision for an Acting Speaker, who shall be the eldest Member of the Assembly, to take the Chair if the outgoing Speaker cannot take it at the first meeting after or during an election for a new Speaker. However, in the event of a serious health-related outbreak, the Committee on Procedures considered that the eldest Member would probably also be affected and, therefore, be the person least likely to be able to become a temporary Speaker. The Committee also considered the possibility of the eldest person present at the sitting's having been elected to the Assembly for the first time, which would be particularly relevant soon after an election, when the Member would be inexperienced in Assembly procedures and less likely to be able to chair proceedings effectively.

To reflect those issues, Standing Order 9A has been drafted so that the temporary Speaker will be the longest-serving Member present at the meeting. In the event of a tie in the length of time served, the oldest of the longest-serving Members present will become the temporary Speaker. The calculation of who is the longest-serving Member can be worked out in advance by examining the Roll of Membership. A common-sense interpretation of the term "longest-serving" suggests that periods in which the Assembly is suspended do not count towards the serving period.

Provision is also being made to ensure that a Minister or junior Minister cannot become a temporary Speaker, because that would constitute a conflict of interest and, in a particular sense, it would be very difficult to conduct Executive business if a Minister were to chair proceedings.

5.45 pm

These amendments do not affect the provisions governing the Acting Speaker at the first meeting of a new Assembly, who will continue to be the oldest Member. *[Interruption.]*

Mr Deputy Speaker: Order.

The Chairperson of the Committee on Procedures: However, proposed Standing Order 9A(2) covers the unlikely situation of the Assembly being unable to elect either a Speaker or a Deputy Speaker and the Acting Speaker not being available. In that case, sittings will be chaired by a temporary Speaker, whose role I defined a few moments ago, when, no doubt, Members were enthralled and listening carefully.

There are a few minor consequential amendments. The term "eldest member" is used in Standing Orders 3(2), 4(2) and 4(8). The Committee agreed that the word "eldest" is more appropriate for family members and that the word "oldest" is a more general term. Accordingly, the term "eldest member" is being changed to "oldest member", and the phrase "present

at the meeting" is being inserted into Standing Order 4(2) to ensure consistency with Standing Order 9A.

These are straightforward and easily understood amendments to help to ensure the smooth running of plenary meetings. I commend them thoroughly to the House, and I have no doubt that the House will agree with me.

Mr Deputy Speaker: I thank you for your clarity.

Mr Brady: Go raibh maith agat, a LeasCheann Comhairle. I will simply say that Lord Morrow has covered the matter very adequately. The debate about the oldest, longest-serving Member could actually exceed the time spent on the Department of Justice Bill today. I will leave it at that.

Mr K Robinson: I support the motion moved by Lord Morrow and thank the House for its patience. Given the length of the previous debate, some people probably think that this one is of a very minor nature. However, Members will realise that the Committee has tried to look at all eventualities. Should swine flu strike the House and, indeed, should it afflict the Speaker and the Deputy Speakers — the good Lord forbid — we have looked after you; Standing Orders will ensure that there is someone to conduct the business of the House whatever that might be.

Mr O'Loan: I also support the motions. Our only fear is that we might be regarded as being guilty of age discrimination in bringing the criterion of age into the matter. However, as the purpose of the selection criterion is to show due deference to old age and the wisdom that, hopefully, comes with it, I hope that we will be able to proceed without criticism or challenge.

Mr Dallat: On a point of order, Mr Deputy Speaker. Given this disturbing news, can Deputy Speakers be added to the list of those to be included in the swine flu vaccination programme?

Mr Deputy Speaker: You have left me speechless. After that intervention, some may wish that some Deputy Speakers will get swine flu.

The Deputy Chairperson of the Committee on Procedures (Mr Storey): I am disappointed that the Member for East Londonderry did not declare an interest as a Deputy Speaker when he made his interjection.

I thank the Members who have contributed, and I thank Lord Morrow for making a very simple situation abundantly clear to all of us in the House this evening. I think that we are clear about what is required.

Mr I McCrea: The suggestion was made that the selection criterion may be regarded as age discrimination. As one of the younger Members of the House — by quite a few years in some cases — I ask the Deputy Chairperson to detail how the Committee has dealt

with that point to ensure that younger Members are not being discriminated against.

The Deputy Chairperson of the Committee on Procedures: I have no difficulty in answering that question. My honourable friend from the Committee addressed that point when he spoke about giving deference to those of more senior years. Although the Member does not have much hair, I know that when there is more hair there may be more wisdom, and I am quite happy to give place to those in the House who have experience. The situation under discussion could arise quite easily, and Lord Morrow has explained the reasons why Standing Orders should be amended. I can add little else. Suffice it to say that, if the circumstances are such that someone is required to take the place of the Speaker or Deputy Speaker, we have made provision to allow that to happen, and wisdom should prevail.

Mr Deputy Speaker: Following that reference to your colleague Ian McCrea, I was expecting to hear the call “Hair, hair.”

Before I proceed to the Question, I remind Members that the motion requires cross-community support.

Question put and agreed to.

Resolved (with cross-community support):

Motion (a) After Standing Order 9 insert

“9A. TEMPORARY SPEAKER

(1) If neither the Speaker nor any Deputy Speaker is able to chair a sitting of the Assembly, the sitting shall be chaired by a temporary Speaker.

(2) Paragraph (1) does not apply in cases where Standing Order 3(2) or 4(2) applies. If the Acting Speaker under Standing Order 4(8) is unable to chair a sitting, the sitting shall be chaired by a temporary Speaker.

(3) The temporary Speaker shall be the member, present at the sitting, who has served the Assembly the longest number of days, and in the case of a tie, the oldest of the longest-serving members present. Ministers and junior Ministers are not eligible to be considered as temporary Speakers.”

Resolved (with cross-community support):

Motion (b): — In Standing Order 3(2) leave out “eldest member of the Assembly” and insert “oldest member present at the meeting”. — [*The Chairperson of the Committee on Procedures (Lord Morrow).*]

Resolved (with cross-community support):

Motion (c): — In Standing Order 4(2) leave out “eldest member of the Assembly” and insert “oldest member present at the meeting”. — [*The Chairperson of the Committee on Procedures (Lord Morrow).*]

Resolved (with cross-community support):

Motion (d): — In Standing Order 4(8) leave out “eldest member” and insert “oldest member”. — [*The Chairperson of the Committee on Procedures (Lord Morrow).*]

PRIVATE MEMBERS’ BUSINESS

Credit Unions

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

Mr Butler: I beg to move

That this Assembly recognises the important role of credit unions during these difficult economic times, especially for those on low incomes and dependent on benefits; and calls on the Minister of Enterprise, Trade and Investment to bring forward proposals to ensure that credit unions can provide the same range of financial products and services as their counterparts in Britain and the rest of the Ireland.

Go raibh maith agat, a LeasCheann Comhairle. Ar dtús, ba mhaith liom a rá go bhfuil mé iontach sásta cead a bheith agam labhairt sa díospóireacht seo. I declare an interest as a member of a credit union. I welcome today’s debate on credit unions, and I hope that the Assembly supports the motion regarding the important role that they play, particularly during these difficult economic times. Over the past 50 years, credit unions have been a safe and secure place in which to save and from which to borrow. Although credit unions have not been immune to the present economic climate, they have fared better than many other financial institutions. That is true of the credit unions in the North, in particular.

At a time of crisis in the British and Irish banking systems, when banks have written off millions of pounds in bad debts, credit unions in Ireland remain strong and well capitalised. In the North of Ireland, the credit union organisation has been sheltered from the exposure faced by many other financial institutions, and it remains a strong and credible institution where people can save and borrow money.

A recent survey commissioned by the Irish League of Credit Unions (ILCU) found that its members recognised the important role that credit unions play in communities across the country. The survey also flagged up a desire by its members to use credit unions for more than just saving and borrowing, and its findings showed that both members and non-members would use new credit union products and services if they were available.

Representatives of the Irish League of Credit Unions have said that the provision of new services

presents a real opportunity for the growth of the credit union movement. The ILCU has put in place a communications and technology strategy to meet the growing needs of members, which provides a means by which credit unions could deliver additional products and services if they were made available.

Today's motion follows on from a report on credit unions by the Committee for Enterprise, Trade and Investment in February. That report recommended that credit unions should be able to offer a range of financial services, including facilities to pay wages and benefits into accounts, and could improve uptake of government schemes such as child trust funds. I welcome the Committee's report and its recommendations, but the matter of credit unions being unable to offer a better range of services for their members has been an ongoing problem for many years. The credit union organisation has highlighted that issue and is understandably frustrated with the slow pace of progress on the matter. Indeed, in August, six months after the publication of the Committee's report, the Irish League of Credit Unions expressed concern that:

"a lack of legislative progress could see credit unions ... miss out on a generation of customers."

According to the ILCU, it could take "a long time" to bring about changes unless there is:

"a political imperative to drive the work forward".

Therefore, it is essential that, in an effort to tackle this issue and the wider problem of financial exclusion, credit unions are allowed to offer a greater range of services and products as soon as possible.

The Committee's report was brought to the House in February. We are still awaiting the implementation of its recommendations, and credit unions are missing out on opportunities such as tapping into the Government's child trust fund initiative. The uptake of that fund is much lower here than in Britain; it could be increased if credit unions were allowed to offer that service to their members. The Consumer Council estimates that approximately £11 million of child trust funds go unclaimed here. However, unlike in any other British region, credit unions here are prevented from providing that essential service, despite the fact that people in the North rely much more heavily on credit unions than people in Britain. In the interest of offering community access to key financial services at affordable rates, particularly in the present adverse financial conditions, the Minister should make this a priority. Credit unions will then be able to play their part in helping those who experience financial exclusion.

The credit union movement has been in existence here for almost 50 years, during which time it has reached out, in particular, to people from disadvantaged communities who have been financially excluded and are not familiar with the banking system. Credit unions

have assets in the region of £800 million and have been able to provide loans at reasonable rates and ensure that people, especially those from disadvantaged backgrounds, do not steer towards loan sharks who charge exorbitant rates. However, in recent times, due to the ongoing economic crisis, there is growing evidence that many people are resorting to high-cost doorstep lenders or loan sharks to obtain loans.

Paying people's wages and benefits directly into the credit union movement would encourage saving and help people to borrow responsibly and thus reduce the loan sharks' grip on the most vulnerable. Legislation to enable credit unions to extend their range of services would help to curb the number of loan sharks preying on vulnerable poor people.

6.00 pm

In the present economic climate, it has become increasingly difficult for people on low incomes and on benefits to obtain credit, and loan sharks target such people. The Committee's report, which was published in February, stated that the credit union movement in the North has not been able to provide the wide range of services that its counterparts in Britain and the South of Ireland have to offer. That disparity was the key issue that the Committee sought to investigate during its inquiry.

(Mr Speaker in the Chair)

The Minister and the Department have long recognised that many, particularly those on low incomes, look to the credit union movement as a prime source of affordable credit. I welcomed the Minister's comments during the debate on credit unions in February when she said that she regarded the credit union movement as part of the broader social economy sector. However, the Committee's report has confirmed that a widening gap exists between the range of products and services that can be delivered to members of credit unions in the North and those that are available to credit union members in Britain, and that issue must be addressed.

I hope that the Minister will respond to the issue of credit unions being able to expand their services to existing and new members, and also address the issue of the child trust fund.

Dr McDonnell: I beg to move the following amendment: Leave out all after "benefits;" and insert

"notes that the Assembly approved, on 17 February 2009, the report of the enterprise, trade and investment committee on its inquiry into the role and potential of credit unions in Northern Ireland; and further notes the work currently being undertaken by HM Treasury, the Financial Services Authority and DETI officials on the implementation of the recommendations contained in the HM Treasury report on the 'Review of the Legislative Framework for Credit Unions and Industrial and Provident Societies in Northern Ireland'."

I am glad to have the opportunity to discuss the role of credit unions and the good work that they do. As Mr Butler said, credit unions provide a vital financial lifeline in communities right across Northern Ireland, whether that is the Irish League of Credit Unions, the Ulster Federation of Credit Unions or the third, smaller group, and that is particularly true for people living in areas of multiple deprivation, who often suffer from financial exclusion and marginalisation. Those people cannot get credit from the large high-street banks, or they simply cannot afford to pay the excessive and crippling bank charges. Without access to credit unions, they are perfect prey for ruthless loan sharks who lurk around looking for opportunities.

For all those reasons and many more, which I do not wish to delay the House by going into, I commend thoroughly credit unions across Northern Ireland for the service and support that they provide to their communities. I have been told that 50% of our population is involved, one way or another, as members of credit unions. That shows the tremendous work that credit unions do. In the UK, the figure is between 1% and 2%. Those figures show how powerful and useful credit unions are to our community.

Put simply, credit unions are owned by the community and work for the communities in which they are based. However, credit unions in Northern Ireland operate under far more restrictions on the range of services that they can provide to the community compared to their counterparts in Great Britain or the Republic of Ireland, even though we have more members than anywhere else.

The detrimental impact of those unnecessary, unhelpful and obstructive restrictions was acknowledged in the report of the Committee for Enterprise, Trade and Investment when it was debated in the House some eight or nine months ago. The report made a series of recommendations to empower further those credit unions that wanted to improve, expand and develop their services.

The recommendations covered a wide range of issues, including that Northern Ireland credit unions should be able to provide at least the same range of services as those in Great Britain, and that they should be registered on the Department of Enterprise, Trade and Investment (DETI) companies registry. However, regulation should be carried out by the Financial Services Authority (FSA), which is a crucial point. Regulation by the FSA would allow credit unions to provide more enhanced services.

The Committee also recommended the establishment of an FSA office in Northern Ireland so that the FSA could have a hands-on approach; that development and delivery of training should be provided through close co-operation between the credit union movement and the FSA, supported by DETI; and that there should be a package of financial support from Her Majesty's

Treasury for training and investment in new technology and equipment.

There were recommendations to extend the Treasury growth fund to include all Northern Ireland credit unions and to open up membership of credit unions to include joint accounts or corporate accounts. The Committee felt that that was very important for organisations such as clubs, which could have simple, low-cost accounts, now that the banks are becoming more awkward and more expensive to deal with. That would only happen after the new regulations are put in place.

Last, but not least, the Committee recommended that the FSA work with the credit union movement to equip it with the skills and knowledge to successfully reinvest in community development and community enterprises.

