



**Northern Ireland  
Assembly**

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**ASSEMBLY AND EXECUTIVE  
REVIEW COMMITTEE**

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**OFFICIAL REPORT  
(Hansard)**

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**Devolution of Policing and Justice  
Matters**

17 November 2009

**NORTHERN IRELAND ASSEMBLY**

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REVIEW COMMITTEE**

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**Members present for all or part of the proceedings:**

Mr Jimmy Spratt (Chairperson)  
Mr Raymond McCartney (Deputy Chairperson)  
Mr Alex Attwood  
Mr Simon Hamilton  
Mrs Carmel Hanna  
Mr Alan McFarland  
Mr John O'Dowd  
Mr Ian Paisley Jnr

**The Chairperson (Mr Spratt):**

We will move to our consideration of the devolution of policing and justice powers. The meeting is being recorded by Hansard. I declare an interest as a member of the Northern Ireland Policing Board.

**Mr Paisley Jnr:**

I am a member of the Policing Board.

**Mr Attwood:**

I am also a member of the Policing Board.

**The Chairperson:**

I suppose that I should ask the question that I normally ask. Before I ask it, however, I refer

members to new issue E. Do members feel that there is further work to do on that issue? Several issues under new issue E involve the specialist adviser. The Committee Clerk will have to put some suggestions to us about that in the not too distant future. We have retained the specialist adviser beyond the period for which he was appointed, although he has done some additional work for us. It would be wrong of me to talk about figures, but we will have to have a discussion on the subject in closed session to allow the Committee Clerk to obtain the necessary finance for the additional work that the specialist adviser has had to do.

Do members envisage the need for the specialist adviser to do any other work, particularly on finance matters?

**Mr Hamilton:**

It is not obvious at this stage.

**Mr McFarland:**

Some areas are still not fully clear, but there is none on which work can be done immediately. There may be more decisions to make on parading or on the Eames/Bradley group.

**The Chairperson:**

I will probably call him back at that stage. Does anyone else have any comments to make?

**Mr O'Dowd:**

We are happy enough to conclude.

**The Chairperson:**

Can we agree that, from our point of view, the work that has been done on new issue E has been concluded?

**Mr Hamilton:**

The broad swathe of the Committee's work on the issue has been done. Much of it was about informing others about the issues that existed, and we have identified those. There is no overall agreement on the issue of finance at this point. As a result of that, we can say that we have done most of our work. However, I can envisage a time when we will have to get involved in finance issues. I would not put a lid on new issue E at this stage. The specialist adviser could seek

advice and opinions when finance becomes an issue, or if there are developments on certain aspects of the financial package.

**The Chairperson:**

Will we suggest that most of the work has been done on new issue E? We may need to revisit some matters in the run-up to a report's being produced. However, if I am accurately reflecting what has been said, we do not envisage asking the specialist adviser for further support. We should park the issue to allow the Committee Clerk to come back with a paper on financial issues to be agreed by the Committee.

**Mr McFarland:**

We should thank the specialist adviser for the work that he has done.

**The Chairperson:**

We will do that.

**Mr O'Dowd:**

Send him a Christmas card.

**The Chairperson:**

I am happy to do that, Mr O'Dowd.

**Mr Attwood:**

How will that be recorded in the minutes of the meeting? I agree with Sinn Féin that the work has been concluded. I do not envisage that there will be a requirement to invite Mr Hewitt back to the Committee.

**The Chairperson:**

Alan said that we may need assistance if there is movement on the financial issues to do with parading. Like Simon, I do not envisage his having to be brought back unless something new emerges.

**Mr Hamilton:**

A distinction must be drawn between "our work" and "the work".

**The Committee Clerk:**

The Committee effectively asked the specialist adviser to do additional work. The number of days that was originally designated in his contract has increased, and I will have to get the Committee's permission to pay him for those additional days' work. There is one remaining element of his contact, which is that he assists in drafting a section of the Committee's report based on his papers. There is scope for that work to be done separate to the additional work that he did over additional days. The specialist adviser's work is essentially done, but, if necessary, he could assist the Committee in drafting the report and on clarifying issues.

**The Chairperson:**

Are Members in agreement on that?

*Members indicated assent.*

**The Chairperson:**

Has any further progress been made on the category two list of issues?

**Mr Hamilton:**

No; there is none to report.

**Mr O'Dowd:**

Unfortunately, there has not been any further progress.

**Mr Attwood:**

I have a number of proposals and will deal first with issue A on the category two list of issues. Mindful of our previous conversation, we should write to OFMDFM to ask whether it has received a copy of the report from the Attorney General designate and whether it is in a position to share that report with us. I understand that the Attorney General designate has not yet responded to our request for him to attend the Committee.

**The Chairperson:**

I will now put Mr Attwood's proposal to a vote.

*Question put*, That the Committee write to OFMDFM to request that they share the Attorney General's report with the Committee.

**The Chairperson:**

I count four members in favour.

**Mr McFarland:**

What are we voting on?

