



Northern Ireland
Assembly

Committee for Finance and Personnel

OFFICIAL REPORT (Hansard)

Main Estimates and Budget (No. 2) Bill

6 June 2012

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Members present for all or part of the proceedings:

Mr Conor Murphy (Chairperson)
Mr Roy Beggs
Mrs Judith Cochrane
Mr Leslie Cree
Mr David Hilditch
Mr William Humphrey
Mr Paul Maskey
Mr Mitchel McLaughlin

Witnesses:

Mr Jeff McGuinness Department of Finance and Personnel

The Chairperson: I welcome Jeff McGuinness from the capital expenditure division of the Department of Finance and Personnel (DFP). We intended to have an evidence session on the Main Estimates and Budget (No. 2) Bill, but we do not have the documents. We did not get them last week and we have not got them this week. We are essentially looking for an explanation as to why we have not got them and when we are likely to get them.

Mr Jeff McGuinness (Department of Finance and Personnel): I apologise again to the Committee for not having the appropriate documents for your consideration. The Minister is still considering them, and we have not got them cleared by him yet. We hope to do that very soon. Unfortunately, we cannot really put a time frame on it, but we expect them to be cleared by the end of the week at the very latest.

The Chairperson: Have you any sense of what issues are causing the delay? It is normally a fairly routine procedure. I do not think there is a precedent in this Committee for these issues being held up for one week, never mind two weeks. Is there any particular issue that is causing the Minister to take longer for consideration than has ever been the case before?

Mr J McGuinness: I am not aware of any particular issue. If there had been a particular issue, I would have expected it to have been discussed with me, because I would have been taking forward the changes to the Bill. I am not aware of any particular issues that are holding it up at this stage.

The Chairperson: I think there was evidence given last week, either by you or your colleague, that, as far as you are concerned, all Departments have their returns in and there is no hold-up around any particular Department. The issue simply sits with the Finance Department.

Mr J McGuinness: Yes. All Departments had their Estimates in on time and they have been finalised and agreed, so the issue sits with the Finance Department.

Mr Beggs: I understand that, in order for the Bill to go through, accelerated passage has been sought. This Committee has to satisfy itself that there has been sufficient consultation. Given the fact that we have received nothing to date, are you examining what other emergency procedures you can use so that departmental work does not come to a standstill?

Mr J McGuinness: There is one option open should accelerated passage not be granted. The Government Resources and Accounts Act (Northern Ireland) 2001 gives the authority for the permanent secretary of the Department of Finance and Personnel or another appropriate official to authorise the use of resources should a Budget Act not be in place by the end of July. However, there are two issues with that. The first is that that use of resources only goes to 95% of the previous year. I will give you an example of some numbers. Take the 2011-12 and 2012-13 years as they are in the Budget; if we could not authorise the full amount, that would mean a loss of £540 million. As well as that, there is no provision for the use of accruing resources or any kind of income. The Budget Bill that we have in process authorises the use this year of £2.16 billion of accruing resources, but that would not be available should we have to go through procedures other than accelerated passage.

Mr Beggs: Could I suggest, Mr Chairman, that we invite the Minister here to find out what is happening? The officials have not been able to tell us what is happening for two weeks in a row, and I think we should invite the Minister here.

The Chairperson: Are you making a proposal?

Mr Beggs: Yes, I am making a proposal. In fact, we should demand that the Minister comes here. We can demand persons and papers. We have had no explanation. The Finance Committee is meant to look after the overall finance of the Assembly. We should be reviewing this Bill as it goes through to satisfy ourselves. Its First Stage has been scheduled by the Business Committee for 18 June, and we have had nothing.

The Chairperson: The Committee Clerk has advised me that he thinks the Finance Minister may be out of the country next week, in the United States.

Mr J McGuinness: That is correct; I believe he is out of the country.

The Chairperson: At the very least, we can require that he send us a written explanation if he cannot come here in person. Do you know when he is likely to leave the country?

Mr J McGuinness: I am not aware of that.

The Chairperson: Roy has made the proposal that we ask the Minister to appear. Presumably, if we do, we will find out what the diary details are. If we find out that the Minister is not available, we should ask him to give us a written explanation as to exactly what is holding this up. Are members content?

Mr McLaughlin: I would have supported Roy's suggestion, but, given that the Minister will not be in the country, we could ask him for an assurance that the papers will be available next week. That means he will have to come clean and say that there is a difficulty with the papers and that they will not be available. We should not leave ourselves open to having three weeks of this farcical situation with no communication. Given that there was a failure to produce the briefing paper at last week's meeting, I would have thought that the Minister would at least have had the courtesy to tell us that it was not going to be available this week. We turn up and, again, there are no papers; it just repeats the experience. I do not think that we should do that three weeks in a row.

Mr Cree: I do not know whether there is any precedent for this, but it looks to me as if the Committee has been treated very poorly. Under Standing Order 42, we need time to consult, but it is just not possible to do that in any meaningful way. We as a Committee will be asked to confirm that we have had time to consult, but that consultation is just not going to happen. To debate the First Stage on the 18 June is surely a nonsense when we have not been able to go through the proper scrutiny procedures.