I am astonished that a lot of this work seems to have been forgotten by the proposer of the motion and that the motion is relatively weak. A more robust motion is required, and I believe that the amendment is more robust and specific. However, there is also a requirement for the Minister to take the issue seriously, move it on robustly, and ensure that the credit union movement is not left behind.

The Committee's recommendations were further bolstered by those contained in the Treasury's 'Review of the legislative framework for the credit unions and industrial and provident societies in Northern Ireland', which was published in July. Those recommendations confirm the points made in the Committee's report some months earlier, though perhaps in a more loquacious way. Yet, despite fairly vigorous investigation on my part over a significant period, very little action or implementation of the project has taken place.

I remind the House that the review of credit unions has been ongoing for around 10 years. It has gone from the sublime to the ridiculous at this stage, because, quite simply, many credit unions — though not all of them — are prepared to take up the new challenges. Society needs them to take up those challenges, because too many people are dependent on the credit unions for the management of their financial affairs.

The central issue is that the UK Government are dragging their feet on FSA regulation and are leaving Northern Ireland credit unions in a state of paralysis and in a sort of no-man's land. It is my deep concern, and I know that it is a concern of the whole credit union movement, that, with an election looming, if a decision is not taken to proceed with FSA regulation of our credit unions urgently, that recommendation may never be implemented. It is the proposal of the Conservative Party that all those things should be regulated by the Bank of England. The Bank of England will be far too aloof and important to get involved with our credit unions. That scenario does not work in anybody's

interest at the local level here. I urge the Minister to do what she can to bring things forward.

It has also been said by the proposer of the motion that the Assembly should be calling on the Government to move rapidly on this issue and on the child trust fund issue as a matter of urgency before the coming election. Credit unions could manage child trust funds if they were permitted and regulated to do so, as well as government guarantee schemes and other issues.

There is an onus on all Members to protect and support credit unions and to call for swifter action from all concerned, including the Treasury, the FSA or DETI officials. Implementing the recommendations will further empower local credit unions to further empower local communities and to deliver a much more effective personal financial management system, especially, but not exclusively, for those in our community who are marginalised financially.

Every day, we hear that people are disconnected and disillusioned with politics. That is because they do not see politics delivering for them and benefiting their daily lives. On this small measure, it behoves the Assembly to take whatever steps are necessary to help people in their daily lives and to be seen to be significantly helping them in methods of financial management. Expanding the role of credit unions would directly and positively impact on all our local communities. We cannot stand idly by and allow our local credit unions and, by definition, our local communities to be sidelined any further.

I propose the amendment, because it provides a much more robust foundation to move forward on. Equally, I urge the Minister to do all in her power to ensure that the matter is resolved before an election. If responsibility for the issue is shoved to the Bank of England, it will never be resolved. Ten years is far too long to have the good people who volunteer to work in credit unions held to ransom just because of regulation. Let the credit unions loose, and let them do what they can. All our communities will benefit from that.

The Chairperson of the Committee for Enterprise, Trade and Investment (Mr A Maginness): Having become Chairperson of the Committee in July 2009, I am new to the issue of credit unions, but I am well enough acquainted with it to realise the considerable amount of work that the Committee and, to be fair, departmental officials, have done. Therefore, I note the motion with some disappointment. Although no party or any member of the Committee is prohibited from tabling a motion, I would have preferred a motion on the matter to have come collectively from the Committee. I urge the proposer and the seconder of the motion to adopt the amendment, which gives a broader range to the motion. As Dr McDonnell said, it makes the motion

more robust, and it is a much more comprehensive statement of the position relating to credit unions.

According to DETI figures, 50% of the Northern Ireland population are members of credit unions, compared with less than 2% in Britain. Therefore, a fairly substantial number of people are involved in credit unions in Northern Ireland, including me and, I am sure, other Members. Credit unions here hold assets totalling more than £800 million, compared with £500 million for the whole of Britain. That is an extraordinary figure. Despite that, as other Members pointed out, credit unions here can offer only three services, compared with 20 in the Republic of Ireland and 12 in Great Britain. Those services include ATMs, debit cards, mortgages, direct debits and involvement in government savings initiatives such as child trust fund vouchers.

Those ongoing issues prompted the Committee for Enterprise, Trade and Investment to undertake an inquiry into the role and potential of credit unions under its previous Chairperson, Mark Durkan MP. In February 2009, the Committee's report to the House recommended that credit unions should be regulated by the Financial Services Authority to allow them to expand their range of services.

The Treasury considered the report during its review of the legislative framework for credit unions and industrial and provident societies in Northern Ireland. The Committee accepted that it would be only after the publication of the Treasury report that the Department would be in a position to proceed with the Committee's findings.

6.15 pm

The Treasury's report of the review was published in July 2009, and it reflects the Committee's recommendations. At the Committee's meeting on 15 October 2009, departmental officials told members that the recommended consultation was imminent. However, the issue is not straightforward because these are complex legislative matters. Members questioned the officials in depth on the reasons for the delays in bringing forward the legislation. Officials stated that the Treasury was investigating how delays can be reduced. I accept their word on that and believe that they are attempting to progress the matter.

The Department informed the Committee that a project team has been set up, which reports to the Minister, Mrs Foster, and comprises senior officials from DETI, the Treasury and the FSA to ensure that the complex issues involved in the development of the required legislation are fully considered and resolved. Officials informed the Committee that the Department will be in a position to issue instructions to the Office of the Legislative Counsel by April 2010. The Department agreed to provide the Committee with

indicative timings on progress and on possible routes for legislation when the officials have a clear understanding of what those are. The Committee awaits that information and the Minister's proposals for bringing forward the appropriate legislation.

Everyone is frustrated about credit union reform. I am sure that the Minister, and DETI and Treasury officials, share that view. I hope that the united voice of the House will assist in bringing forward the legislative programme that is necessary for that long overdue reform.

Mr Moutray: I support the amendment. I am all too aware of the important role that credit unions are playing during these difficult economic times, especially for those who are on low incomes and those who are dependent on benefits. These are difficult times for everyone, and the House must continue to be prudent and to assist where possible.

Cross-community support has already been shown for the role that credit unions play. Furthermore, the Department of Enterprise, Trade and Investment, and Minister Foster, recognise the fact that local credit unions continue to be a prime source of affordable credit and are clearly continuing to take measures to safeguard and maintain that service.

As the House knows, the credit union movement has been a force for good in Northern Ireland. Throughout the difficult times, many people experienced much hardship. However, the long-established and widespread presence of the credit union movement has been crucial in helping to engender a strong culture of community self-help and in promoting financial inclusion, including tackling problem areas such as loan sharking. The fact that credit unions have almost £800 million in deposits is a testament to that. I am glad that the credit union movement has remained untainted, and its 430,000-odd members must take heart from that.

The Assembly discussed the issue of credit unions in detail on 17 February 2009, when the report of the Committee for Enterprise, Trade and Investment into the role and potential of credit unions in Northern Ireland was approved. There was much discussion about, and cross-party support for, the inquiry, and the Committee put much work and effort into producing logical and commonsensical recommendations.

Credit unions have had a place in Northern Ireland society for a long time. Our credit unions have differed in a major way from their counterparts in Great Britain, which were brought under the regulatory umbrella of the Financial Services Authority in 2002.

A gap clearly exists between the range of products and services that can be delivered to members of credit unions in Northern Ireland and those that are available in GB. However, the Assembly is aware that Northern

Ireland lags behind and recognises the importance of bridging that gap, given the fact that Northern Ireland's credit-union movement has a population penetration of 50% of adults, as opposed to 2% in GB.

I am not surprised at all that Sinn Féin has tabled the motion, even though Mr Butler and Ms McCann are more than aware that Her Majesty's Treasury, the Financial Services Authority and DETI officials continue to work on the implementation of the recommendations that are contained in Her Majesty's Treasury's 'Review of the legislative framework for the credit unions and industrial and provident societies in Northern Ireland'.

Ultimately, the review will bring Northern Ireland's credit unions into the scope of FSA regulations while leaving the legislative and registration function with DETI. That would assist in bringing about certainty on compensation arrangements for Northern Ireland's credit union members while giving the Northern Ireland Assembly continuing freedom to respond to the distinctive nature of credit unions. Additionally, regulation by the FSA would expand opportunities for financial education through participation in government schemes, such as the child trust fund and saving gateway.

In conclusion, I support the amendment. Work is needed in the area. However, I take the opportunity to commend the Minister and her officials for their continued efforts to bring about change.

Mr McFarland: Unfortunately, the debate illustrates perfectly how the limited amount of work that comes from the current Executive leads to unnecessary debates and damages the Assembly's integrity.

Sinn Féin's original motion completely ignores the Committee for Enterprise, Trade and Investment's inquiry and report into the role and potential of credit unions in Northern Ireland. It completely neglects the process that the report started and, indeed, the Minister's ongoing work in conjunction with Her Majesty's Treasury on the issue. It overlooks the fact that the Minister has assessed that a joint consultation document by the Treasury and DETI on credit union reform will be issued by the end of 2009 or in early 2010. I am starting to sound as though I have switched party.

Although it is hard to understand what Sinn Féin aimed to achieve when it tabled the motion, the debate has brought to the attention of the House the ongoing good work of credit unions. It gives the Assembly the opportunity to encourage the introduction of legislation in Northern Ireland and Great Britain to ensure that credit unions can provide the best possible service.

I was pleased that the Treasury agreed with the Committee's report and recommended the option for credit unions to remain registered in Northern Ireland while being regulated by the FSA. That will maintain the Department's good relationship with and knowledge of credit unions in Northern Ireland.

Although that approach may require primary legislation in Northern Ireland and potential amendments to existing GB legislation, it will benefit customers and future customers of credit unions in Northern Ireland. Credit unions are vital to local communities. It is crucial that local contact is maintained. The FSA will have a duty to get to know credit unions in Northern Ireland and how they work.

Allowing for credit unions to be regulated by the FSA will expand the range of financial products and services that they provide. That expansion of services will greatly benefit individuals, families and communities in Northern Ireland. However, that will also require significant training to ensure that existing credit unions can cope with service changes and, indeed, the higher level of regulation.

The Committee raised concerns that some smaller credit unions may not wish to expand the range of services that they offer. I reiterate the point that whatever settlement is agreed, lighter-touch regulation must be part of that agreement.

There is strong support for credit unions in Northern Ireland and real opportunities for their development. We are emerging from a period when speculative financial investment and high-risk banking have left the nation — many families — facing potential bankruptcy. Credit unions provide an opportunity for a more stable form of saving and investment, more localised management, and greater potential for doing good with our money.

I welcome the process that is ongoing. It is an example of an Assembly Committee doing good work and, hopefully, a Minister taking on that good work. I support the amendment.

Mr Simpson: I support the amendment. Indeed, there is no other logical thing to do. Although I agree that we should do what we can to help credit unions to develop and expand, the motion fails to recognise that action has already been taken to achieve that. The motion is, therefore, fundamentally flawed, at least in its timing. However, the amendment acknowledges that a great deal of important work has been done, and is being done, on the whole issue of credit unions in Northern Ireland.

In light of that work, it would be wrong — indeed, it would be downright foolish — to ask the Minister to bring forward separate proposals at this time. What good would that achieve? It would only muddy the waters and lead to a delay that none of us wants to see. I am confident that the House is united in its recognition of the important role of credit unions in Northern Ireland. I say that in spite of the fact that John Hume is regarded as the man behind the first credit union in Northern Ireland.

Today, credit unions fulfil a vital role among all sections of our society, from the Orange Hall to the parochial hall. Their local profile is confirmed when we look at the figures. There are more than 180 credit unions in Northern Ireland. Some 50% of the adult population are members, compared with just under 1% in England and Wales. Their role is now perhaps more important than ever in these days of loan sharks, etc.

It is clear that most credit unions would like to expand the range of services on offer to their members and, as the amendment makes clear, that option is already being actively pursued. The Committee for Enterprise, Trade and Investment's report on its inquiry into the role and potential of credit unions, which was approved by the House on 17 February, made a number of key recommendations. The FSA's independent review also made several recommendations.

It is generally accepted that the regulation of the sector should move from DETI to the Financial Services Authority, thus allowing it to develop and expand in a structured and managed way. That would have an impact on the amount of red tape, which would make life more difficult for the smaller credit unions in particular, but I am convinced that it is the only way to go. As I understand it, the proposed transfer is being actively pursued, but, like all things, it cannot be done overnight. Final decisions are being taken and then legislation needs to be passed, including at Westminster.

It is important to get it right. I take this opportunity to encourage the Minister and everyone involved in the process to do all within their power to move things forward as quickly as possible. I oppose the motion and wholeheartedly support the amendment.

Mr McLaughlin: Go raibh maith agat, a Cheann Comhairle. I support the motion. Members who are proposing or seconding the amendment have voiced their concern about Sinn Féin's motives, but it would have been very easy to come along and chat to us about it. I have listened carefully to the various contributors to the discussion, and I have not heard any explanation for the amendment. Indeed, there was a claim that the amendment actually strengthens the proposition.

Mr McFarland: Will the Member give way?

Mr McLaughlin: If you do not mind, I would like to speak for a while. The Member had his opportunity to speak just a short moment ago.

The motion has the virtue of having an action point, taking account of work that has been accomplished, and I recognise and applaud that work.

6.30 pm

The amendment simply asks us to take note. There is an assumption in the use of the word "notes" that I find incredible. To put that in the form of an amendment

assumes that the Minister, who has shown a keen interest in the discussion as it has developed over past months and shown an ability to be innovative and creative, has not taken account of the reports, does not know what is in them, has not been informed by them and is not using them as source material for her engagement with Treasury. Instead of arming our Minister and letting the Assembly stand four-square behind her, if the amendment were made, she could say only that the Assembly has taken note of the reports. It is a most anaemic amendment, and I am surprised that it was selected. It changes nothing and simply reiterates what the Minister is already doing. I am convinced that the Minister, in her response, will not confirm, for the benefit of those who tabled the amendment, that she was unaware of the existence of those reports and that she will start reading them after the debate concludes. I am confident that she is fully informed about the content of the reports.

Mr McFarland: We are now scolded for not speaking to Sinn Féin. Did it not occur to the Members who tabled the motion to talk to their colleagues on the Committee? The Committee has had the Department and the Minister appear before it. We talked about the issue recently, as the Chairman said. Had the Sinn Féin members on the Committee come to speak to the rest of us, we would not be hearing the complaint that the Chairman is making against us all.

