



OFFICIAL REPORT

(Hansard)

Volume 2

(15 February 1999 to 15 July 1999)

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(A = Alliance Party; NIUP = Northern Ireland Unionist Party; NIWC = Northern Ireland Women's Coalition; PUP = Progressive Unionist Party; SDLP = Social Democratic and Labour Party; SF = Sinn Féin; DUP = Ulster Democratic Unionist Party; UKUP = United Kingdom Unionist Party; UUP = Ulster Unionist Party; UUAP = United Unionist Assembly Party)

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First Minister (Designate)

Seamus Mallon MP
Deputy First Minister (Designate)

The Lord Alderdice FRCPI FRCPsych
Initial Presiding Officer

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THE NEW NORTHERN IRELAND ASSEMBLY

Monday 15 February 1999

The Assembly met at 10.30 am (the Initial Presiding Officer (The Lord Alderdice of Knock) in the Chair).

Members observed two minutes' silence.

PRESIDING OFFICER'S BUSINESS

The Initial Presiding Officer: At the end of the last sitting of the Assembly some Members raised with me difficulties regarding the audibility of other Members who were speaking in the Chamber. The problems identified have been examined and, where possible, have been addressed. In particular, I draw the attention of Members to the suspended microphones in the Chamber. I have had these lowered in an attempt to ensure greater amplification. I trust that they are now not so low as to cause the taller Members of the Assembly any inconvenience. If Members still experience difficulties in hearing other Members' speeches they should contact the Keeper of the House.

There has been some uncertainty over the status of papers placed in the Library. I have looked at this matter, and to clarify things I make the following ruling. When papers are placed in the Library, that act will make them public documents. The Library will not be responsible for making the papers available; the papers, along with other material, will, as soon as possible, be placed on the Assembly's website and thus will be widely available. They are, of course, always available to Members, who should feel free to publish them.

Papers to be put in the Library but which are not for public dissemination will be termed "papers deposited in the Library". Such papers will be available to Members but should not be made more widely available.

At the previous sitting Mr P Robinson asked me to reflect further on the meaning and intention of Initial Standing Order 2(1), suggesting that, in ordering the Doors to be fastened, I was going beyond what the Initial Standing Orders entitled the Initial Presiding Officer to do. I agreed to re-examine the matter and to advise the Assembly if I had made a judgement that went beyond what was appropriate. I have made it clear on many occasions that the Initial Standing Orders are inadequate for conducting the Assembly's business and that other matters should be taken into account — for

instance, the draft Standing Orders, as discussed by the Committee on Standing Orders, and Erskine May.

I have reconsidered the matter raised by Mr P Robinson in some detail, and I have taken advice from my legal counsel. I have concluded that I must stand by my earlier ruling on the issue. I do not think that anyone could seriously challenge the assertion that the Initial Presiding Officer is under a duty to act fairly with all Members and should not discriminate in favour of some to the disadvantage of others. If I were not to proceed in the way that I have ruled, my actions could be challenged by way of judicial review.

If the unfair advantage that I have mentioned is to be avoided, it will be necessary to ensure that all Members are allowed the same time in which to enter, physically, the place where they are entitled to vote. How this is achieved is clearly a matter of procedure upon which, by virtue of Initial Standing Order 2(1), my ruling shall be final.

The adopted procedure of closing the Chamber Doors at the expiration of three minutes after a general announcement is a fair and reasonable one, particularly bearing in mind that any other procedure for achieving this would be difficult to police. Those Members who are excluded because they arrive late will not have been treated any less favourably than any other Member. Until the Doors are opened at the conclusion of a vote, Members who have been denied access to the Chamber will, of course, be able to observe, although not participate, from the Gallery.

Mr P Robinson: I am grateful for this, but it does not go to the heart of the matter that I sought to have addressed. What I asked was whether the Initial Standing Order permitted you to make an interpretation, no matter how liberal that existing Standing Order was, or whether it drew a line at allowing you to bring in or make new Standing Orders. Where is the line between interpreting an existing Standing Order and making a ruling which amounts to a new Standing Order?

The Initial Presiding Officer: My view is that no Presiding Officer should be in a position arbitrarily to construct Standing Orders. It is not just appropriate to ensure that whatever developments of procedure are necessary for the implementation of Standing Orders are carried through, but a binding duty. I do not think it is appropriate for completely new and essentially arbitrary Standing Orders to be created, and I do not believe that my decision did that.

Mr Dalton: Would the Presiding Officer explain to the House why a different official is sitting next to him and why the Clerk, whom one would expect to be present, is not here today?