**The Chairperson:**

The vote is on whether we should send a letter to OFMDFM to ask about the Attorney General designate's report.

**Mr McFarland:**

Did we not enquire about that last week or the week before?

**The Committee Clerk:**

Yes. The Committee did ask, and the First Minister and the deputy First Minister declared that they had received a report and were considering it.

**Mr McCartney:**

Are we going to rerun that meeting?

**The Committee Clerk:**

Before last week's discussion in closed session, there was a formal indication that the First Minister and the deputy First Minister had received a paper, that they were considering that paper, and that they would be in touch with the Committee in due course. I am not breaching confidentiality in referring to the remarks that they made at the end of the meeting in response to a question. They indicated that they were willing to come back to the Committee to discuss the category two list of issues and the role of the Attorney General.

**Mr McFarland:**

Do we need to do it again?

**Mr Hamilton:**

We do not need to do it. It is superfluous.

**Mr Attwood:**

It is asking for the First Minister and the deputy First Minister to share that report with us.

**Mr McFarland:**

I thought that we did.

**The Chairperson:**

We have voted on it. Four members —

**Mr Hamilton:**

I think that it is totally against the —

**Mr McCartney:**

The proposal is to write a letter asking whether the First Minister and the deputy First Minister have the report and, if so, whether they will share it with us.

**Mr Hamilton:**

We have already asked that.

**The Chairperson:**

We are repeating ourselves, but that is nothing unusual.

**Mr Attwood:**

We are asking whether OFMDFM is in a position to share it with us. That is different from asking whether OFMDFM has received anything.

**Mr Hamilton:**

The indication was that it is not.

**Mr Hamilton:**

I wish to be registered as voting against that proposal.

**Mr McFarland:**

I am for it.

**Mr Hamilton:**

It is absolutely pointless.

*Question put*, That the Committee write to OFMDFM to request that they share the Attorney General's report with the Committee.

*The Committee divided:* Ayes 5; Noes 1.

*AYES*

*Mr Attwood, Mrs Hanna, Mr McCartney, Mr McFarland, Mr O'Dowd.*

*NOES*

*Simon Hamilton.*

**The Chairperson:**

I abstained from that vote. What is your next proposal, Mr Attwood?

**Mr Attwood:**

My next proposal is on new issue D. Given that the Secretary of State has indicated that the new North/South justice agreement that would be in place on the devolution of justice powers is being finalised with the Government in Dublin, we should write to him asking whether he is in a position to share the details of that. It is not a new North/South justice agreement, but an amended version of the existing British-Irish justice agreement, dealing with what falls to Dublin and what falls to Belfast on devolution. I understand that there is no difference of opinion, so are they willing to share that amended document with us?

**The Chairperson:**

You are proposing a letter to the Secretary of State?

**Mr McFarland:**

Go for it.



**The Chairperson:**

Is everybody agreed to that?

**Mr Hamilton:**

Have we requested that in the past?

**The Chairperson:**

No; we have not. It is a new one.

*Question put,* That the Committee write to the Secretary of State to ask, given that he has indicated that the amended British Irish justice agreement is being finalised with the Government in Dublin, whether he is in a position to share the amended document with us.

**The Chairperson:**

What is the next proposal?

**Mr Attwood:**

On new issue F, Paddy Ashdown wrote a highly helpful letter in which — one has to give it to him — he cut through many of the issues around his report.

**The Chairperson:**

In your view.

**Mr Attwood:**

Yes, in my view. Given that we previously had a seven-second conversation with him, he clearly took some time to put matters on the record accurately from his point of view, whether you think it clears issues up or not. It is clearly a very helpful letter. However, there seems to be a tension between what Lord Ashdown is saying in that letter and what the Secretary of State said in a letter to this Committee, when he indicated that he was content with the Ashdown proposals, believed they were a sustainable way forward and would fund them. However, the letter from Lord Ashdown indicates that he could not appear before the Committee — he is right to make this point — because there is no final report and there are matters about which he is still in conversation with his colleagues. We should send a copy of the letter from Lord Ashdown to the Secretary of State for his information.

**The Chairperson:**

The Committee did write to the Secretary of State to clarify his comments about the Ashdown report in a previous letter.

**Mr McCartney:**

He has it already.

**The Chairperson:**

We have not yet received a reply to that.

**Mr Attwood:**

Mindful of that, we should pass a copy of Lord Ashdown's letter to the Secretary of State for information, in order to keep us right as a Committee, although no doubt it has been copied to him anyway.

**The Chairperson:**

Are we agreed on sending that letter?

**Mr O'Dowd:**

What has happened thus far?

**The Chairperson:**

A letter has been sent to the Secretary of State from the Committee asking for clarification about his comments on the Ashdown report. We have not received a reply to that yet.

**Mr O'Dowd:**

OK.

**The Chairperson:**

Are we happy to send another letter, which is basically a —

**Mr McFarland:**

We will just copy the Ashdown letter, as has been suggested.

*Members indicated assent.*