Mr McLaughlin: I anticipated the Member's point and have already answered it. It does not absolve of responsibility any of the proposers of the amendment, who colluded with one another to table it. I accept that that is their democratic right to do so, but no one thought it worthwhile to examine Sinn Féin's motivation. We support the Minister. We are giving her additional arguments and putting her into a position wherein she can say that the Assembly has conducted work to this point and has made it clear that it wants proposals introduced.

It will be a necessity not to depend on Treasury to interpret local conditions. There will have to be an engagement. Our front person on that will be the Minister, in order to ensure that those nuances and particular circumstances can be accommodated in any changes, either at legislative level or to the regulations that govern credit unions.

Moves made in other jurisdictions — in the South of Ireland and in Britain — are long overdue here. Everyone agrees that they are necessary and should be implemented. If Members were serious about doing that in the interests of the credit union movement, its clients and its members, they should take a much stronger stance than taking note of work that is already sitting on the shelf.

I do not expect Members to respond to that argument, but I challenge any of them to deny that the amendment weakens the original motion. The motion was well worthy of the Assembly's support. We should want to give the credit union movement the powers to do what we know they can do on behalf of the members of our community. Go raibh míle maith agat.

Mr Shannon: I support the amendment. I spoke about DETI's role in February's debate on credit unions. I know that DETI is working on the issue, and for that reason, I feel that the motion pre-empts work or a report of the work that has already been undertaken. It makes suppositions about what the report will tell the Assembly.

Some time ago, when my boys were small, I took the three of them down to join the credit union for two reasons. I wanted to support my local credit union in Greyabbey and to make them aware that it is a good idea to save money for a rainy day. Therefore, at an early stage, credit unions have played a part in our family. There is no doubt that the spirit of the motion is to ensure that our credit union members receive all the support they are entitled to. I have every confidence that that is something that both DETI and Her Majesty's Treasury will ensure takes place.

We er aw weel awoar in this chammer that the credit uynyns pley a muckle roul in Norlin Airlan wi' up tae a quaerter o' tha poapulas in it's memmership. It is cleer that a repoart ootlinin ther roul in tha Proavince wus necessary espeshly takkin intae acoont tha news o' tha laet metters wi' tha Prebyterian Mutyl Society, en tha tarrbil mess that ther memmers fun theimsels in.

We are all aware that the credit unions play a huge role in Northern Ireland, with up to a quarter of the population holding membership. It is clear that a report on the role of credit unions in the Province was a necessity, especially taking into account the news of late issues within the Presbyterian Mutual Society and the horrific quagmire that its members have found themselves in. I was contacted by many constituents who were devastated by the news that most of their savings could be lost. That affected all members; from those who had £1,000, to those who had £10,000, to those who had £100,000. Potentially, members have a lot to lose if they cannot access that money. There should be protection on offer, and that is what the DETI report is seeking to highlight and address.

As other Members mentioned, many people in the Province are facing a tight Christmas and there is less disposable income in nearly every household. It is clear that there needs to be a safe venue for lending and saving money, and the fact is that the credit unions have a long and successful history in Northern Ireland.

In Northern Ireland, there are approximately 170 credit unions, and, as David Simpson said, they intersperse

and are for everyone, whether from the unionist community or the nationalist community. That contrasts with the UK mainland, where approximately 1% of the population are members of a credit union. GB is anxious to solidify and encourage growth in that sector.

The theme of the credit union is that it is a people's bank; it is run by ordinary people for ordinary people, and it does not make a profit. The success of credit unions in Northern Ireland has been attributed to their promotion by established community groups and religious organisations and their "by the community for the community" ethos.

Credit unions in Northern Ireland are governed by one primary piece of legislation and four subordinate pieces of legislation. I know that DETI, and the Minister in particular, is aware of the difference in legislation that limits credit unions in the Province. I have every confidence that they will address that and come up with the best legislation to suit savers and borrowers in the Province. It is not necessary to have in place exactly the same legislation as is operating throughout the rest of the UK. We have to look at it all and make a decision.

Northern Ireland's credit unions receive no government funding. However, credit unions in the rest of the UK have access to a £36 million growth fund for third sector lenders. In 2007-08, that fund was bolstered by a further £6 million. In its recent paper on financial inclusion, the Treasury Select Committee recognised the important role played by third sector lenders in promoting financial inclusion. It made recommendations that were designed to increase the coverage and capacity of third sector lenders. However, none of those recommendations applies to Northern Ireland. Therefore, change and growth is needed, especially as the Province has such large support for credit unions.

I am aware that some credit unions have already begun to make changes to their policies; for example, members are no longer able to borrow three times the amount of their savings, up to a maximum of £10,000, but, instead, can borrow a maximum of £7,000. That ensures that people can better afford to pay back what they borrow, which adds more security to the process. Bangor Credit Union is one example where they are doing just that.

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

Mr Shannon: A huge amount of research and work is being done to bring about the changes which are so greatly needed at this time. I urge Members to support the amendment, not the original motion.

Mr Dallat: In common with other Members, I declare an interest. I am the treasurer of Kilrea, Rasharkin and Dunloy Credit Union. At one stage, that was quite an onerous task, given the robberies that

happened on a frequent basis. However, today, it is an absolute pleasure and joy to be associated with the credit union, and that is why I find that a very difficult post to give up.

Increasingly, I come across people who are not members of a credit union and who have gotten into serious debt through credit cards, loan sharks and other lenders that have been mentioned by Members.

I support the amendment for several very positive reasons. The motion suggests that credit unions in Northern Ireland should be able to offer the same range of services as are offered in Britain and the rest of Ireland. However, Members need to be aware that the range of services offered in Scotland and Wales is considerably different from those offered in England, and, as has been mentioned, credit unions in the Republic of Ireland offer a very large range of services.

I hope that the Minister is listening carefully when I say that the credit unions here do not receive any financial support from government or from the European Union. That restricts many credit unions from reaching out to people who are not already members.

Of course, tens of thousands of people here are not members of credit unions, and many of them are the victims of loan sharks, which is an issue that I referred to earlier. Certain financial incentives that are available in Wales and Scotland have enabled field officers who are employed by credit unions to go into communities to help victims of loan sharks, and we need to encourage more of that kind of activity here. Smaller credit unions do not have the additional resources to do that.

Debt counselling and advice on money management are essential to enable people to avoid debt problems, which are listed as the key components in many family break-ups. In fact, more family break-ups occur because of financial problems than anything else.

Larger credit unions can help the victims of loan sharks, and they should also strive to reach out to non-members. I dare say that a few credit unions choose to be little more than savings clubs, and they need to be encouraged to change.

In these dreadful times, it is important to rediscover the history of the credit unions and why they were set up in the first place. If we do that, we are more likely to put in place the proper legislation to ensure that those wonderful institutions are maximised to their full extent.

Members may know that the movement was founded in Germany by two Presbyterian clergymen who were alarmed at the level of poverty among their congregation and the abuse suffered at the hands of moneylenders and loan sharks. The movement then spread to Newfoundland in Canada where fishermen were exploited by gombeen-men who owned the boats

and prevented them from being independent. However, through the establishment of the credit union movement there, people were saved from that exploitation.

The movement came here in the late 1950s, and God knows things were not easy at that time. Indeed, credit unions were the only place where working class people got loans. Today, the movement exists pretty much everywhere. However, I again emphasise that there are places where credit unions do not exist, and we need to address that. Never was there a greater time to establish and expand the credit union movement. By doing so, we will save tens of thousands of people, who are at the margins of existence, from the clutches of the people who exploit them.

Credit unions offer death insurance, which is a product that no one wants to qualify for, but which provides reassurance, particularly for older people who worry about dying in debt.

I want to finish on positive note by paying tribute to the officers in the Department of Enterprise, Trade and Investment who ensure that credit union movements maintain the highest standards of service and the least possible risk of fraud. I sincerely hope that the Minister conveys that to those officers, because they work in an extremely professional way without any notion of getting praise for it. That is why the credit union movement in Northern Ireland is not in the serious trouble that other financial institutions have got themselves into.

Mr Burns: I declare an interest as a member of a credit union. I was a member of a credit union study group that started in 1988, and last Friday night, I attended its twenty-first AGM. That credit union now has £4 million in savings and £2.5 million in loans. I know that that may be considered a small credit union, but the people of that community take great pride in it.

If I remember correctly, most members who contributed today also spoke during the debate in February on the report on the inquiry into the role and potential of credit unions in Northern Ireland. A lot was said was during that debate and many of the key points have been made again today. Much has already been said, and I do not want to repeat the contributions of other Members.

Credit unions, as Jim Shannon said, are popular among ordinary people, who view them as an organisation that they can trust. At the moment, banks and big businesses have very few fans among ordinary people. Billions of pounds have been pumped into some of the most unstable banks, for which the taxpayer will eventually have to pay. Those banks have taken far too many risks and have been reckless and greedy in chasing profit. Banks have got themselves into big trouble with their attitudes and have done real damage to the whole economy.

6.45 pm

The difference between banks and credit unions is that the latter have sensible and responsible lending policies and are owned and controlled by their members. Credit unions are controlled by a voluntary board of directors: there are no fat cats on credit union boards of directors. Credit unions are standing strong today and are an example to the banks.

I want to see credit unions grow and offer more services similar to those offered by credit unions in Britain and the South of Ireland. I am not suggesting that they should become high street banks, but they certainly have much more to offer. I want credit unions to be able to provide some of the new services that they desperately want to provide, such as internet banking, cash machines and the ability to accept clubs as members and give them sensible loans.

If we are to promote a savings culture, credit unions should also be involved in government savings plans. If credit unions in Britain can do so, credit unions here should be able to do the same. I am sure that if credit unions here offered such services, there would be a high level of uptake. It would open up banking facilities to a lot of people who might not otherwise have access to them. Credit unions do a lot to reach out and help the most vulnerable in our society. If they want to do more, they should be encouraged to do so.

The Assembly welcomed the Enterprise, Trade and Investment Committee's report into credit unions in February. Behind the scenes, a lot of work has been taking place to implement the report's recommendations. The amendment strengthens the motion, and I encourage all Members to support it.

The Minister of Enterprise, Trade and Investment (Mrs Foster): I thank Members for their positive comments about the very important role and contribution of the credit union movement in Northern Ireland, which I wholeheartedly endorse.

I want to update Members on the progress to allow credit unions to expand their services to match those available in the rest of Great Britain and the Republic of Ireland, with the added assurance that savings will have the same level of protection as that enjoyed by credit unions elsewhere in the United Kingdom.

The Department has long recognised that for many members of society, particularly those on a low income, neighbourhood credit unions are the prime source of affordable credit. The long-established and widespread presence of the credit union movement in Northern Ireland has been crucial in helping to engender a strong culture of community self-help and to promote financial inclusion, including the tackling of problems such as loan sharks, which many Members mentioned. Mr Dallat asked me a number of questions about European Union funding and allowing people to deal

with loan sharks. That is something that we want to look at, because some of the smaller credit unions have already raised the issue of financial capabilities when they come under the remit of the Financial Services Authority. Therefore, there are issues about providing capacity as well as doing outreach work against loan sharks.

Credit unions are an integral part of the broader social economy sector, and the proposer of the motion, Mr Butler, recognised that I already made that comment. The credit union movement's contribution was assessed as part of the Department's baseline survey of social economy enterprises in 2007. As has been mentioned, there are 180 credit unions in Northern Ireland, and the representative body for the wider social economy sector, the Social Economy Network, continues to strengthen its links with the movement and has helped to give many credit unions the opportunity to publish their services to a wider audience of potential members. That is something positive that the credit union movement has been able to take from the social enterprise network.

During the debate, I have heard that credit unions have had a special place in Northern Ireland's society for a long time. However, Members are aware that our credit unions have been very different from their counterparts in Great Britain since 2002, when they were brought under the regulatory umbrella of the Financial Services Authority. Historically, registration and regulatory responsibility for credit unions has been a transferred matter, and legislation was introduced in Northern Ireland in 1969 to enable credit unions to acquire corporate legal status and to create the trusted brand image that the movement enjoys today. That brand image is underpinned by the fact that over 90% of credit union members belong to a credit union that is affiliated to one of the two main representative bodies, the Irish League of Credit Unions and the Ulster Federation of Credit Unions, which both operate a membership-funded savings protection scheme that is of great value to them. However, there are other independent, unaffiliated credit unions as well.

The present legislative framework worked well during the decades when the movement developed and spread across Northern Ireland. Most of that early development related to membership numbers. However, more recently, it has focused on the scale of funds that are managed, to the point where today it has £775 million of savings and loans to members totalling £516 million. Members referred to the Committee for Enterprise, Trade and Investment's report on the role and potential of credit unions in Northern Ireland, which was approved by Members during the previous Assembly mandate. That report was good, and it highlighted the Committee's good work; I know that the Committee worked hard with officials on the issues that are raised therein.

I thank Mr Dallat for his comments about the departmental officials. I know that they work extremely hard on that area and have an excellent relationship with the credit unions. That was reflected in the Committee's report with the decision that registration will remain here. The Committee wants it to stay here to facilitate that local link-in with the Department. I accepted the report's conclusion that the range of financial products and services that Northern Ireland credit unions offer are lagging behind those of their counterparts in Great Britain even though the Northern Ireland movement has been established longer and, as we have heard, has an adult population penetration of 50% as opposed to 2% in Great Britain.

That is why I am a little confused by today's motion, which tasks me to introduce proposals to ensure that credit unions can provide the same range of financial products and services. Frankly, I thought that I had already done that when I endorsed the Committee's report, particularly its first recommendation, which asked me to permit the Northern Ireland credit unions to expand their range of services to include, at the very least, the services that credit unions in GB currently offer. I have already endorsed that, so I am a wee bit confused about the reason for the motion. I hope that the Members opposite understand that confusion.

Mr McLaughlin: Given what the Minister has said, is she more comfortable with the amendment, which simply asks her to note the reports?

The Minister of Enterprise, Trade and Investment: I have already noted the reports as well. Therefore, I can live with the amendment. I am simply making a comment; the House decides how to vote on motions. I am simply making the point that I have endorsed the recommendations and, therefore, to a certain extent have brought forward the Committee's proposals. I want to push on with those proposals.

Dr McDonnell mentioned the important issue of the legislation. That issue causes me concern. We are working hard with the Treasury and pushing it to introduce the legislation. However, I remind Members that, although they may want to pressurise me into introducing legislation, we need HM Treasury's input first. Nothing else can proceed without it. That frustrates me greatly, but that is the situation in which we find ourselves.