The Initial Presiding Officer: Members know that certain questions of procedure were raised with me

by the First Minister (Designate) at the last sitting. I said to him that I would explore the matter and any other matters that were drawn to my attention in that context which involved discussions between Mr McCartney and the Deputy Clerk. No further material was raised with me in that regard. Since that time, certain other matters —

Mr P Robinson: On a point of order, Mr Initial Presiding Officer. This matter was not raised as a point of order, and I therefore feel able to intervene on a point of order.

We are dealing with personnel matters relating to a civil servant, and I do not believe that that is fair of us. It would be appropriate for you to refer it to the party Whip, who can make his Colleagues aware of the position.

The Initial Presiding Officer: I have no wish to proceed further with this matter now unless the House so wishes.

ASSEMBLY: PRESIDING OFFICER

Mr C Wilson: When I first considered placing this motion before the Assembly, it was reasonable for me to expect that it would have the support of all parties. However, over the past few days it has become clear to me that the prospect of all-party support for the motion has disappeared. Indeed, I have received reasonably sound information to suggest that the SDLP and the Ulster Unionist Party intend to oppose it.

I feel that I have a duty to make clear the reasons for these parties' opposition to the motion to everyone in the Chamber, to those in the Galleries, and to the wider public. It gives an indication of the shape of things to come. We will have in the Assembly what in the business world would be known as a cartel. Those who have been preaching the gospel of inclusivity and responsibility sharing are about to carve up between them all the positions of responsibility in the Assembly. These jobs for the boys will be shared between the Ulster Unionists and the SDLP.

The Initial Presiding Officer: Is the Member preparing to move the motion? His remarks would be appropriate if he were intending to do that, but I cannot accept them if he intends to withdraw the motion.

Mr C Wilson: I will come to the crux of the matter very soon.

The Initial Presiding Officer: For various reasons, I need to be clear as to whether you intend to move the motion.

Mr C Wilson: I have set out some of the difficulties that I have encountered in relation to this matter. Bearing in mind the excellent service that you have given to the Assembly during your probationary period as Presiding Officer, a fact that is acknowledged by all parties, it is with some sadness that I inform you and formally advise the House that I intend not to move the motion standing in my name. I have spoken to your assistants about the meeting. However, my action is on the basis that everyone must understand the likely shape that the Assembly will take in the future.

The Initial Presiding Officer: I have been more than generous with the Member. The words "Not moved" would have been sufficient.

Mr P Robinson: On a point of order, Mr Initial Presiding Officer. The Member for Strangford has said that he will not be moving the motion. However, the Order Paper shows that this is part of the business for today. I could, of course, after making some remarks, decide to move the motion myself. That would be in accordance with the practice of the House. Mr Wilson

has drawn attention to what is a fairly sleazy arrangement between the SDLP and the Ulster Unionists.

Mr Taylor: On a point of order, Mr Initial Presiding Officer.

Mr P Robinson: I am on a point of order, and we cannot have a second one.

The Initial Presiding Officer: Mr Robinson is making a point of order relating to procedure. He is taking his time in explaining it, but he should be allowed to complete his remarks. I cannot accept points of order on a point of order.

Mr P Robinson: The sleazy arrangement to which I referred makes it imperative that we have a discussion on this matter, particularly as the Chair is supposed to be politically neutral. It is not supposed to be part of a carve-up between parties, creating a situation in which the Chair would be answerable to a particular party and would have to do its bidding.

10.45 am

The Initial Presiding Officer: These are certainly interesting questions, but it remains to be seen whether they constitute a point of order. The motion has not been moved and is therefore not the property of the House. It is not a case of it being withdrawn or not withdrawn, proceeded with or otherwise. It is clear that it has not been moved and we must proceed to the next business.

Mr C Wilson: On a point of order, Mr Initial Presiding Officer. I said that it was my intention to withdraw the motion, but I have not actually reached that point.

The Initial Presiding Officer: I admire your ingenuity, but as it is clearly your intention not to move the motion, it is inappropriate to permit speeches on the issue. That is my ruling.

Mr C Wilson: Further to my point of order, Mr Initial Presiding Officer. For the information of the House, the SDLP's nominee will be Mr Mark Durkan. Members heard it here first.

The Initial Presiding Officer: Order. In my experience a day is a long time in politics and in proposals for the Presiding Officer.

Mr McGrady: The Members remarks show how ill-informed he is.

The Initial Presiding Officer: Is that a point of order?

REPORT OF FIRST MINISTER (DESIGNATE) AND DEPUTY

DETERMINATION OF MINISTERIAL OFFICES

The Initial Presiding Officer: At the most recent meeting of the Committee to Advise the Presiding Officer, there was discussion of a proposal, by leave of the Assembly, to alter the speaking times set out in Initial Standing Order 8(5).

