

COMMITTEE FOR FINANCE AND PERSONNEL

MINUTES OF PROCEEDINGS

**WEDNESDAY, 23 SEPTEMBER 2015
ROOM 30, PARLIAMENT BUILDINGS**

Present: Mr Daithí McKay MLA (Chairperson)
Mr Dominic Bradley MLA (Deputy Chairperson)
Ms Michaela Boyle MLA
Mrs Judith Cochrane MLA
Mr Leslie Cree MBE, MLA
Mr Paul Girvan MLA
Mr John McCallister MLA
Mr Ian McCrea MLA
Mr Adrian McQuillan MLA
Mr Máirtín Ó Muilleoir MLA
Mr Jim Wells MLA

In Attendance: Mr Shane McAteer (Assembly Clerk)
Mr Phil Pateman (Assistant Assembly Clerk)
Mrs Clairita Frazer (Assistant Assembly Clerk)
Mr Oliver Bellew (Clerical Supervisor)
Mr Stephen Magee (Clerical Supervisor)
Miss Heather Graham (Clerical Officer)

Apologies: None

The meeting commenced at 10:03am in public session.

1. Apologies

Apologies are detailed above.

2. Draft Minutes of Proceedings of 16 September 2015

Agreed: that the minutes will be published on the Assembly website.

3. Matters Arising

Table of requests for information from the Department of Finance and Personnel (DFP)

The Committee noted the summary table of requests for information from DFP which provided an update on any matters arising not covered elsewhere on the agenda.

Review on the Sale of the National Asset Management Agency (NAMA) Loan Portfolio in Northern Ireland – Correspondence and next steps

The Committee noted the following documents relating to matters arising in respect of the Committee's Review;

- correspondence with the former DFP Permanent Secretary, Mr Stephen Peover, indicating his availability to give evidence to the Committee;
- correspondence with John J Rice & Co indicating Mr Frank Cushnahan's willingness to respond to written questions from the Committee;
- correspondence from Mr Paul Tweed, Johnson's Solicitors, with reference to the evidence to be received from Mr Jamie Bryson;
- correspondence from the Northern Ireland Editors' Liaison Group, raising concerns in relation to the Committee potentially setting a precedent for 'redaction and suppression of evidence';
- an updated summary of outstanding Committee requests in relation to the Review;
- the Terms of Reference for the Committee's Review; and
- procedural advice previously provided to the Committee in relation to the Review.

Agreed: that, in the absence of a response from DFP providing clarity on various matters, including the status of papers it provided to the Committee on 22 July 2015, legal advice will be commissioned from Assembly Legal Services on the publication of the papers received from the Department.

Agreed: that the Committee will publish the updated research paper on the NAMA timeline on its webpages, when available.

Agreed: that the Committee schedules an evidence session with the former DFP Permanent Secretary, Mr Stephen Peover, in its forward work programme.

Agreed: that Assembly Research is asked to prepare lines of questioning for the session, and that members will also have the opportunity to submit questions, both of which will be considered by Assembly Legal Services to ensure that the Committee remains within

the Review Terms of Reference, before being agreed by the Committee for issuing to Mr Peover in advance of the session.

Agreed: that Assembly Research is asked to prepare lines of questioning for Mr Frank Cushnahan and that members will also have the opportunity to submit questions in this regard, both of which will be considered by Assembly Legal Services to ensure that the Committee remains within the Review Terms of Reference, before being agreed by the Committee for issuing to Mr Cushnahan for written response.

Agreed: that the Committee will not respond to the issues raised in correspondence from Mr Paul Tweed, Johnston's Solicitors, until a response is received indicating who Mr Tweed is representing in this regard.

Mr McCallister joined the meeting at 10.11am

Members noted that, as a consequence of the approach agreed at last week's meeting for taking further oral evidence on the Review, it will be for the Committee to decide on the extent of the linkage between a witness and the Review Terms of Reference and that witness can be invited to give public oral evidence on the basis that the Committee considers, at the outset, that the necessary direct linkage exists.

The Committee considered its approach for proceeding with the oral evidence session with the deputy First Minister, Mr Martin McGuinness MLA. In doing so, the Committee noted correspondence received from the deputy First Minister in advance of today's meeting.

Agreed: that the Committee will take oral evidence from the deputy First Minister in public session with the proceedings transmitted live and published in full in the Official Report by Hansard.

The Committee considered its approach for proceeding with the oral evidence session with Mr Jamie Bryson. In doing so, the Committee noted correspondence received from Mr Bryson in advance of today's meeting.

The meeting was suspended at 10.15am to allow the Committee secretariat to provide copies of said correspondence to all members.

The meeting resumed in public session 10.22am

Mr McCallister declared an interest in respect of a private message received from Mr Bryson in relation to the scheduled evidence session.

Mr Cree proposed the following:

'That the Committee moves immediately to make a decision to hear the oral evidence from Mr Jamie Bryson in public session with the proceedings transmitted live and published in full in the Official Report by Hansard.'

Mrs Cochrane proposed the following:

‘That, in order to inform the Committee’s decision on which of the two agreed approaches to take for receiving Mr Bryson’s oral evidence, the Committee will hear from him, in the first instance, in public session to gain clarification on the extent of linkage between his evidence and the Review Terms of Reference’

The question was put on Mr Cree’s proposal.

The Committee divided:

Ayes	Noes	Abstained
Michaela Boyle	Paul Girvan	Judith Cochrane
Dominic Bradley	John McCallister	
Leslie Cree	Ian McCrea	
Daithí McKay	Adrian McQuillan	
Máirtín Ó Muilleoir	Jim Wells	

The proposal fell.