I take on board the points that were rightly made on that matter, given the upcoming general election next year. I intend to make Minister-to-Minister contact, and my officials have been working with the Treasury on the matter. Members can take from the debate that we have pushed the Treasury for a meeting, but I believe that we need to push even further, bearing in mind that if the Conservative Party wins the general

election, it will want regulation to come from the Bank of England.

Mr Durkan: The Financial Services Bill, which was announced in the Queen's speech, will cover all the issues that were included in the White Paper that was published on 8 July 2009 and in the legislative framework document for credit unions here. Given that context, does the Minister recognise that the credit union movement here will be very frustrated if everything else that is published that day is legislated for, with the exception of provisions in Northern Ireland? We will have to pass a legislative consent motion for at least two aspects of the Financial Services Bill. Given that, could we not at least try to include a third element that deals with credit unions?

The Minister of Enterprise, Trade and

Investment: I hear clearly what the Member is saying, and I will discuss that with officials after the debate. I want to send a clear message that, regardless of what side of the debate Members are on, we will pursue the matter as vigorously as we possibly can. Consequently, if there is a way through, we will not have to wait until after the general election and we can achieve our objective quickly.

I want to give that assurance to Members. The general election will have consequences for the Assembly, and we all know that our mandate to introduce legislation ends in mid-2011. People, particularly those who are involved in credit unions, will be disappointed if progress on legislation is delayed. I will not go through all the legislation that has to be passed here and in Westminster, suffice it to say that quite a few complex pieces of legislation are involved. However, I hope that Members will accept my undertaking that I will pursue the matter with the Treasury.

We had agreed that we would have joint Treasury and departmental consultation. I had hoped that that would happen before December, but it is now more likely to happen in January. In any event, it has to take place. Members may be frustrated by that, but in this place, consultation on such matters is obligatory, and it will allow us to put the proper legislation in place here.

In the meantime, my Department will, through the Registry of Companies, Credit Unions and Industrial and Provident Societies, continue to work closely with the representative organisations and the credit union movement in general to help those credit unions that wish to enhance their range of services within the current legislative framework, be it paying in benefits and pensions directly, paying out moneys and bills by debit card and PayPoint, or the introduction of a fully fledged current account service, as was launched recently by Newry Credit Union in partnership with the Co-Operative Bank.

It is important to remember that many credit unions may have difficulties with the regulations, as Mr McFarland and others pointed out. We must be cognisant of that and of the need to help credit unions through the regulations. Some may wish to continue with what they are doing at present; they may not wish to establish child trust funds, for example, which other credit unions are keen to introduce.

Mr Dallat talked about the history of the credit unions, but the provision of its core services made it possible for the credit union movement to make such a significant contribution to the financial inclusiveness of Northern Ireland society over the past five decades. There is no doubt that those core services will continue to be the mainstay of the credit union movement in the future. I recognise that others want to do more.

I hope that I have been able to clarify matters a little. I have given the undertaking that I will get in touch with the Treasury about the fundamental issues that have been raised where legislation is concerned. I thank Members for debating the issue in such a thoughtful way.

7.00 pm

Mr Neeson: As a member of the Committee for Enterprise, Trade and Investment, I assure the House that the issue of credit unions has been and continues to be of major importance to us. It is not only the credit unions that are important to the Committee; it has discussed the problems that the Presbyterian Mutual Society faces.

The Assembly accepted the Committee's lengthy report in February 2009. That inquiry was set up to examine the role of credit unions in the communities that they serve, to identify the barriers that prevent credit unions from offering a wider range of services, and to consider how to unlock the potential to allow credit unions to expand their range of services and to support them in so doing. In its report, the Committee made eight important recommendations. We recognised that the Financial Services Authority, along with the Department of Enterprise, Trade and Investment, has an important role to play, particularly in relation to regulations. The amendment recognises the role that the Committee for Enterprise, Trade and Investment is playing in bringing about change. The Finance Services Bill, to which the Minister referred, will play a major role in moving the issues forward.

I refer Members to the report. The Minister mentioned the first recommendation, but I think that two others are important. The report states:

"It is recommended that both DETI and the FSA work with the credit union movement to develop and implement training programmes to provide credit union staff with the knowledge and skills to operate the new regulatory arrangements and to operate additional services which credit unions are permitted to provide."

A second recommendation that is worth noting states:

“In order to bring Northern Ireland into line with funding already available to credit unions in GB, it is recommended that the Growth Fund, and any future such funding, be extended to include credit unions here.”

The report was the result of a realistic inquiry into how credit unions operate in Northern Ireland. It recognised the issues facing credit unions here, and it recommended that their services be extended.

I find it difficult to understand why the original motion was tabled, bearing in mind that Mr Butler is a member of the Committee for Enterprise, Trade and Investment. He recognises, or he should recognise, the work that the Committee has done and continues to do on the issue. In his opening remarks, Mr Butler highlighted rightly the importance of credit unions in difficult economic times, and Stephen Moutray also mentioned that. Mr Butler and other Members highlighted the major problem of people resorting to using loan sharks. That is a big issue. It is a huge problem across Northern Ireland, and it is a big issue in my constituency.

Dr McDonnell referred to the fact that 50% of our population is involved in credit unions. The Committee Chairperson urged the proposer of the motion to consider the amendment, and I join him in doing so. It would be helpful to all involved if there were no vote and if the amendment were accepted. I urge the proposers of the motion to consider that. Alan McFarland mentioned that it is important that credit unions provide the best service possible. David Simpson said that credit unions are used by all communities in Northern Ireland.

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

Mr Neeson: Mr Simpson said that they are used by everyone:

“from the Orange hall to the parochial hall.”

I urge Members to accept the amendment.

Mr P Maskey: Go raibh maith agat, a Cheann Comhairle. I declare an interest as a member of a credit union. I have used a credit union for many years, mainly as a borrower rather than a saver, and I have found it very useful and beneficial. A Cheann Comhairle, my party colleagues Paul Butler and Jennifer McCann tabled the motion — Jennifer cannot be here today — in an attempt to bring a resolution to the issue as soon as possible.

Sean Neeson expressed surprise that Paul Butler brought the motion to the House, given that he is a member of the Committee for Enterprise, Trade and Investment. He also suggested that Paul Butler did not thank the Committee or recognise its hard work. I ask Sean Neeson to review the Hansard report of today's

debate. Paul Butler recognised the hard work of the Committee and departmental officials. If the Member checks the Official Report in the morning, it will be proven that he raised a non-issue.

In moving the amendment, Alasdair McDonnell commended credit unions and said that they are used by up to 50% of people here. He spoke about the recommendations of the Committee for Enterprise, Trade and Investment's report, and, importantly, he stated that that report has been with us for quite a while. Is that not a reason to support the original motion? The motion calls for proposals to be brought forward, but the amendment merely notes the work being undertaken. As a member of a credit union, I am very disappointed in the responses of Alasdair McDonnell and other Members on that issue, because I would have liked the proposals to have been brought forward much sooner.

Jim Shannon said that he brought his sons along to a credit union for them to become members. When I was 16, my mother brought me to a credit union in the hope that it would help me to save. The amendment would prevent many more people from joining a credit union, because it will delay the bringing forward of the proposals. Mitchel McLaughlin outlined how calling on the Minister to bring forward the proposals would enable her to lobby more strongly at the Treasury. That would be more effective than the outcome of the debate being a mere notation by the Assembly.

The Minister of Enterprise, Trade and Investment: I have already endorsed the proposals that the Committee sent to me, and we have forwarded those to the Treasury. We must try to get the Treasury to act on those proposals and legislate so that we can take the necessary steps. We in the House are not dallying on the issue. I intend to take the matter up with the Treasury again.

Mr P Maskey: I appreciate that, and that is all the more reason to support the motion. If the motion is passed, the Minister can go the Treasury backed by more than a mere notation from the Assembly. It will create a greater sense of urgency if the Minister is able to tell the Treasury that the Assembly called for the proposals to be brought forward. The Minister will be given much greater leverage if the motion is endorsed.

Alban Maginness said that he was disappointed in the motion and would have preferred an all-party motion. However, as has been pointed out, no one asked our party to support an all-party motion or to change our motion. Neither Alban nor anyone else did that, so Sinn Féin will not be lectured about its motion by Alban Maginness.

Mr A Maginness: Will the Member give way?

Mr P Maskey: No; I have only 10 minutes in which to speak. I know that you are the Chairperson of the Committee, but I will not give way.

We will not take criticism from Alban Maginness or anyone else. Our party has taken the initiative and tabled the motion in an attempt to see the proposals brought forward as soon as possible.

Stephen Moutray said that credit unions have cross-party support, which is correct. That is exactly how it should be. He also mentioned the Committee for Enterprise, Trade and Investment's inquiry but said that there was still no movement on the matter. That is all the more reason why Members should support our motion. That theme ran through the speeches of all Members who opposed our motion and supported the amendment.

Alan McFarland said that the debate was unnecessary. However, he said that only because Sinn Féin used its initiative in tabling it, whereas the Ulster Unionist Party and every other party in this House did not have the initiative to do so.

Mr McFarland: Will the Member give way?

Mr P Maskey: No.

No other party used its initiative to push for proposals to expand credit unions' services to be made as quickly as possible.

David Simpson said that the motion was flawed; that was another theme. He said that the motion would lead to a delay, but how can calling for proposals lead to a delay? Mr Simpson's support for the amendment means that it is he who is calling for more delays. That has to be stated clearly.

Mitchel McLaughlin said that the motion has an action point, which is precisely what is missing from the amendment. There are no action points in the amendment; it merely calls for notation. Mitchel said that, if the motion were passed, the Minister could act with the consent of the Assembly. The amendment fails to provide that.

John Dallat declared an interest and spoke about restrictions on credit unions. He said that those restrictions mean that thousands of people cannot be members, which puts them in the way of loan sharks, who were another common theme. Nobody could disagree with that sentiment. I often find myself repeating what other Members said. My mother brought me to the credit union, and I brought my children to the credit union in the hope that they could become members. However, the present restrictions do not allow that to happen.

Mr Simpson: Will the Member give way?

Mr P Maskey: No.

Thomas Burns also declared an interest. He said that credit unions have supported communities. He also expressed concern about the banks, which have got us all into trouble. That is why I, as a member of a credit union, have more pride in credit unions than in banks, because the banking system has failed us all greatly. It has got us into deep economic trouble, not only here in Ireland but throughout the world. That is why I support credit unions at every level.

I was disappointed with the Minister, who started by saying that she was going to update us on progress on proposals. However, despite listening intently to her 11-and-a-half-minute speech, I heard nothing about any progress reports. I heard some stuff —

The Minister of Enterprise, Trade and Investment: Will the Member give way?

Mr P Maskey: No; I need to get through my speech, and I have already refused other Members. I listened intently to the Minister's speech, but perhaps I did not listen intently enough. I will check the Hansard report tomorrow —

Mr Simpson: Will the Member give way?

Mr P Maskey: No. Those are some of the issues that we have to address.

The Minister said that we lag behind other regions, but supporting the motion would allow us to catch up with them. Importantly, there is still no time frame. The Minister said that the British Government could change next year and that a Conservative Government would rather lay matters with the Bank of England. If our motion is supported, and I urge other Members and parties to —

Mr Durkan: Will the Member give way?

Mr P Maskey: No. I urge other parties to look at the motion again and support it because it would allow the Minister to go to the Treasury and others, lobby hard and say that she has the support of the House in doing so.

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

Main Question, as amended, put and agreed to.

Resolved:

That this Assembly recognises the important role of credit unions during these difficult economic times, especially for those on low incomes and dependent on benefits; notes that the Assembly approved, on 17 February 2009, the report of the Enterprise, Trade and Investment Committee on its Inquiry into the Role and Potential of Credit Unions in Northern Ireland; and further notes the work currently being undertaken by HM Treasury, the Financial Services Authority and DETI officials on the implementation of the recommendations contained in the HM Treasury report on the 'Review of the Legislative Framework for Credit Unions and Industrial and Provident Societies in Northern Ireland'.

7.15 pm

PRIVATE MEMBERS' BUSINESS

Double-jobbing

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

Mr McNarry: I beg to move

That this Assembly notes the recommendations of the Committee on Standards in Public Life, 'Supporting Parliament, Safeguarding the Taxpayer'; calls on all political parties within the Assembly to commit to an end to 'double-jobbing' by the next Assembly election in 2011 to protect the integrity of the Northern Ireland Assembly; and further calls on the First Minister and deputy First Minister to convey the opinion of the Assembly on this matter to the Prime Minister and the Leader of the Opposition.

The Committee on Standards in Public Life could not have been more scathing when it reported that, as a standard in public life, double-jobbing is not acceptable. Does the Assembly not find favour with that recommendation? Surely we can agree that double-jobbing falls short as a standard in public life and that it is not acceptable here, in this place. Shall we stand with public opinion, or will we vote with the double-jobbing protection league? Who will join us in ending it today, and who will put their seats in jeopardy by hanging on until 2015?

Each year, a wasteful cost of £4.7 million can be attributed to the 16 of our number who double-job. That is simply not acceptable; it cannot be tolerated, justified or allowed to continue. The practice betrays the dignity and integrity of the Assembly. However, until today, no one has spoken up for the Assembly's dignity and integrity by calling for double-jobbing to be ended — ended, that is, by MLAs, not by MPs. The practice must end not because of the Kelly report, but because we in this Assembly, by our own standards and self-determination, want to put an end to it.

The public outcry against double-jobbing sits up there with the distasteful revelations about mortgage payments, family members on the payroll, restaurant bills, furniture, televisions, moats, duck houses etc. Not only is an entire chapter — chapter 12 — of Sir Christopher Kelly's recent report dedicated to Northern

Ireland, but a significant part of it is devoted to double-jobbing, culminating in recommendation 40:

"The practice of permitting a Westminster MP simultaneously to sit in a devolved legislature should be brought to an end, ideally by the time of the elections to the three devolved legislatures scheduled for May 2011."

Some Members will latch on to the word "ideally" because, ideally, it suits them to go beyond 2011. However, there is no mention in the recommendation of any date other than May 2011.

In paragraph 12.20, Kelly unequivocally states:

"the Committee questions whether it is possible to sit in two national legislatures simultaneously and do justice to both roles, particularly if the MP concerned holds a ministerial position in one of them."

Once again, Kelly recommends May 2011, which is the date that the Assembly should adopt.

Even letters to the local press put the matter succinctly. One local correspondent said:

"Parliament and the political process have been brought into disrepute by the perception that the most of our political representatives are on the make. Now is the time for decisive action — anything less is hypocrisy."