Following that discussion, it was agreed that the Assembly should judge the matter at the sitting. The proposition was that speaking times would be amended for the duration of the debate so that proposers of the motion would have 30 minutes, instead of 20 minutes, divided between proposers if they wished; that all parties in the first round of speaking would have 20 minutes, rather than 10; that other Members would have 10 minutes; that the four largest parties would have 20 minutes for the winding-up speech; and that the proposers of the motion would have 20 minutes for the winding-up speech, divided as they wished, instead of the current 15 minutes.

Do we have the leave of the Assembly for those proposals?

Several Members: No.

The Initial Presiding Officer: Leave has not been given.

Mr P Robinson: On a point of order, Mr Initial Presiding Officer. I note that those who are least willing to have fuller debate are the Ulster Unionist Members. Clearly they are concerned that their argument could not sustain scrutiny. They want to deny Members the opportunity to speak more fully on the issues, and that shows how weak their arguments are and demonstrates that they are running scared of debate.

Perhaps I could put another proposal under Standing Order 8(5) which will give those Members a chance to reflect on their immaturity and to recognise that this is a democratic institution, which is supposed to allow free and open debate. They should not be afraid of that, although one can understand why they might be. I suggest that the proposer, or proposers, share 30 minutes between them, and that all Front-Bench spokespersons have 20 minutes each, but that the 20 minutes is not accorded to the Member who is winding-up, nor is any extension of time given to the person who makes the winding-up speech for the proposer.

The Initial Presiding Officer: Perhaps I could clarify the matter. As I understand it, the proposition is that the joint proposers would have 30 minutes each — that would be up to 60 minutes for the proposition; there would be 20 minutes for all parties in the first round; 10 minutes for other Members; and no additional time for the winding-up speeches for the larger parties. I am not clear, however, as to whether there was a proposition to extend the normal 15 minutes.

Several Members: No.

The Initial Presiding Officer: There has been no proposal for that. Are Members clear about the proposal? Do I have the leave of the Assembly to accept it?

Several Members: No.

The Initial Presiding Officer: There does not appear to be leave. I sense that the question is not on the format of an extension to speeches but on the proposition that speeches be extended.

Mr P Robinson: On a point of order, Mr Initial Presiding Officer. We had been informed by you that we could expect to have this report last Thursday. There has been a consistent habit on the parts of the First Minister (Designate) and the Deputy First Minister (Designate) to delay the publication of their reports beyond the time when they are scheduled to be released. Clearly they have some internal difficulties. However, those internal difficulties should not be in breach of arrangements that are made with business managers of this House. Some of my colleagues did not receive this report until this morning because of the late publication. The First Minister (Designate) would do better to listen than to point his finger around and look at the Galleries of the House. It is his behaviour that we are referring to at the present time.

Is it in order for the First Minister (Designate) and the Deputy First Minister (Designate) to give indications to your office of the release times of reports and consistently fail to meet those releasetimes, therefore denying Members the opportunity to read the report before it is debated in this Chamber?

The Initial Presiding Officer: I have to say that I find it a difficulty when I am passed information about how things will be, and I convey that in good faith to those who request it, and find that it appears the information I have given is incorrect. I apologise to the House that I find myself being the purveyor of inaccurate descriptions of how things will be, but I have found it difficult to do otherwise. I particularly regret that this is something that you have had to take from me on more than one occasion.

The First Minister (Designate) (Mr Trimble): On a point of order, Mr Presiding Officer. I will try to deal with the substance of that issue — which was not, I

think, a point of order — later. I was gesturing with my fingers because the clocks appear to be malfunctioning. It has since been suggested to me that the reason for that might be that they are not trying to time the points of order. I wonder if that is correct.

The Initial Presiding Officer: I am not sure what the question is about the time. The time is currently 10.52 and 21 seconds.

The First Minister (Designate): The seconds are malfunctioning.

The Initial Presiding Officer: There seems to be a problem at times with the seconds counter, but the minutes and hours are currently correct. Although they may seem long as the time goes on, I suspect that they are reasonably correct.

Mr Foster: With regard to Mr Robinson's statement about the denial of freedom of speech, he has forgotten in his sanctimonious way about the denial of freedom of speech at Fivemiletown a couple of weeks ago.

The Initial Presiding Officer: Members must understand that, although it may be tempting, it is not in order for other Members to reply to points of order.

Rev Dr Ian Paisley: The delay in receiving this report, Sir, inconvenienced those who had called meetings on Thursday in light of the promise made by you that this document would be available at half past four on Thursday. I contacted the First Minister (Designate)'s office, the Clerk's office and your own office, and I was told by Mr Trimble's office that there was both political difficulty and logistical difficulty with this report. Those difficulties should have been solved by those concerned so that those of us who wanted to read this report and table amendments would have opportunity and time to do so.

