



Northern Ireland
Assembly

Minute of Proceedings

Monday 9 September 2013

The Assembly met at noon, the Speaker in the Chair.

1. Personal Prayer or Meditation

Members observed two minutes' silence.

2. Speaker's Business

2.2 Royal Assent

The Speaker informed Members that Royal Assent had been signified on 8 July 2013 to the Civil Service (Special Advisers) Act (Northern Ireland) 2013 and on 18 July 2013 to the Budget (No.2) Act (Northern Ireland) 2013.

2.1 Ministerial Appointments

The Speaker informed Members that, on 16 July 2013, Mr Mark H Durkan had taken up the office of Minister for the Environment and that, on 29 July 2013, Mr Simon Hamilton had taken up the office of Minister of Finance and Personnel.

2.3 Resignation

The Speaker informed Members that Mr Conall McDevitt resigned as a Member of the Assembly with effect from Wednesday 4 September 2013.

3. Matter of the Day

3.1 Tribute to Seamus Heaney

Mr Patsy McGlone made a statement, under Standing Order 24, in relation to a tribute to Seamus Heaney. Other Members were also called to speak on the matter.

3.2 The birth of HRH Prince George

Mr Jim Allister made a statement, under Standing Order 24, in relation to the birth of HRH Prince George. Other Members were also called to speak on the matter.

4. Assembly Business

4.1 Motion – Committee Membership

Proposed:

That Mr Jim Allister replace Mr David McClarty as a member of the Committee for Social Development; that Mr David McClarty replace Mr Jim Allister as a member of the Committee for Employment and Learning.

Mr P Ramsey

Mr R Swann

The Question being put, the Motion was **carried** without division.

5. Committee Business

5.1 Motion – **Plant Health and Tree Disease**

Proposed:

That this Assembly notes the recent increase in instances of tree disease; and calls on the Minister of Agriculture and Rural Development to address the issues as detailed in the Committee for Agriculture and Rural Development position paper on Plant Health and Tree Disease.

Chairperson, Committee for Agriculture and Rural Development

Debate ensued.

The Principal Deputy Speaker (Mr Dallat) took the Chair.

The Speaker took the Chair.

The Question being put, the Motion was **carried** without division.

6. Private Members' Business

6.1 Motion – **Support for the terms of the Ministerial Pledge of Office and the Code of Conduct for Members**

Proposed:

That this Assembly confirms its continued support for the terms of the Ministerial Pledge of Office, in particular, the commitment to non-violence and exclusively peaceful and democratic means; further confirms its commitment to the principles of personal conduct contained in the Code of Conduct for Members of the Northern Ireland Assembly, in particular, the requirement to promote good relations; rejects the comments of Gerry Kelly MLA at the Castlederg IRA memorial event that will give succour

to dissident republican groups and help indoctrinate a new generation down the path of violence; and condemns the use of terrorist violence in the present day, and the past.

Mr T Buchanan

Mr N McCausland

Lord Morrow

6.2 Amendment

Leave out all after the second 'particular' and insert:

'operating in a way conducive to good relations, and promoting the principle tenets of the Good Friday Agreement of equality, mutual respect, parity of esteem and the right to live free from sectarian harassment.'

Proposed:

Mr G Kelly

Ms C Ruane

Mr J O'Dowd

Debate ensued.

The debate was suspended at 1.51pm for Question Time.

The sitting resumed at 2.00pm, with the Speaker in the Chair.

7. Question Time

7.1 Regional Development

Questions were put to, and answered by, the Minister for Regional Development, Mr Danny Kennedy.

7.2 Social Development

Questions were put to, and answered by, the Minister for Social Development, Mr Nelson McCausland.

8. Private Members' Business (Cont'd)

8.1 Motion - **Support for the terms of the Ministerial Pledge of Office and the Code of Conduct for Members**

Debate resumed on the Motion.

The Principal Deputy Speaker (Mr Beggs) took the Chair.

The Question being put, the Amendment **fell** (Division 1).

The Question being put, the Motion was **carried** (Division 2).

9. Adjournment

Proposed:

That the Assembly do now adjourn.