The same writer's challenge could not be clearer. He or she said:

"If Peter Robinson and the DUP, as well as the other parties, want to be taken seriously, they should unequivocally state when their MP/MLA/Cllrs are going to opt for one job only."

The public have brought us to the core of the matter. The issue involves the integrity of the Assembly and the credibility of our politics in general; otherwise, people will conclude that the double-jobbers are reluctant to give up their multiple salaries and their perks. In the real world in which unemployment has doubled and many people are worried about whether they can hold onto their job, including many public servants who feel that their jobs are under threat from the very politicians who are not content with just one job, you cannot dismiss a public opinion that considers double-jobbing as nothing more than a cabal of greedy and self-interested politicians on the make.

The Northern Ireland Assembly is a devolved institution with devolved powers derived from the sovereign Parliament at Westminster. It is the Assembly, not the Executive, that relates to the Westminster Parliament. The Executive, headed by a First Minister, relate to the Westminster Government, not to the Parliament. It is the Westminster Government and not the Parliament to which the First Minister needs to relate; if he has issues, he can raise them formally with the Government in London. That is his constitutional role and position. There is no good reason why a First Minister needs to sit in Parliament and condemn his or her constituents to the services of a part-time MP. The same goes for the Finance Minister.

Mr P Robinson: Will the Member give way?

Mr McNarry: Like the First Minister —

Mr P Robinson: Will the Member give way?

Mr McNarry: He can meet the Government across the table and does not need to sit on the green Benches as a part-time MP to do that.

Mr P Robinson: Is he afraid to give way?

Mr McNarry: If, as the DUP would argue, double-jobbing is wrong after 2015, which is the natural conclusion to be drawn from its decision to hold out until that date, it is just as wrong in 2011 or, for that matter, now, in 2009. If it is wrong, there is no logical reason for it to continue for one day longer. Did I not hear Mr Robinson on the BBC last week let it out of the bag that holding on until 2015 had really nothing to do with his antipathy or otherwise towards double-jobbing but all to do with a shortage of DUP talent, meaning that the double-jobbers — all nine of them — were the best that he had and the rest of the party's MLAs were simply not good enough? If that is the case — I suspect that Mr Robinson may regret exposing his dead wood in that way and, indeed, may doubly regret telling us that the 'X Factor' nine are the best of his bad bunch — we have the real reason for its cop-out amendment. The DUP does not have the depth of candidates to fight in two elections. It cannot afford to have double-jobbing removed, fearing it will lose its seats. I have some news for its members — *[Interruption.]*

Mr Speaker: Order. Allow the Member to continue.

Mr McNarry: I have some news for them: they are losing their seats, double-jobbing or not. *[Interruption.]*

Mr Speaker: Order.

Mr McNarry: Let me repeat it: they are losing their seats, double-jobbing or not. Let us have a decision today: no more part-time MPs, no more part-time MLAs and no more part-time Ministers. Today, the House either says no to double-jobbing or it disconnects itself from public opinion. That is why we propose this motion at this time, and I commend it to the House.

Mr Wells: I beg to move the following amendment: Leave out all after the second 'Assembly;' and insert

"and Parliament to commit to an end to "double-jobbing", including private sector employment, ideally by the time of the scheduled election in May 2011 or, failing that, by 2015 at the latest; and further calls on the First Minister and deputy First Minister to convey the opinion of the Assembly on this matter to the Prime Minister and the Leader of the Opposition."

We have listened with incredulity to what Mr McNarry has been saying. I note also that he was afraid, on several occasions, to give way, such was the strength of his argument.

Whom did the Ulster Unionists bring to their party conference to lecture us, the elected representatives of

Northern Ireland, on the issue of double-jobbing? They brought Mr William Hague MP. Of course, he is the ideal candidate. That poor young man —

Mr McNarry: On a point of order, Mr Speaker. Will you inform the House what constituency William Hague represents as an MLA?

Mr Speaker: That is certainly not a point of order.

Mr Wells: Mr Hague represents the north Yorkshire constituency of Richmond, but he also represents the William Hague benevolent fund extremely well. Is he some poverty-stricken MP cocooned in his constituency, from which he travels out only on occasions to represent his people in Westminster? He is not. Does he throw aside all offers of extra income, such as speaking tours and directorships? Does he turn down helicopter rides? No, he does not. Members will find that he is the last person who should have been lecturing us, the elected representatives of Northern Ireland.

Let us look at some of Mr Hague's extra-curricular activities.

Mr Campbell: Do not read out them all.

Mr Wells: I cannot read out them all, because I am confined to 10 minutes. He is the parliamentary adviser to JCB, for which he receives £45,000 a year. I suspect that that constitutes a bit of gold-digging. He is also a member of the political council of Terra Firma Capital Partners Ltd, for which he receives £65,000 a year, and he made six speeches in February and March 2005 for Artemis Investment Management. *[Interruption.]*

Mr Speaker: Order. The Member is entitled to be heard. May I also say that Members should keep to the motion and the amendment as far as is possible? Mr Wells, you may continue.

Mr Wells: My comments are relevant. It is also relevant to inform the House that William Hague wrote articles for the 'News of the World' for a fee of £95,000, made a speech for Fujitsu in the honourable Member's Strangford constituency for a mere £10,000 and made a speech to the Landmark Group for £15,000. In 2004, Mr Hague, this champion of single-jobbing, made £385,000 from speeches. In that year, he also made £110,000 from two directorships and £190,000 for newspaper columns. That is a total of £685,000. His total earnings for 2004 were £800,000. Of course, he does not approve of double-jobbing.

In the same year, his colleague David Cameron, who, at that time, was not the leader of the party, made a cool £1.7 million. He is the party leader who is threatening to change the law on this issue. He made only £1.7 million. The earnings of any Member of this House pale into insignificance compared with that.

Since William Hague left his position as Leader of the Opposition, he has made £3 million outside his parliamentary pay. He has always featured in the top 10 earners, and he has often been number one.

The hypocrisy of the motion extends not only to the Conservative Party; the Ulster Unionist Party cannot give us lectures on the issue either. I am one of the old-timers in this place. I have been around for far longer than most. In fact, I was around here before some Members were even born. I was elected to the Northern Ireland Assembly in 1982, and I remember that no fewer than eight MLAs in the Chamber were also MPs. Indeed, five became MPs in June 1983.

Mr McNarry: Is this a history lesson?

Mr Wells: Yes, and it is worth hearing. Did the late Clifford Forsythe, Roy Beggs Snr — not Jnr — Jim Nicholson, John Taylor or Ken Maginnis resign from the Assembly on the day on which they got elected as MPs in June 1983? No, they did not. I will bring things further up to date. In 1998, John Taylor MP and David Trimble MP remained as MLAs and MPs right up until the time when the DUP ran them out of their constituencies. David Simpson secured the seat in Upper Bann and brought true representation to the people there, and John Taylor was so scared at the spectre of Iris Robinson on his heels that he had to resign. However, that did not stop him from taking a seat in the House of Lords to continue his double-jobbing.

7.30 pm

The message from Mr McNarry is do not do what I do, but do as I say. Mr McNarry has lectured the DUP and other parties on the issue, but the only reason that he is on his high horse is that his party only has one MP, and it does not have the opportunity of double-jobbing. *[Interruption.]*

Mr Speaker: Order. Allow the Member to continue.

Mr Wells: Indeed, the party's only MP is wavering.

The party has only one seat at Westminster. It was absolutely thrashed at the last Westminster election. Therefore, its members do not have the opportunity to walk the floorboards at night worrying about double-jobbing, because that situation does not arise. That is the only reason why Mr McNarry can adopt the high ground on the issue.

The DUP has committed itself to phasing out dual mandates, and most of the party's MPs have made it very clear that, in line with Mr McNarry's wishes, by 2011, there will be single mandates. The DUP has also made it clear that there will be no question of an MLA accepting his salary if he remains an MP. Therefore, there is no issue with public expenditure, a point that has been made clearly by the party leader.

It is also worth emphasising that there is a huge degree of overlap between the constituency work undertaken by MLAs and that of MPs. In fact, I was quite pleased the other day to get a letter addressed to "Jim Wells, Minister of Health and Social Services" which was copied to Michael McGimpsey MLA. Things are moving in the right direction.

There is quite a bit of overlap, and it is wrong to say —

Mr McNarry: You are not on 'The X Factor' now, Jim.

Mr Kennedy: What was it about?

Mr Speaker: Order.

Mr Wells: It was from one of your councillors, Mr Kennedy. *[Laughter.]* I am not going to reveal who she is, but she is a lady councillor from Londonderry. I am not going to say who she is to avoid embarrassment. *[Interruption.]*

Mr Speaker: Order.

Mr Wells: There is a huge amount of overlap. It is not double-jobbing in the accepted sense. It is a double mandate. As the Chairman of the Health Committee, I see material crossing my desk all the time, and it is quite clear that being an MP and an MLA does not mean doubling one's constituency workload.

Mr McNarry: Trimble double-jobbed, but you have a double mandate.

Mr Speaker: Order.

Mr Wells: There is a huge degree of overlap. The MP is involved in so many aspects.

Mrs I Robinson: There is a lot of shouting from the other end. Will the Member clarify that double mandates are very different from double-jobbing? Double-jobbing is when one is an elected Member and, like William Hague, has extraordinary jobs outside of Parliament. *[Interruption.]*

How many of you have double jobs outside of politics?

Mr Speaker: Order. Members should not debate across the Chamber with one another. They should direct their comments through the Chair. I warn Members about that again.

Mr Wells: Mr Speaker, I am deeply hurt, and I am glad that you intervened to save me from further embarrassment.

The reality is that when the DUP's MLAs and MPs go before the electorate, the people know exactly what they are getting and on what terms they are voting for the MP or MLA. What hurts Mr McNarry is that in every constituency in Northern Ireland, save one, the people return DUP MPs and MLAs in overwhelming majorities. That is the fact —

Mr McNarry: Double-jobbing is a vote-winner.

Mr Speaker: Order.

Mr Wells: Does Mr McNarry think that the people of Northern Ireland are stupid? Have they suffered one iota as a result of the alleged double-jobbing? They continue to vote for the DUP because they get a first-class constituency service from the elected representatives of the DUP.

Mr McNarry: The best in the world.

Mr Speaker: Order.

Mr Wells: That is the issue. The quality of the service is the issue that really affects the ordinary man in the street, not dual mandates.

Mr B McCrea: I realise that there is some robust discussion here, but I am interested in Mr Wells's point about overlap. I think that there is some overlap between the role of an MP and that of an MLA. Does the Member feel that when it comes to the issue of expenses, there should be a considerable paring back to reflect that overlap?

Mrs I Robinson: There is.

Mr Campbell: There already is.

Mr B McCrea: I must say that I am very grateful to the Member for answering that question without moving his lips. However, I do look forward to what he has to say. I am interested to know whether the Member thinks that that would be an appropriate way forward.

Mr Wells: My understanding is that someone who is an MP and who sits in this House has his salary reduced by two thirds. That issue is covered; there is a reduction.

Mr McNarry: What about the mortgage?

Mr Speaker: Order.

Mr Wells: Therefore, that issue is taken into account. I emphasise the point that the DUP members who remain in both Chambers will not accept any salary for the work that they do in the Assembly: effectively, they will be doing it for free. That commitment gives an indication of just how seriously we take the matter.

The motion is based on sour grapes. Let the electorate decide, and it will show which party is giving the best value, and that will be the DUP.

Mr McCartney: Go raibh maith agat, a Cheann Comhairle. I preface my remarks by saying that I am a member of the Assembly and Executive Review Committee, and that I am certainly not a member of the William Hague fan club, although there seems to be plenty of members of that club sitting on the Benches opposite. They all seem very well versed in his extra-curricular activities.

Members and the Ceann Comhairle will know that the Assembly and Executive Review Committee has been tasked with examining the impact that dual mandates have on the working and efficiency of the Assembly. Indeed, the Committee has carried out some preparatory work and, as has been said, all parties in the Assembly have submitted papers for consideration. Recently, there has been a lot of public debate and concern about that and related matters. The related matters involve expenses, and so on, and we have seen how they have taxed Members on other side of the House tonight. However, we should perhaps focus on what the debate should be about, which is dual mandates.

The Assembly and Executive Review Committee will examine all dual mandates, including that of local government councillors, and how they relate to the working of the Assembly. Indeed, that issue was brought to the Floor of the House on 10 March 2009, when Tom Elliott moved a motion calling on the British Government to bring forward legislation to prohibit dual mandates in the Assembly, Westminster, the Scottish Parliament and the Welsh Assembly. Sinn Féin pointed out then, and I point out again tonight, that it was very noticeable that the issue of dual mandates involving Assembly Members and councillors was ignored and relegated, and it is the same with the amendment. Recently, a Member told the Assembly that a Minister was too busy dealing with the swine flu outbreak to be able to come to the House, yet that Minister can remain as a councillor in Belfast City Council. Members should address that issue.

As Sinn Féin pointed out then, the motion was brought to the Assembly in March to form part of a particular party's political campaign coming up to the European election, and we have seen tonight the opening gambits of that party's Westminster election campaign. However, this is not the place for that type of political point scoring.

For the record, Sinn Féin supports the phasing out of dual mandates. The backdrop will be the outworking of the review of public administration, which will bring significant change to the role of councils and councillors. Irrespective of what is legislated for, Sinn Féin anticipates that none of its councillors or MLAs will seek to serve two mandates. Sinn Féin's members will make the choice to serve the electorate in one place and one place only, and that is how everyone should approach the subject in future.

Mr Ford: What about Westminster?

Mr McCartney: I was just about to come to that David, thank you very much.

As regards Sinn Féin's Assembly Members who are elected as Westminster MPs, we support the phasing out of dual mandates in that sphere. However, for the record, Sinn Féin does not consider its Westminster

MPs to be double-jobbers, even though they may have dual mandates.

We have heard some interesting definitions of double-jobbing tonight, and I look forward to hearing other versions. For me, and, I think, for the public, double-jobbing is when a person is paid twice to serve the public — that is what most people think about when they hear the expression “double-jobbing”. Dual mandates might be something else. However, none of Sinn Féin’s MPs is double-jobbing, although they may have dual mandates.

Mr Ford: I thank the Member for giving way. If I understood Mr Wells correctly, he said that no DUP MP would also take an MLA’s salary. It appears that Mr McCartney is saying that no Sinn Féin dual mandate will involve an MP’s salary. Perhaps he will explain the difference.