Agreed: that the Committee will proceed on the basis of Mrs Cochrane’s proposal.

4. Review of the Sale of NAMA Loan Portfolio in Northern Ireland –briefing by the deputy First Minister

Members received oral evidence on the Review of the Sale of the NAMA Loan Portfolio in Northern Ireland from the deputy First Minister, Mr Martin McGuinness MLA.

This session was recorded by Hansard

Mr Girvan left the meeting at 11.15am

Mr Girvan re-joined the meeting at 11.16am

Mrs Cochrane left the meeting at 11.40am

Mrs Cochrane re-joined the meeting at 11.44am

Mr McCallister left the meeting at 12.00pm

Mr Bradley left the meeting at 12.00pm

Mr Bradley and Mr McCallister re-joined the meeting at 12.03pm

Agreed: that the deputy First Minister will provided a follow up response in writing on issues discussed during the evidence session.

Agreed: to invite the Rt. Hon. Peter Robinson MLA to provide oral evidence to the Committee in the context of his role as First Minister during the period covered by the Review.

5. Review of the Sale of NAMA Loan Portfolio in Northern Ireland – briefing by Jamie Bryson

*The Committee suspended at 12.31pm
The Committee resumed at 12.39pm in public session*

The Committee heard an introductory statement from Mr Jamie Bryson on his proposed evidence in relation to the Review of the Sale of the NAMA Loan Portfolio in Northern Ireland, which was for the purpose of informing a Committee decision on the approach to be taken with Mr Bryson's oral evidence.

This session was recorded by Hansard

Mr Wells proposed the following:

'That the Committee proceeds with taking oral evidence from Mr Jamie Bryson in closed session with no live transmission of proceedings but with a verbatim transcript being published in redacted form if necessary (with decisions on any redactions being taken on the basis of legal advice).'

Mr Cree proposed the following:

'That the Committee proceeds with taking oral evidence from Mr Jamie Bryson in public session with the proceedings transmitted live and published in full in the Official Report by Hansard'

The question was put on Mr Wells' proposal.

The Committee divided:

Ayes	Noes	Abstained
Paul Girvan	Michaela Boyle	
John McCallister	Dominic Bradley	
Ian McCrea	Leslie Cree	
Adrian McQuillan	Judith Cochrane	
Jim Wells	Daithí McKay	
	Máirtín Ó Muilleoir	

The proposal fell.

The question was put on Mr Cree's proposal.

The Committee divided:

Ayes	Noes	Abstained
Michaela Boyle	Paul Girvan	
Dominic Bradley	John McCallister	
Leslie Cree	Ian McCrea	
Judith Cochrane	Adrian McQuillan	
Daithí McKay	Jim Wells	
Máirtín Ó Muilleoir		

The proposal was carried.

The Committee proceeded to take oral evidence from Mr Bryson in public session.

Agreed: that Mr Bryson will furnish the Committee with a copy of his presentation and supporting documents immediately after the evidence session and that the Committee will consider sending Mr Bryson follow up questions as necessary.

Mr McCallister left the meeting at 1.08pm

6. Correspondence

Members noted the following correspondence.

- DFP October Monitoring Round
Agreed: to circulate the correspondence to the other statutory committees for information given the cross-cutting interest.
- DFP Equal Pay
Agreed: to forward the correspondence to the Committee for Justice for information.
- DFP advising of a governmental consultation for a proposed cap on public sector exit payments and associated Legislative Consent Motion.
- DFP response to Mr Brady MLA in relation to rates for ATMs on premises.
- Committee for the Office of the First Minister and deputy First Minister (COFMDFM) in relation to departmental engagements with Assembly Committees.
- COFMDFM) in relation to EU dossiers.
Agreed: to write to DFP asking for a written update on each area outlined in respect of its remit.
- COFMDFM in relation to the Northern Ireland Human Rights Commission Report
- Committee for the Environment in relation to NI Environment Week
Agreed: to note and indicate a NIL return.
- Committee for Regional Development in relation to the quarry and construction industry.
- Scottish Parliament in relation to intergovernmental relations
Agreed: to indicate the Committee's interest in continuing dialogue, as proposed in the correspondence.
- Construction Employers Federation (CEF)

Agreed: to request that, in the first instance, CEF provides a written briefing on the issues raised.

- Bar Council invitation to Inn of Court.
Agreed: that a decision on the Bar Council's proposal for the Committee to visit the Inn of Court will be considered further after the Committee staff establish an estimate of associated costs.
- Member of the public in relation to allegations of government cover up.
- Member of the public in relation human rights assistance.
- BBC News Website article in relation to sickness absence in the Civil Service.

Mr Girvan and Mr Wells left the meeting at 1.33pm

7. Committee Work Programme

The Committee noted the work programme which will be published on the Committee's website.

Agreed: that, while full cross-party representation from the Committee was not yet confirmed, arrangements would be made for the informal meeting with the National Crime Agency to proceed on Monday 28 September 2015.

8. Any Other Business

There was no other business.

9. Date, Time and Place of Next Meeting

The next scheduled meeting of the Finance and Personnel Committee will be held on Wednesday, 30 September 2015 at 10:00am, Room 30, Parliament Buildings.

The Chairperson adjourned the meeting at 1.36pm.

Mr Daithí McKay MLA
Chairperson
Committee for Finance and Personnel
30 September 2015