The Speaker

The Assembly adjourned at 5.21pm.

Mr William Hay
The Speaker
9 September 2013

Northern Ireland Assembly

9 September 2013

Division 1

Motion – **Support for the terms of the Ministerial Pledge of Office and the Code of Conduct for Members** – Amendment

Proposed:

Leave out all after the second ‘particular’ and insert:

‘operating in a way conducive to good relations, and promoting the principle tenets of the Good Friday Agreement of equality, mutual respect, parity of esteem and the right to live free from sectarian harassment.’

Mr G Kelly

Ms C Ruane

Mr J O’Dowd

The Question was put and the Assembly divided.

Ayes: 36

Noes: 52

AYES

Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr Dallat, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Dr McDonnell, Mr McElduff, Ms McGahan, Mr McGlone, Mr McKay, Mrs McKeivitt, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr A Maginness, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr O’Dowd, Mrs O’Neill, Mr P Ramsey, Ms Ruane.

Tellers for the Ayes: Mr G Kelly and Ms Ruane

NOES

Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Ms Brown, Mr Buchanan, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Copeland, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Dr Farry, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCarthy, Mr McCausland, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Noes: Mr Anderson and Mr G Robinson.

The following Members voted in both Lobbies and are therefore not counted in the result:

Mr Agnew, Mr McCallister, Mr B McCrea

The Amendment **fell**.

Northern Ireland Assembly

9 September 2013

Division 2

Motion – Support for the terms of the Ministerial Pledge of Office and the Code of Conduct for Members

Proposed:

That this Assembly confirms its continued support for the terms of the Ministerial Pledge of Office, in particular, the commitment to non-violence and exclusively peaceful and democratic means; further confirms its commitment to the principles of personal conduct contained in the Code of Conduct for Members of the Northern Ireland Assembly, in particular, the requirement to promote good relations; rejects the comments of Gerry Kelly MLA at the Castledearg IRA memorial event that will give succour to dissident republican groups and help indoctrinate a new generation down the path of violence; and condemns the use of terrorist violence in the present day, and the past.

Mr T Buchanan

Mr N McCausland

Lord Morrow

The Question was put and the Assembly divided.

Ayes: 52

Noes: 24

AYES

Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Ms Brown, Mr Buchanan, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Copeland, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Dr Farry, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCarthy, Mr McCausland, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Anderson and Mr G Robinson

NOES

Mr Boylan, Ms Boyle, Mr Brady, Ms Fearon, Mr Flanagan, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr McKay, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Tellers for the Noes: Mr G Kelly and Ms Ruane.

The following Members voted in both Lobbies and are therefore not counted in the result:

Mr Agnew, Mr McCallister, Mr B McCrea

The Motion was **carried**.

Northern Ireland Assembly

Papers Presented to the Assembly on
17 July – 9 September 2013

1. Acts of the Northern Ireland Assembly

Civil Service (Special Advisers) Act (Northern Ireland) 2013

Budget (No.2) Act (Northern Ireland) 2013

2. Bills of the Northern Ireland Assembly

3. Orders in Council

4. Publications Laid in the Northern Ireland Assembly

Annual Report of the Equality Commission for Northern Ireland for the year ended 31 March 2013 (OFMDFM)

The Northern Ireland Social Care Council Accounts for the year ended 31 March 2013 (Comptroller and Auditor General for Northern Ireland)

Professional Standards Authority for Health and Social Care Annual Report and Accounts and Performance Review Report 2012-13 Volume I (DHSSPS)

Health and Social Care Board Annual Report & Accounts for the year ending 31 March 2013 (DHSSPS)

Report of the Appointed Person for Northern Ireland under Section 291 of the Proceeds of Crime Act 2002 for 2013-2013 (DOJ)

DFP Minute on the Direction of Accruing Resources (DFP)

Northern Ireland Water Annual Report and Accounts 2012/13 (DRD)

Driver and Vehicle Agency Annual Report and Statement of Accounts for the Year Ended March 2013 (DOE)

Northern Ireland Law Commission Report Unfitness to Plead (DOJ)