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

Mr McCartney: There are two reasons. Sinn Féin has been doing this for a long, long time, and none of its Westminster MPs takes a salary at all.

There can, therefore, be no suggestion of that. In the past, we spoke about timing in relation to many of our councillors who relinquished their positions. *[Interruption.]*

Mr Speaker: Order.

Mr McCartney: It is a question of the stability of the Assembly. That will determine the time frame in which we will examine the dual mandates of our MPs. When this place becomes durable, functioning and sustainable, Sinn Féin will respond accordingly. Go raibh míle maith agat, a Cheann Comhairle.

Mr Durkan: We have before us a motion and an amendment. As the proposer of the amendment said, it is perhaps a bit rich for the party proposing the motion to present itself as purer than pure when it comes to dual mandates, multiple mandates, double-jobbing, or whatever we choose to call it. No future Assembly motion should have as pejorative a title as “Double-Jobbing”. A more neutral, sensible term should have been chosen.

The UUP has a history of double-jobbing; indeed, it has current form, whereby its Ministers continue to serve as councillors. Two and a half years into the current phase of devolution seems too long to sustain that. Nevertheless, the UUP is not the only party with history; we all have. As some Members mentioned, that can partly be excused and explained by the unsteady history of the devolved institutions. Over the years, we have been up and down like bungee jumpers, with one suspension after the other. The fact that the process continued here and in Westminster may justify

parties continuing to have members who hold mandates in both locations.

However, as a settled process now exists, it is right that we seek to set a definitive deadline for the ending of dual mandates — it is not a tin that we can keep kicking in front of us. Therefore, during the debate on a previous motion, which was proposed by Tom Elliott and to which the SDLP tabled an amendment, I made clear my intention to stand down from the Assembly should I be re-elected to Westminster. I did not do so because I underestimate the importance of the Assembly, but because, in those circumstances, a full-time MLA should take my place, and I should serve my constituency as a full-time MP. Eddie McGrady made the same decision during a previous election. Thus the SDLP’s position on dual mandates is increasingly steady and progressive.

However, given that some questions of process are outstanding and that an element of transition remains, I accept that party leaders may feel that they are in an exceptional position or their parties may place them in such a position. However, that does not apply to everyone else. I made a choice to enable me to adopt a particular position. At this stage, that is what the public wants.

Perhaps it is wrong that the issue of dual mandates and double-jobbing has become conflated with the expenses scandal. However, the public will make future adjudications on expenses, how much politicians are paid and the regime of allowances. Inevitably, the media and many members of the public will make that direct link, and dual mandates will, in many ways, become a proxy for the wider issue of expenses.

Therefore, rather than party after party deciding that it has adopted the best position by opting, for example, to end dual mandates by 2011 or, failing that, by 2015, it would be much better for the credibility of our devolved political process for all parties to agree a clear point in the electoral cycle after which Members will not hold dual mandates. That process should be visible, and there should be no quibbling about who is or is not paid. It should be clear which Members operate in a full-time role. As far as I am concerned, at that point, all MLAs should be paid at the same rate.

That is the other reason for trying to end the dual mandate issue: to ensure an equality of membership in this Chamber and in other Chambers. People would then know what they were voting for and that there is agreement on the job description for being a Member of this place and on the service that is required here and in constituencies.

7.45 pm

The amendment seeks to kick everything into touch —

Mr Campbell: Will the Member give way?

Mr Durkan: Yes, I will.

Mr Campbell: I appreciate the Member's giving way. He is making a constructive input to the debate, but I wish to make a non-political point on the issue of costs. Does the Member accept that, because MPs are subject to a two-thirds deduction in their salaries as Assembly Members, the immediate removal of double-jobbing or dual mandates would mean an additional cost to the public purse if the Assembly were to retain 108 Members?

Mr Durkan: I have heard the honourable Member making that point previously, but I do not believe that it is an argument against dealing with the issue. The size of the Assembly may not remain the same, and the SDLP is on record as advocating five-seat constituencies and fewer constituencies. That would be a handy and neat way to reduce the size of the Assembly.

The amendment seeks to kick the effect of the motion into touch by saying that 2015 could be the end date for dual mandates. If it is proper to end them in 2015, it is even more proper to end them now, and, for that reason, we support the motion and not the amendment.

Dr Farry: I declare an interest as a member of North Down Borough Council, and I declare all my other activities outside the Chamber that may be deemed relevant to the motion.

The Alliance Party is more sympathetic to the amendment, which better reflects the spirit of the Kelly recommendations. The proposers of the motion have put themselves on a pedestal to be knocked down because of the consistency of the perspectives that they have set out. We should refer to "dual mandates" rather than "double-jobbing", and I recognise the fact that it is an issue of concern to the public in Northern Ireland and elsewhere in the United Kingdom. As Mr Durkan said, it has arisen as a side effect of the problems with expenses, but, nonetheless, we must accept the fact that it is a major issue.

We must recognise the fact that, in the court of public opinion, which, ultimately, is supreme in a democracy, the practice of dual mandates will not be sustainable in the long run. Parliament has a job to take action on the matter, and, as parties, we can also take our own action. Ultimately, if people put themselves forward for election, the electorate will make its own determination. We should not second-guess what the public will say; they have their own mind and can make their own judgement.

I shall consider the issues that are at stake. We should judge our response to the matter of dual mandates on three issues: time management, finance and conflict of interest. The conflict of interest between the posts of MP and MLA is quite low; in many respects, the two posts can be mutually reinforcing. At the time of the sinister murders that took place in March — not in February, as Mr Empey said earlier — I was struck by

the fact that the First Minister was able to express the outrage of the people of Northern Ireland at those murders on the Floor of the Assembly and in Westminster. That brought home the importance of elected representatives being able to show leadership. There are other circumstances in which it is in the interests of Northern Ireland for that system to apply, and the point about constituency work has been made already.

A bigger problem is that of time management, because one cannot be in two places at once. Being an MP is a full-time job, and being an MLA is a full-time job. That is where the difficulty arises, particularly given the distances and travel times that are involved.

If we are to be consistent in pointing out the difficulties of MPs doing other work and not having double standards, we must consider other forms of jobs that MPs have.

Mr Wells eloquently pointed out the issue regarding William Hague. I was going to do that, but he beat me to it, so I shall not repeat the detail. However, the point that was made about William Hague is the tip of the iceberg. It is not just William Hague who does other work. Other politicians, particularly in the Conservative Party, have built up a raft of directorships and other forms of income from working in the media and from consulting work in different professions.

It is important to have elected Chambers that reflect a diversity of opinion and that have people who have a wealth of experience, unlike myself, who has been a political animal for most of my life. Therefore, let us be consistent in damning people who have commitments apart from being MPs. If the Ulster Unionist Party is to have credibility, I urge and expect them to be lecturing the Conservative Party on that issue.

I also want to talk about local government.
[*Interruption.*]

Mr Speaker: Order.

Dr Farry: There is also an issue with local government. The issue of time does not, perhaps, pose the same challenge. Councillors are part time and voluntary, and most are expected to have other jobs. Therefore, being an MLA and a councillor may not pose the same problem. In addition, MLAs have to give priority to the Assembly.

The bigger issue is conflict of interest, which is more of a problem for Ministers than MLAs, who can represent the views of councils and the Assembly. I reckon that there is an issue with Edwin Poots and the review of public administration. There is also a major problem with the two Ulster Unionist Ministers continuing to sit on Belfast City Council without having addressed that issue. Co-option is available to them.

Mr Hamilton: A common trait of the many dark years of direct rule was the prevalence of the notion that every so often the natives in Northern Ireland would have to be chastised and someone would have to be sent to tell them off, read them the Riot Act and give them a doing over. The most recent person to do that was not the Secretary of State who would have been typically sent out like a colonial master to talk down to the people of Northern Ireland. Rather, the latest person tasked with that job was, as Mr Wells said, William Hague MP.

We all recall how, at the Ulster Unionist Party conference at the Europa hotel recently, he told us —

Mr Kennedy: No one told us that you were watching.

Mr Hamilton: I just read the speech. He said:

“Northern Ireland should be properly represented there by MPs who see the House of Commons as a full-time job of work.”

That was us told off and put in our place. If I was thinking of the most inappropriate individual to come to lecture us on double-jobbing, it would be Mr William Hague. A recent article in ‘GQ’ about the 100 most influential men in Britain said that William Hague is an amazing after-dinner speaker — I say that to prove that I read the articles and do not just look at the lovely pictures. For the prices that he charges, he had better be. He had better be absolutely spectacular, and do magic tricks, too.

At the GQ men of the year awards for 2009, George Osborne congratulated the magazine on getting William to talk for nothing, which was obviously a reference to Mr Hague’s prolific after-dinner speaking, a subject on which Mr Wells touched. The Register of Members’ Interests for this year alone shows that Mr Hague has had dozens and dozens of speaking engagements, for which he charged a minimum of £10,000 a pop. That is what he gets for each of those engagements, and he comes to lecture us about double-jobbing. It is easy to see, as Mr Wells pointed out, how he has amassed a fortune of £3 million to £4 million since resigning as Tory leader. However, I have to correct George Osborne’s assertion that Mr Hague spoke for nothing, because the same Register of Members’ Interests shows that Mr Hague and his wife received travel expenses and hospitality for attending the aforementioned awards ceremony.

For speaking at that event, at which Mr Osborne thought he spoke for nothing, Mr Hague and his wife received expenses of £18,000 for travel and hospitality. That is about the national average wage. He was paid that sum for speaking at one event, yet he has the temerity to lecture the Assembly on double-jobbing.

Mrs I Robinson: Does the Member agree that some Members are losing sight of the fact that the electorate decided the name against which they would put their X or their 1, 2 or 3? At no time did our party try to hide

the fact that we would represent the electorate at Westminster and in the Northern Ireland Assembly.

Mr Hamilton: The people of Northern Ireland are not stupid: they know whom they vote for and what they are doing.

Even Mr Hague’s allies in the Tory Party could tell a story or two about it. Of course, what I described is the tip of the iceberg. We have heard already about the payments of £40,000 or £50,000 that he receives for being a parliamentary adviser to JCB. Perhaps it can help to dig him out of the mess of duplicity into which he has got himself.

Mr Hague may be ranked only the thirty-ninth most influential individual in Britain, but surely he must be ranked number one for hypocrisy. However, let us be fair: he is no more hypocritical than the Ulster Unionist Party. Remember David Trimble, who was a Member of Parliament as well as First Minister and an MLA. At that time, his adviser was David McNarry. I wonder what advice David McNarry gave him about double-jobbing.

John Taylor also sat in the House and not a dicky bird was said about it. Roy Beggs Senior was an MP and a Member of the 1982-86 Assembly, as well as being a councillor. Of the 18 UUP candidates in the 2005 general election, 11 were also Assembly Members. Of their number, 15 sit in councils, including two Ministers. That party does not practice what it preaches. Why not? It is because the electorate has already decided on double-jobbing for the Ulster Unionist Party; it does not want that party to represent it in one place, never mind two.

It is easy for David McNarry to propose a motion on double-jobbing. The people of the Strangford constituency have rejected him more times than the ugly kid at the dance.

The DUP supports an end to double-jobbing. It has spoken to the Kelly committee and made, in effect, the same recommendations as Sir Christopher Kelly makes in his report. The DUP stands by what it said to that committee and supports its recommendations. Phasing out double-jobbing is absolutely the correct way to solve the problem.

Mr P Maskey: Go raibh maith agat, a Cheann Comhairle. Sinn Féin supports the phasing out of dual mandates.

The outworking of the RPA will significantly change the role of local councillors in the operation of councils. In recent weeks, however, that has been jeopardised by a DUP Minister who dragged his heels on the matter due to a conflict of interest over a boundary change in his constituency. Sinn Féin considers that wrong because people have worked hard to bring the RPA proposals to the fore.

If Members read the motion, it is hard for any party to deny double-jobbing, particularly the Ulster Unionist Party. As my colleague Raymond McCartney pointed out, a Minister from that party said that he cannot come to the House to debate any issue because he is inundated with swine flu work, yet he can sit on Belfast City Council. He is not the only Minister who sits on Belfast City Council. Indeed, the Executive are well represented there by four Ministers.

Dr Farry: Does the Member agree that it is ironic that two Ulster Unionist Party Ministers left an Executive meeting to tend to their duties at the City Hall and to vote against a Sinn Féin candidate for Lord Mayor of Belfast, despite sharing power with Sinn Féin in the Executive?

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

Mr P Maskey: I appreciate that. I do not know whether I need it, a Cheann Comhairle.

8.00 pm

I take that point seriously; it was one that I intended to make, and it is a crucial point. The situation is that a Minister who deals with ministerial issues is taking the trouble to go down and vote in Belfast City Council. I was a member of Belfast City Council until two months ago. Now, I am glad that I am not, because I chair the Public Accounts Committee and I find that I am very busy. However, I appreciate the work done by many councillors who are also MLAs, because they represent the same constituency in both capacities. Sinn Féin supports the phasing out of double-jobbing, and, in the next elections, Sinn Féin candidates will stand either as MLAs or councillors.

When I sat on Belfast City Council, it never failed to amaze me that Ministers were present at meetings in which minor issues were discussed. I am not even sure what they had to offer, because, on many occasions, Ministers did not speak. However, they considered it more important to attend such meetings than to deliver Executive decisions. That is wrong on many counts. I am glad to say that none of the Sinn Féin Ministers is a councillor; some are MPs but do not attend Westminster. However, they represent the same constituency in both capacities. That is important.

Mr Wells said that the DUP has Members representing all the constituencies bar one. I am glad to say that I represent the constituency in which the DUP has no representation. That is important for that part of the city, namely, West Belfast. Some of our Members represent the same area very ably in two capacities, in the Assembly and in council, and they work very hard. People voted for them in recognition of that. Sinn Féin supports the phasing out of all dual mandates for MPs as soon as possible.

It must be stated clearly that the stability of this House will be a crucial factor in determining how soon that can be achieved. That is a very important point. I urge all parties in the Assembly to work hard to ensure that stability does not become a factor.

The new forms for the registration of Members' interests, when completed, will make interesting reading. I hope they will be online soon, if they are not already available. Another question that has to be asked is: how many Members work in other jobs? I do not mean in other elected organisations such as Westminster or local councils. I find it hard to understand how Members can deliver other services — as doctors, teachers, advisers — or work in other capacities. I am an Assembly Member and Chairperson of a Committee, and I find it hard to deliver a first-class constituency service as well as fulfilling those capacities. It would be virtually impossible to have another elected job, never mind a completely different sort of job. That might be the real meaning of double-jobbing.