Mr J McGuinness: With the Chair's permission, I will highlight some of the key changes that have happened since the Budget for 2012-13 was passed. Those changes will be included in the background paper, but perhaps it would be useful to go through them now.

The Chairperson: It would be if we had a paper to look at. I appreciate your sincerity in trying to offer us the information that you have, but the fact is that we do not have a paper to look at. We can hear the evidence that you have to give, but we are not really in a position to record it or ask questions about it. To be quite honest, for this Committee to satisfy itself and do its business, it needs to get the papers in time. It is not just that we have to satisfy ourselves about our consultation; we have to satisfy ourselves that there is appropriate consultation across all Committees. Next week is the deadline for us to grant accelerated passage, and I have to concur with the view that, given what has happened here, it does not seem likely that that will be possible. I also concur with Mitchel's view that, if it were the case that the Minister was not going to sign off on the papers in advance, the very least we could have had was some notice of that or communication from the Minister himself to inform us of the difficulties he was having so that we could make some judgement on that. However, to arrive without papers two weeks in a row with no explanation other than that the Minister has not signed off on them does not assist the Committee in any way.

Mr J McGuinness: I can only reiterate the point that we made last week, which was that, once you have your papers, we will be very happy to field questions through the Committee Clerk, and we will respond pretty much immediately.

The Chairperson: OK. We are told that the Minister is away on Saturday for six days, until 9 June. I suggest that we write to the Minister today and ask for an assurance that the papers will be with us in good time for next week so that we can see what we can do with them. However, I concur with the view that we are starting to run out of time.

Mr McLaughlin: We have to try to keep an eye on that ball because we need to process the matter as soon as it can be set before us. Setting that aside, I think that we need to object very strongly to this breach of protocol. I am not sure where we escalate it to. Obviously, the Chairpersons' Liaison Group needs to hear about it and perhaps either the Assembly Commission or the Committee on Standards and Privileges. The Minister had an obligation here, which he has obviously failed to deliver on.

The Chairperson: Do we agree that we should write to the Department and perhaps cc the letter to the Chair of the Chairpersons' Liaison Group? We can ask the Minister for an explanation as to what has happened to date and an assurance that the papers will be with us as soon as possible or in time to let us at least attempt to do our business, although I think that it will prove very difficult to do. We can also register our discontent at the treatment of the Committee. Two weeks in a row, we have not had the papers.

Mr McLaughlin: The Standards and Privileges Committee might look at members only. I am not sure of my ground on that.

The Chairperson: I am not sure whether it is the place for this.

Mr McLaughlin: I suspect that it might turn out to be some other arrangement, but I do not know who it would be.

The Chairperson: Would you have any idea, Shane?

The Committee Clerk: Next week, the Committee has to make the decision on accelerated passage. Normally, it writes to the Speaker about whether accelerated passage has been granted. However, if the Committee wishes, I can prepare a briefing paper for next week on the implications of not granting accelerated passage and what the Committee might do during Committee Stage of a Budget Bill. There has been no precedent for that. No Finance Committee has ever scrutinised the Budget Bill before. If it would help members, I can prepare that paper and maybe get some advice from Legal Services on the implications and the safety valve that exists in the legislation.

The Chairperson: Perhaps the other person to cc the letter to would be the Speaker. If there is some issue to be dealt with as regards the treatment of the Committee, he would either oversee it or direct it to the appropriate place so that it can be resolved.

Mr McLaughlin: It might have to go to the Office of the First Minister and deputy First Minister (OFMDFM). However, sending it to the Speaker would ensure that it will be raised.

The Chairperson: Are members content that we seek assurances that the papers will come to us immediately, ask for an explanation as to why they have not come to us yet, express our discontent at the way the Committee has been treated to date and cc the letter to the Speaker and the Chair of the Chairpersons' Liaison Group? At the very least, it indicates to the Speaker that we have a potential problem building ahead of the scheduled debate in the Chamber.

Mr McLaughlin: We have just been discussing the protocols and courtesies. Do we need to contact the other Committees to explain why we have been unable to canvass their opinion?

Mr Cree: We do not know either.

Mr McLaughlin: We need to tell people what is happening. Do we need to look after that?

The Committee Clerk: If the Committee decides not to grant accelerated passage and then undertakes a scrutiny of the Budget Bill, it would most likely wish to go out to all the other Statutory Committees. However, at this stage, it may just wish to alert other Committees to the possibility of that happening so that they can pencil in briefings.

Mr McLaughlin: It is probably in their work programmes, so they have been affected already.

The Chairperson: Are members content that we alert the other Committees to the potential problem that is brewing?

Jeff, I do not think that there is much more we can ask you. We will be communicating with the Minister. As I say, if we get the papers by next week, we will have a briefing on how we can handle this. However, it will prove extremely difficult for us to satisfy the requirements of the Standing Order, which we are obligated to do, and to tell the Assembly that we have done so. To be quite honest, we cannot say that we are satisfied if that is not the case. That is the job of the Committee: to satisfy itself that it has had proper consultation on this. To date, we have had no consultation, never mind proper consultation. So, it will prove extremely difficult. Nevertheless, there is no point in shooting the messenger, so to speak. Thank you very much.