The Regulation and Quality Improvement Authority Annual Report and Accounts 1 April 2012 to 31 March 2013 (DHSSPS)

NI Guardian Ad Litem Agency Annual Report 2012-2013 (DHSSPS)

Northern Ireland Medical and Dental Training Agency Annual Report and Accounts 31 March 2013 (DHSSPS)

Health and Social Care Board Annual Report and Accounts for the year ended 31 March 2013 (DHSSPS)

Public Health Agency Annual Report and Accounts for the year ended 31 March 2013 (DHSSPS)

The Northern Ireland Environment Agency Annual Report and Accounts 2012/13 (DOE)

The Armagh Observatory and Planetarium Annual Report and Accounts for Year Ended 31 March 2013 (DCAL)

Northern Ireland Blood Transfusion Service Annual Accounts For the Year Ended 31 March 2013 (DHSSPS)

Code of Conduct for Special Advisers (DFP)

Code Governing the Appointment of Special Advisers (DFP)

Northern Ireland Housing Executive 4th Annual Report 1 April 2012 - 31 March 2013 (DSD)

Northern Ireland Prison Service Annual Report and Accounts 2012-2013 (DOJ)

The Patient and Client Council Annual Report and Accounts for the year ended 31 March 2013 (DHSSPS)

Northern Ireland Water Annual Report and Accounts 2012-2013 (DRD)

Department of Enterprise, Trade and Investment Resource Accounts Annual Report and Accounts for the year to 31 March 2013 (DFP)

Legislative Consent Memorandum for the Enterprise and Regulatory Reform Bill (DETI)

Legislative Consent Memorandum for Energy Bill - Electricity Market Reform - 2nd Legislative Consent Memorandum (Power Sector Decarbonisation) (DETI)

National Heritage Memorial Fund Annual Report and Accounts 2012-2013 (Heritage Lottery Fund) (Department of Culture, Media and Sport)

5. Assembly Reports

Report on the Committee's Proposals for a Northern Ireland Public Services Ombudsman Bill (NIA 120/11-15) (OFMDFM)

6. Statutory Rules

S. R. 2013/160 The Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013 (DOE)

S. R. 2013/196 The Road Traffic (Fixed Penalty) (Offences) (Amendment No. 2) Order (Northern Ireland) 2013 (DOE)

S. R. 2013/198 The Smoke Control Areas (Exempted Fireplaces) Regulations (Northern Ireland) 2013 (DOE)

S. R. 2013/199 The Employer's Liability (Compulsory Insurance) (Amendment) Regulations (Northern Ireland) 2013 (DETI)

S. R. 2013/202 The Rules of the Court of Judicature (Northern Ireland) (Amendment No. 2) 2013 (DOJ)

S. R. 2013/204 Optical Charges and Payments (Amendment) Regulations (Northern Ireland) 2013 (DHSSPS)

S. R. 2013/205 The Smoke Control Areas (Authorised Fuels) Regulations (Northern Ireland) 2013 (DOE)

S. R. 2013/206 The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2013 (DETI)

S. R. 2013/207 The Biocidal Products (Fees and Charges) Regulations (Northern Ireland) 2013 (DETI)

S. R. 2013/208 The Electricity and Gas (Market Integrity and Transparency) (Enforcement etc.) Regulations (Northern Ireland) 2013 (DETI)

S. R. 2013/209 The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2013 (DSD)

S. R. 2013/210 The Planning (General Development) (Amendment No. 2) Order (Northern Ireland) 2013 (DOE)

S. R. 2013/211 The Charities Act 2008 (Transitional Provision) Order (Northern Ireland) 2013 (DSD)

S. R. 2013/212 The Fishing Boats (Satellite-Tracking Devices) Scheme (Northern Ireland) 2013 (DARD)

For Information Only:

S. R. 2013/193 The Road Races (Ulster Rally) Order (Northern Ireland) 2013 (DRD)

S. R. 2013/194 The Waiting Restrictions (Carrickfergus) Order (Northern Ireland) 2013 (DRD)

S. R. 2013/195 The Waiting Restrictions (Warrenpoint) Order (Northern Ireland) 2013 (DRD)

S. R. 2013/200 The Waiting Restrictions (Bangor) (Amendment) Order (Northern Ireland) 2013 (DRD)

S. R. 2013/201 (C. 13) The Child Maintenance (2008 Act) (Commencement No. 11 and Transitional Provisions) Order (Northern Ireland) 2013 (DSD)

S. R. 2013/203 The Magistrates' Courts (Domestic Proceedings) (Amendment) Rules (Northern Ireland) 2013 (DOJ)

S. R. 2013/214 The Access to Justice (Membership of the Northern Ireland Legal Services Commission) Order (Northern Ireland) 2013 (DOJ)

S. R. 2013/217 The Motor Vehicle Testing (Amendment) Regulations (Northern Ireland) 2013 (DOE)

S. R. 2013/218 The Goods Vehicles (Testing) (Amendment) Regulations (Northern Ireland) 2013 (DOE)

S. R. 2013/213 The Pension Protection Fund and Occupational Pension Schemes (Miscellaneous Amendments) Regulations (Northern Ireland) 2013 (DSD)

7. Written Ministerial Statements

Dental Hospital Inquiry Report (DHSSPS)

Investment Strategy Northern Ireland 2011 – 2021 (OFMDFM)

8. Consultation Documents

Phase 2 of the Northern Ireland Renewable Heat Incentive (DETI)

Cross Border Healthcare and Patient Mobility July 2013 (DHSSPS)

Rate Rebate Replacement Arrangements: The Way Forward Public Consultation Paper July 2013 (DFP)

Consultation on Proposals for a Five Year Strategy for Pharmacy in the Community (DHSSPS)

Alcohol on Public Service Vehicles [excluding taxis] Consultation (DOE)

Public Consultation on Further European Changes to Driving Licences and Driving Test Requirements (DOE)

Consultation on Proposed Amendments to the NI Teachers' Pension Scheme (NITPS) to Remove "Cap and Share" Provisions and to Provide for Completion of a 2012 Valuation Without Having First Completed a 2008 Valuation (DE)

9. Departmental Publications

Publication of a Report by the Industrial Injuries Advisory Council on Occupational Chloracne (DSD)
District Housing Plan and Local Housing Strategy 2012/13 (DSD)
Forest Service Annual Report for 2012/2013 (DARD)
An Action Plan for Active Travel in Northern Ireland Action Plan 2013-2015 (DRD)
Proposed Statutory Rule: The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2013 (DSD)
S. R. 2013 No. 175 The Rules of the Court of Judicature (Northern Ireland) (Amendment) 2013 (DOJ)
Improving Literacy and Numeracy Achievement in Schools 23 August 2013 (DFP)
Police Service of Northern Ireland Annual Report and Accounts 2012/13 (DOJ)
Northern Ireland Audit Office Annual Report and Accounts 2012-2013 (DFP)
Food Standards Agency in Northern Ireland Resource Accounts 2012-2013 (DFP)
Queen's Quay Final Masterplan Document August 2013 (DSD)
Northern Ireland Audit Office Review of Continuous Improvement arrangements in Policing (DFP)
The Agri-Food and Biosciences Institute Report by the Comptroller and Auditor General 12 September 2013 (DFP)
Attorney General for Northern Ireland Third Annual Report 2012/13 (OFMDFM)
Northern Ireland Guardian Ad Litem Agency Annual Report and Accounts for the year ended 2012-2013 (DHSSPS)
Disposal of Records Schedule Department for Regional Development (Including Transport NI) (DRD)
Public Health Agency Management Statement and Financial Memorandum 2013 (DHSSPS)
Criminal Cases Review Commission Annual Report and Accounts 2011/12 (DOJ)

10. Agency Publications

Forest Service Business Plan 2013/2014 (DARD)
Northern Ireland Prison Service Business Plan 2013-2014 (DOJ)
The Northern Ireland Council for Integrated Education Directors' Report and Financial Statements for the year ended 31 March 2013 (DE)

11. Westminster Publications

12. Miscellaneous Publications