Members feel obliged to bring motions such as this to the House because of the greed that has been shown at Westminster. It is quite clear that members of the Westminster Parliament have made an absolute fortune out of politics. I think that is wrong, first —

Mr Wells: Will the Member give way?

Mr P Maskey: No, I am sorry, Jim. I am running out of time.

Westminster MPs have shown manifest greed. It is wrong for politicians to become career politicians. I am a politician because I want to do right for my constituency and for my party. A career politician is apt to become greedy.

Mr P Robinson: When Members vote on the motion and the amendment, they will not be voting on a concept in the mind of the individuals who proposed them, but on the words on the Order Paper. The words are “double-jobbing”. Therefore, we are not talking just about dual mandates but about those who do more than one job. That is the wording on the Order Paper. Therefore, presumably, Mr McNarry wants to put out of work the Members on his right: an art dealer, an antiques dealer, a farmer, the Government Ministers on his party Benches and the local councillors. All of them would be put out of work if the motion were implemented, and I look forward to seeing all those people giving up their jobs.

In an intervention, the Member for Strangford Mrs Robinson said that it should be recognised that the electorate provided the dual mandates. Those people did not do that blindly or without knowledge; they knew precisely what they were doing. The Member for Strangford Mr McNarry might not like what they did — the electorate rejected him — but those people knew precisely what they were doing. I hope that people get

the choice to vote for Mr McNarry again, because to have someone stand who, in Westminster terms, is virtually unelectable unless everyone else stands aside is a certain way for the DUP to keep its seat.

The bottom line is that, if one were to find any form of double-jobbing acceptable, it would be that of dual mandate work. Issues will tend to coincide more for those who undertake second jobs that relate to politics and to representing the people, particularly if that work is done in the same constituency, than in selling antiques, milking cows, preaching or other work. The greatest coincidence happens for people who work in elected politics.

It is hypocritical for any one party to suggest that we bring dual mandates to an end, especially when that party was totally silent when its own leader, deputy leader and other members were double-jobbing. There was not a word from the Member who proposed the motion when he worked for someone with a dual mandate; he was quite happy to do that. He had no qualms whatsoever about David Trimble double-jobbing. However, when it happens to be a Member from another political party who is double-jobbing, that is a different matter altogether. That just goes to show the motion's level of principle: it is not about principle but party politics. The Member hopes that somebody will stand down to make it easier for one of his colleagues to get a seat; that is what the motion is about. Let us not try to bluff anybody that there is some great principle on behalf of the electorate behind the motion. It is pure party politics, and that demonstrates the hypocrisy of the Ulster Unionist Party.

Before dual mandates became an issue and a matter of public concern and before the newspapers took up the call, the Democratic Unionist Party invited the press to a breakfast at the Stormont hotel, at which we told them of our plans to phase out dual mandates. Without any pressure being applied or its being a matter of concern, even for the Ulster Unionist Party, the DUP embarked on that programme. We told the press that we would phase out dual mandates over two Westminster elections. There were a number of simple reasons for doing that. We put our Westminster Members of Parliament into the Assembly to ensure that we had people with experience and skills who had worked the system at Westminster so that the Assembly had the best possible chance of survival. Nobody could say that that was not a sensible position for the party to adopt.

As the Assembly stabilises, it becomes less important that we maintain that position. That is why we have to consider by how much we will reduce our dual mandates during their phasing-out over two Westminster elections. A majority of our MPs will stand down from the Assembly after they have been successfully returned at Westminster elections.

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

Mr P Robinson: We have already begun to move those Members out of posts and positions in the Assembly to reduce their workloads. When a UUP Member makes the winding-up speech, I want to hear when that party's farmers, antique dealers and councillors will stand down from their positions. Let us have less hypocrisy from the Ulster Unionist Party.

Mr Speaker: I call Mr Tom Elliott. *[Interruption.]*
Order. The Member has the Floor.

Mr Elliott: Thank you — *[Interruption.]*

Mr Speaker: Order. Let the Member continue.

Mr Elliott: Thank you very much, Mr Speaker. Let me enlighten the Rt Hon Member Mr Robinson: it is not hard to put farmers out of business at the minute, and it does not take politics to do it because it is happening anyway. However, that is beside the point.

Mr Durkan alluded to the point that we — I think that he was referring to my party — wanted to present ourselves as purer than pure, but that is not why my party tabled the motion. Rather — I am pleased that at least some Members recognised this — we are attempting to develop a situation whereby elected representatives of the House give a commitment to work as full-time Members for and in the best interests of the Assembly by removing the diversion of worry about either their council role or their Westminster role in particular. I declare an interest as a councillor on Fermanagh District Council.

Mr Wells: In order to be absolutely consistent, is the honourable Member going to announce that he is about to resign from Fermanagh District Council? He cannot condemn other Members who are councillors, if he himself does not resign.

Mr Elliott: I am prepared, when the time is right — *[Interruption.]*

Mr Speaker: Order.

Mr Elliott: I am prepared, when the time is right, to be a Member of the Assembly full time, just the same as Mr Wells and a number of other Members. That is why the motion refers to the Assembly election in 2011. We are not asking every Member who is also a councillor to resign now; rather, we are asking for an end to double-jobbing by 2011. Unfortunately, some other parties and Members do not even want to do that by 2011, and that is why I appreciate that at least some Members support the thought process for ending double-jobbing by 2011.

Unfortunately, much of today's debate has come down to personal insults. We clearly want to create a situation whereby we work for the best interests of Northern Ireland and the Assembly. On that point, at

least some Members who go to Westminster represent their constituents there, whereas other Members who go there, claim allowances and salaries —

Lord Morrow: Will the Member give way?

Mr Elliott: I will give way in a minute.

They claim allowances and salaries, but they do not represent their constituents, and that is even worse than double-jobbing. Even when they attend Westminster, they miss votes.

Lord Morrow: I thank the Member for giving way. He said he that is not asking anyone to stand down now but that he thinks that 2011 would be a good year to do that. If it is right to do that in 2011, I suspect that it is right to do it now. However, will he —
[*Interruption.*]

Mr Speaker: Order.

Lord Morrow: If the Member checks the records of this House, he will discover that the voting record of Assembly Members who are also MPs at Westminster far outstrips the record of those who sit in this House only. The Member should take that point into consideration.

Mr Elliott: I thank Lord Morrow for his intervention. The latest tallies for voting in this House showed that I had the best record of all Fermanagh and South Tyrone MLAs. At least I can be proud of that.

Mrs I Robinson: Even during the wet weather?

Mr Elliott: If Mrs Robinson wishes to make an intervention, I am happy to give way. If she does not, she should respect the Member who is speaking.

We were hoping for a clear timeline —

Mr P Robinson: Will the Member explain why I have a better record of attending Executive meetings than his colleagues in the Executive, why I have a better record of attending Assembly debates than the average member of the Ulster Unionist Party, and why I have a better record at Westminster than the Ulster Unionist Party's Member of Parliament? If I can do that better than those who are single-jobbers, what is the Member's objection?

Mr Elliott: The First Minister should have a better record than everyone else. If he did not have such a record, it would be sad for everyone else. However, it should be remembered that the Executive did not meet for five months last year.

Some Members raised the issue of a dual mandate. Let us consider the fact that the amount of expenses and office cost allowance that MPs and MLAs get is not reduced.

We have heard the DUP MPs say that they will not claim their MLA salaries. Does that mean that they will not claim the salaries at all or that they will claim

them and give them to their party? I look forward to hearing the DUP's position on that, because it has not been made clear. When the DUP had to fight a by-election in Fermanagh, it had to roll in the Minister of Enterprise, Trade and Investment in order to win a meagre council seat, because it did not have the vote otherwise. [*Interruption.*]

8.15 pm

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

Mr Elliott: DUP Members must feel relaxed that they do not have Jim Allister to take on today.

Mr A Maginness: This has been the best attended debate today. However, it does not say a lot to the people outside that Members have come into the Chamber for this debate but have not attended the debates on the justice Bill and on credit unions in great numbers.

Mr T Clarke: Will the Member give way?

Mr A Maginness: Let me finish my point. The people outside will reflect on this and ask what makes politicians tick. We are not giving them a good impression. They expect higher standards from their public representatives.

The Kelly report and its various recommendations, tough as they are — they were intended to be tough — reflect public opinion here as well as in Britain. The author of the report saw the abuse of parliamentary expenses and said that something radical had to be done. The issue of double-jobbing, dual mandates or whatever way one wants to describe the issue is important to people. I have absolutely no doubt about that. It may not be top of the public's list of priorities, but it is certainly on it, and we have to take react responsibly to that.

I have heard arguments from the DUP Benches saying that the party is committed to phasing out double-jobbing but will keep it for a while and that in any event single-jobbing is not that good. I heard the First Minister saying that single-jobbing was not necessarily a good thing. I cannot understand the reasoning behind that, because if one has a single mandate, one will put in greater effort, or at least one will have the opportunity to do so. My party's position is that we should be working towards a timely solution to the problem and towards all-party agreement on a definitive timetable for the ending of dual or multiple mandates. That is a reasonable position.

Mr Weir: I want to make an enquiry. I come from the same profession as the Member. I gave up the Bar when I was elected here in 1998, and I have not practised since. Will the Member tell us whether he is in the same position?

Mr A Maginness: Everybody knows that I practise at the Bar. [*Interruption.*]

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

Mr A Maginness: I am proud to maintain a vestigial practice at the Bar, by which I maintain a connection with an important body in civic society. That is important, and I will maintain that position whether it is profitable or not.

“Double-jobbing” is the term that has been used today. We should not use such pejorative terms; we should talk about double mandates, dual mandates or multiple mandates. I do not regard being a Member of the Assembly or a Member of the House of Commons as a job; they are public offices to which we are elected, and we should regard them as such, not as jobs. I had a job as a member of the Bar of Northern Ireland. However, membership of this House is a public office; that is important. All of us should aim to represent our constituents effectively and efficiently, and one can do that best with a single mandate. However, we must work towards a progressive solution that the public finds acceptable. At the moment, some Ministers are also members of councils and Members of the Westminster Parliament. That must be wrong.

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

Mr A Maginness: It is important that Ministers in particular detach themselves from other bodies so that they can give their full attention to their position in government.

Mr Speaker: The Member's time is up.

Mr Donaldson: I welcome the opportunity to participate in the debate. I have listened to the arguments of the Ulster Unionists and the SDLP, both of whom support the motion, and I am struck by the double standards.

The Member for North Belfast Alban Maginness said that the matter should not be about double-jobbing. However, he will go into the Lobby and support a motion that is all about double-jobbing and which refers to double-jobbing. He tries to sell the notion that Members can do whatever they like and spend as much time pursuing whatever career they want as long as they do not have a mandate for it from the electorate. He suggested that it is a heinous crime to dare to ask the electorate to vote for people to do another job. However, he suggested that it is in the public interest to spend as much time and earn as much money doing as many jobs as possible. I disagree entirely with the Member for North Belfast.

Members on this side of the House will wait with interest to see what the Member for South Belfast does when he has to choose which mandate to give up when he becomes the leader of the SDLP. Will he give up his Assembly mandate? Will he step down as the Member

of Parliament for South Belfast? Will he remain in this place? We await with interest what the Member for South Belfast does to follow the lead of the Member for Foyle Mr Durkan.

We have heard much from the Ulster Unionist Benches, and I echo the Member for South Down Mr Wells's comments. I find it a little rich — “rich” is probably the word to use — to be lectured by a fellow Member of Parliament such as William Hague, who can earn more money for one speech than I earn as an MLA for the whole year that I serve the people of the constituency who elected me to this place and who, by the way, gave me the highest first-preference vote of any constituency. They thought that I was doing a reasonable job.

People on the Ulster Unionist Benches are doing all kinds of double jobs; however, Mr McNarry, the proposer of the motion, sees no difficulty with that. I suppose that, to a certain extent, we should be sympathetic. The Member for South Antrim is an antiques dealer. Indeed, it probably helps to be an antiques dealer in the Ulster Unionist Party, given that it promotes antique candidates with antique policies who have nothing to offer other than what they offered in the past and have no vision for the future. We will not take lectures from the Ulster Unionist Party.

Mr Kinahan: I might have had the job title of fine art dealer once. However, I am better at the fine art of pictures than Mr Donaldson is at the fine art of something that I cannot mention.

Mr Donaldson: We will leave that one hanging, Mr Speaker. Whatever it is that the Member does, the reality is that it is double-jobbing. That is the very thing that the Member's party is asking the House to vote against. Of course, the Member for South Antrim cannot claim to have a dual mandate, because he does not have any mandate to be in this House. That is a little inconvenience that will no doubt be corrected in due course.

I look forward to listening to the winding-up speech from the Member for Newry and Armagh Mr Kennedy and to hearing what steps the Ulster Unionist Party is going to take to end double-jobbing on these Benches. Let us hear about the time frame within which that is going to happen. I opened my local newspaper, the ‘Ulster Star’, last Friday morning to find that it contained a letter from someone called Mrs Daphne Trimble. What did Mrs Trimble have to say? She said that double-jobbing short-changes the public. Is that the same Mrs Trimble who, for many years, was employed in the constituency office of the Member of Parliament for Upper Bann, who was a triple-jobber? He was a Member of Parliament, an Assembly Member, the First Minister, a Nobel laureate — you name it. “Whatever happened to that money?”, we ask ourselves. Mrs Trimble now tells us that double-jobbing is bad for the

public, yet she is married to someone who was a triple-jobber.

That is not the only issue. We hear a great deal about family dynasties, but here we have a new family dynasty in the making. Mrs Trimble puts herself forward for election to Parliament, and she is married to Lord Trimble, who is a Member of the House of Lords. When it comes to family dynasties, some Members need to think carefully before they point the finger at anyone else.

Mr Elliott lectured us about double-jobbing. As an Assembly Member, whom did he pay to do his research work? None other than a Member of the House of Lords. Where are we with those standards, Mr Speaker? We will take no lectures from that lot on double-jobbing or anything else.

Mr Speaker: I call Ms Dawn Purvis. *[Interruption.]*

Order. Allow the Member to be heard.

Ms Purvis: Thank you, Mr Speaker. The extent to which the Assembly debates the issue of multiple mandates without doing anything about it is becoming comical.

I agree wholly with the Members who tabled the motion that multiple mandates must come to an end before the 2011 Assembly elections and that the political parties in the Province must start preparing for that deadline. I agree wholly with the recommendations in Sir Christopher Kelly's report, particularly its finding that it is not possible to sit in two national legislatures simultaneously and do justice to both roles, especially if one of them is a ministerial role. The arguments that Northern Ireland is out of line and behind the times on the issue are compelling. *[Interruption.]*

Mr Speaker: Order.

Ms Purvis: Those arguments do not portray us as a quaint exception but make us a regrettable abnormality.

I understand how all those circumstances came about, and Mr Durkan referred to them earlier. I understand the challenge to fix the situation, but I am not inspired by the ability of the motion, although I support it, to make any real difference. Rather, it seems to be another attempt to shift responsibility for ending the practice of multiple mandates to someone else, when the real responsibility sits with the people in the Chamber.

I recognise that ending dual mandates in the Northern Ireland Assembly and at Westminster must be legislated for at Westminster, but much can be done here and now. There is and always has been the voluntary option. Parties can end dual mandates immediately at local, Assembly and Westminster levels on their own. Co-option is the operating rule for filling vacancies in

the Assembly, so the parties would hold on to any seat that is left vacant by a Member who chooses his or her local council seat or Westminster seat over the Assembly.

Admittedly it is trickier at local level, but if agreement could be reached in order to avoid costly by-elections, vacant seats could be filled by more harmonious means. There has been some agreement on that point. That would give all parties a chance to prepare new people for work in local government before the RPA reforms are implemented, or, should I say, if they are implemented. Ideally, that would also give voters a chance to see some new faces with new ideas working on their behalf. There are opportunities there.

8.30 pm

Those parties who say that they cannot achieve those standards in the 18 months or so before the next Assembly elections are perhaps suffering from years of their own internal policy, which calls for electoral candidates to be selected based on their ability to be blindly loyal ideologues rather than on their ability to be true public servants, or on the notion that no one can move up or away from the seats that they hold because the seconds are not ready for the big leagues. Although some political parties are suffering from their poor choices, the suffering for voters should end now.

Mrs I Robinson: How did the Member feel when she was allowed to walk in through the back door of the old Northern Ireland Forum because she did not achieve a mandate from the electorate, but was brought in by the top 10 list of parties and their votes? She was not elected by the people. We are. That is the difference.

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

Ms Purvis: Thank you, Mr Speaker. I should like to correct the Member: I was not brought in through the back door of the Forum.

Mrs I Robinson: You were on the top 10 list.

Ms Purvis: I was not. I was not a member on the top 10 list; David Ervine and Hugh Smyth were.

Mrs I Robinson: I beg your pardon.

Ms Purvis: Yes, exactly. I was not brought in through the back door. *[Interruption.]*

Mr Speaker: Order.

Ms Purvis: This week, I intend to approach the Speaker with a Private Member's Bill that would end dual mandates between the Northern Ireland Assembly and local district councils by 2011. I hope that all parties, particularly those who have been most vocal about their commitment to ending multiple mandates, will support the Bill and help ensure its success.

I support the motion today, but I would like to be supporting something even stronger, with real teeth, real

meaning, and real impact on the issue. I hope that the legislation that I intend to introduce can deliver all that.

I cannot close without commenting on the DUP's proposed amendment, which although designed to raise a laugh, left me unable to feign a smile. It is an unveiled attempt to raise the bar to an unattainable level, so that the proposers can talk about the high standards to which they aspire safe in the knowledge that they will never be reached. It is absurd to promote a regulation that is so extreme that even the Committee on Standards in Public Life would not recommend it, while completely ignoring the perfectly attainable and achievable aspiration of ending multiple mandates by 2011: a classic move.

We have an obligation to ensure that we deliver the best possible system of decision-making and governance for and with the people of Northern Ireland. Under that standard, there can be no argument for the retention of multiple mandates. I look forward to working with my colleagues on that issue.

Mr Weir: It is interesting that the Ulster Unionists' motion makes a special case for the First Minister to plead with the Prime Minister and the Leader of the Opposition. Curiously, that was missing when we debated the block grant last week. It appears that a key issue for the Ulster Unionists is to plead on double-jobbing, yet it opposed pleading with the Prime Minister about the block grant, which affects health, education, roads, infrastructure and a wide range of issues. That shows the Ulster Unionists' priority in the debate.

The Kelly report has been mentioned, although not in great detail. As a party, we accept the Kelly report, because many of the recommendations that it contains, be they changes to expenses or sales of second homes, were suggestions that the DUP made in its submission to the Committee on Standards in Public Life.

Indeed, if Mr McNarry, who proposed the motion, regards the Kelly report as the gold standard, he will go though the Lobbies and vote for the DUP amendment. Our motion refers to the ideal of double-jobbing being phased out by 2011 and completely eradicated by 2015. That is identical to Kelly's recommendations, which are incompatible with the Ulster Unionists' motion. The motion is more about double standards than double-jobbing. The mention of David Trimble, John Taylor, Roy Beggs and others was met by deafening silence from the Ulster Unionist Benches, which shows that double-jobbing has become a concern for that party only since it started to lose its electoral mandates.

However, there was no mention of a former Ulster Unionist who had a double mandate and who was involved in double-jobbing. I refer to the lesser-spotted Mr Burnside, who was both an MLA and MP throughout a full parliamentary term. After the electorate rejected

Mr Burnside, it was virtually impossible to find him here on Tuesdays, Wednesdays or Thursdays. He could not even retain a seat on a Committee because his business duties in London meant that he was unable to serve the people. Does the greater conflict of interest lie with someone who is both an MP and an MLA or with someone who did not appear in the House even though he was elected to do so?

Mr Basil McCrea talked about whether an overlap exists between the work of MPs and MLAs, but a number of Members pointed out the clear overlap. There is a much greater overlap between the work of an MLA and an MP than between the work of an MLA and a fine arts dealer, a company director — or an IT consultant, Mr McCrea. The Ulster Unionists' stance is riddled with double standards. *[Interruption.]*

Mr Speaker: Order.

Mr B McCrea: Will the Member give way?

Mr Weir: I would give way to the Member, but I cannot afford to, given the rates that he charges. *[Interruption.]*

Mr Speaker: Order.

Mr Weir: The motion is also limited in that it refers only to the Assembly, because, of course, its proposers do not want to offend their Conservative friends. There has been mention in the debate of Mr "call me Dave" Cameron, who, between 2001 and 2005, had many jobs in addition to being an MP: he was a paid director of a bar and night club business; a consultant for Carlton Communications, advising on press and inventor issues for between £20,000 and £25,000; and a writer of a fortnightly column for 'The Guardian'. It is no wonder that the Ulster Unionists want to abolish double-jobbing; that party does not want people to be restricted to two jobs, believing instead that people should have at least four.

The register of Members' interests shows that, between 2001 and 2005, Mr Hague managed to complete 115 remunerated jobs in addition to being an MP. Despite being shadow Foreign Secretary, he has pulled down some £160,000 from a range of other jobs in the past year. Those jobs include speaking to the Denplan national conference —

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

Mr Weir: He got £14,000 for two hours' work. Even Naomi Campbell would be envious of such a rate of pay.

Mr Speaker: The Member's time is up.

Mr Weir: Let us vote for consistency.

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

Mr Weir: Let us vote for something practical. Let us vote for the Kelly report. Let us vote for the amendment. *[Interruption.]*

Mr Speaker: Order.

Mr Kennedy: I am grateful for the opportunity to wind up on the debate. In spite of their contributions, I thank all the Members who took part. I must also say that I am still a member of Newry and Mourne District Council. I will speak a little on particular themes before addressing some of the interesting contributions that were made.

On a serious note, most people accept that the principle of double-jobbing, double mandates, or however one describes it, is wrong. The practice should be ended sooner rather than later, and that should be an important consideration, given the public mindset.

We can poke fun at each other, but the general public believe that politicians are on the make and that they are involved in politics not to benefit others but to benefit themselves. Whether that perception is right or wrong, generally, it remains the public view. It would be a huge mistake for the Assembly to support double-jobbing or the principle of double-jobbing in any way. To do so would water down the recommendations in the Kelly report and seriously devalue the public standing of the Assembly.

We should be concerned about the Assembly's reputation. Some Members attempted to equate being a councillor and an MLA with being an MP and an MLA, but those issues are not the same. I place on record that my party has said, and continues to say, that it will end the practice of MLAs being local councillors by the Assembly election of 2011.

Let us consider the current situation: 16 of the 17 double-jobbers in the Westminster Parliament come from Northern Ireland. Therefore, Northern Ireland is almost unique in following that dubious practice. Nine DUP MPs, all five Sinn Féin MPs and two of the SDLP's three MPs are double-jobbers. Five of those double-jobbing MPs and MLAs are also Ministers: the First Minister, the deputy First Minister, the Minister of Finance and Personnel, the Minister for Regional Development and the Minister of Agriculture and Rural Development. Therefore, the focus must be on those five individuals. They should state, in unequivocal terms, why they seek to remain as Ministers. Some must explain to the electorate why, even according to their definition, they are quadruple-jobbers.

The public are entitled to a full-time work commitment from their MLAs and MPs. They do not deserve bargain-basement or "yellow pack" MPs and MLAs whose sell-by dates have passed. There is no reason why a Minister in the Assembly also needs to be an MP. Assembly Ministers relate to their counterparts

in Whitehall, and the Assembly relates to Parliament. Ministers in the Assembly have an executive, not legislative, role. There should be no more special pleading to hold on to two salaries, or, failing that, to two sets of expense allowances.

Lord Morrow: Perhaps Mr Kennedy will clarify to the House whether he is he talking about those who have another mandate or those who have another job? Is he talking about double-jobbing or double mandates?

Mr Kennedy: I thank Lord Morrow for his intervention. The public's principal concern is the double-jobbing of public representatives. That is what they regard as the important issue. *[Interruption.]*

Mr Speaker: Order. The Member must be allowed to continue.

Mr Kennedy: There were some interesting contributions to the debate. David McNarry set out a good case and reminded the Assembly about dignity and integrity. Jim Wells provided us with the biographical detail of William Hague. However, Mr Wells and other DUP Members fundamentally failed to realise that their argument swims against the tide of public opinion. They may talk about individuals and what happened in the past, but there is no point in dealing with double-jobbing as it relates to the past, because the public want us to deal with it in the present.

8.45 pm

Mr Ford: Will the Member give way?

Mr Kennedy: I am sorry, but I do not have time.

Mr Raymond McCartney gave us Sinn Féin's input. One of the fundamental flaws in the Kelly report is the fact that it failed to deal properly with the issue of Sinn Féin MPs being able to claim expenses even though they do not attend Westminster. On this side of the House, there is general agreement on that matter.

Mr Durkan referred to double-jobbing councillors, but their position is significantly different. I welcome the fact that the Member has taken a personal stand on the matter.

Dr Farry seemed to contradict Sir Christopher Kelly's recommendations. It is worth pointing out that the Westminster Parliament, and even the Assembly, benefit from the wealth of experience that people with outside influences bring to them. Otherwise, we would be left with professional politicians in their little suits. *[Interruption.]*

Mr Speaker: Order.

Mr Kennedy: Then we had the contribution from the boy Simon, who at all times recently seems to be the leader's little helper. He did his best to help the party position, which, I repeat, flies in the face of public opinion.

Paul Maskey complained about double-jobbing at council level. For some of us who are representatives on non-unionist majority councils, there is an issue as to the easy availability of co-option.

Mrs Foster: Will the Member give way?

Mr Kennedy: Sorry, but I do not have time.

Therefore, we made representations to the Secretary of State about that matter — *[Interruption.]*

Mr Speaker: Order.

Mr Kennedy: We will continue to press him so that Members will be able to give up their council seats without the risk of having to hold a by-election.

Some Members: Will the Member give way?

Mr Kennedy: No, I will not give way. *[Interruption.]*

Mr Speaker: Order. Allow the Member to continue.

Mr Kennedy: The First Minister spoke from the middle Benches on behalf of his party. He pointed at and highlighted a number of my colleagues on the Ulster Unionist Party Bench, whom he described in various ways as double-jobbers. He identified an antiques dealer, a farmer and a minister of religion. However, he did not mention his distinguished colleague Dr William McCrea, who is not in the Chamber. *[Interruption.]*

Mr Speaker: Order. I must insist that the Member be allowed to finish.

Mr Kennedy: As well as his responsibilities here and in the House of Commons, Dr McCrea lists farming as an additional interest. I understand that he also does a bit of preaching and singing. The mention of hypocrisy, therefore, rings hollow.

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

Mr Kennedy: The practice of double-jobbing must end, and it must end quickly. In the face of public opinion, I commend the motion to the House.

Question put, That the amendment be made.

The Assembly divided: Ayes 34; Noes 23.

AYES

Mr Bresland, Lord Browne, Mr Buchanan, Mr Campbell, Mr T Clarke, Mr Craig, Mr Dodds, Mr Donaldson, Mr Easton, Dr Farry, Mr Ford, Mrs Foster, Mr Hamilton, Mr Hilditch, Mr Irwin, Mrs Long, Mr McCausland, Mr I McCrea, Miss McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Newton, Mr G Robinson, Mrs I Robinson, Mr P Robinson, Mr Ross, Mr Shannon, Mr Simpson, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr S Wilson.

Tellers for the Ayes: Mr Weir and Mr Wells.

NOES

Mr Armstrong, Mr Attwood, Mr D Bradley, Mrs M Bradley, Mr P J Bradley, Mr Burns, Mr Cobain, Mr Dallat, Mr Durkan, Mr Elliott, Sir Reg Empey, Mr Gallagher, Mr Kennedy, Mr Kinahan, Mr A Maginness, Mr McCallister, Mr McClarty, Mr B McCrea, Mr McFarland, Mr McNarry, Mr O'Loan, Ms Purvis, Ms Ritchie.

Tellers for the Noes: Mr Kennedy and Mr Kinahan.

Question accordingly agreed to.

Main Question, as amended, put and agreed to.

Resolved:

That this Assembly notes the recommendations of the Committee on Standards in Public Life, 'Supporting Parliament, Safeguarding the Taxpayer'; calls on all political parties within the Assembly and Parliament to commit to an end to "double-jobbing", including private sector employment, ideally by the time of the scheduled election in May 2011 or, failing that, by 2015 at the latest; and further calls on the First Minister and deputy First Minister to convey the opinion of the Assembly on this matter to the Prime Minister and the Leader of the Opposition.

Adjourned at 8.59 pm.