In fact the report had to be collected and brought down to my home. However, that document is different to the one which is now printed. How can we do the business of this House when we are not given the proper document or given three clear days to read that document and table amendments? Surely this matter should not be re-occurring. It should be put right once and for all.

The Initial Presiding Officer: You have raised two issues, Dr Paisley, and the first of these is the question of the delivery of material to Members. In fairness to the staff of the Assembly, I must point out that it is not their responsibility to deliver material which emanates from Assembly business, although they do their best to oblige us.

A further substantial point of order relates to the question of amendments, and I must draw this to the attention of those who are considering our Standing Orders. Where it is the case that material arrives late and

the Standing Order — unlike Standing Orders in other places — requires amendments to be put down one hour before the commencement of the sitting, there is no doubt that that creates certain difficulties which would not be encountered in other places where manuscript amendments can be put down.

I have to remain with, and ensure compliance with, the Standing Orders that we currently have. As Mr Robinson pointed out, I am not at liberty to either disregard them or make up Standing Orders of my own. I do, however, accept that there is a dilemma with matters arriving late and the Standing Orders, which insist that amendments must be put down at least one hour before the commencement of the sitting.

Mr Weir: On a point of order, Mr Initial Presiding Officer. With regard to the two motions arising out of the report, perhaps you would clarify whether you intend to have a separate debate on business motion number 5, or whether you intend to take the two votes together?

The Initial Presiding Officer: Perhaps I can explain to Members how I propose to conduct the business. There are two motions: the motion on the report, and a business motion which is for the purpose of a determination and refers to matters entirely contained within the report. On the Marshalled list of amendments, there are also two amendments — one amendment to the first motion and an amendment to the business motion.

Since it is clear that all matters referred to in the business motion are also referred to in the report, which is the subject of the first motion, it seems reasonable that the House should proceed by way of a single debate, within which would be contained the proposal of the first motion and any amendments.

When it comes to the vote, the amendment to the first motion, if moved, will be taken first. Depending upon the result of that, the substantive motion will then be taken. The amendment to the business motion will then be tabled but, since it will have been spoken to in the previous debate, will not be the subject of further discussion. The business motion will then be taken formally, full debate having been possible on all of the matters.

I wish to make it clear that I will not rule that a matter is not relevant to the first motion because it refers to the second. It seems to me they are all one matter. The Assembly will then proceed to four votes if the amendments are moved and the motions also moved at that point.

Is there any objection to our proceeding on that basis?

There being no dissent, we have the leave of the House.

Motion made:

This Assembly takes note of the report prepared by the First Minister (Designate) and the Deputy First Minister (Designate), and approves the proposals in relation to establishing the consultative Civic Forum (as recorded in section 5 of that report). — [*The First Minister (Designate) and the Deputy First Minister (Designate)*]

The following amendment to that motion stood on the Marshalled List in the name of Rev Dr Ian Paisley: Leave out from “Assembly” and add

“, having noted the contents of the report prepared by the First Minister (Designate) and the Deputy First Minister (Designate), requires them to take back the report and reconsider it with a view to ensuring that —

it contains a specific requirement that any North/South body is accountable to the Assembly and does not perform any executive role;

the Civic Forum is properly appointed in order to ensure a balance of community interests and is merely consultative and not publicly deliberative; and

unnatural departmental divisions are corrected.”

The following motion stood on the Order Paper in the names of the First Minister (Designate) and the Deputy First Minister (Designate):

This Assembly approves the determination by the First Minister (Designate) and the Deputy First Minister (Designate) of the number of ministerial offices to be held by Northern Ireland Ministers and the functions which would be exercisable by the holder of each such office after the appointed day (as recorded in Annex 2 of their report to the Assembly).

The following amendment to that motion stood on the Marshalled List in the name of Mr P Robinson: Leave out from “Assembly” and add

“declines to approve the determination by the First Minister (Designate) and the Deputy First Minister (Designate) of the number of ministerial offices to be held by Northern Ireland Ministers and the functions which would be exercisable by the holder of each such office after the appointed day (as recorded in Annex 2 of their report to the Assembly) before Sinn Féin Members are excluded from holding office as Ministers or the IRA has decommissioned its illegal weaponry and dismantles its terror machine.”

Mr P Robinson: On a point of order, Mr Initial Presiding Officer. I wish to mention two matters both of which relate to the report. It is essential, in a debate as important as the one on which we are about to embark, that Members have all of the necessary material in advance.

This is not a mere statement made by a Minister in the House; rather it is a report which deals with very major issues — indeed, probably the most major issue that the Assembly can deliberate upon. It is therefore absolutely imperative that every Member should be informed before a debate commences. At least four Members of my party did not receive the report upon which this debate is to be conducted until they arrived in the House this morning.

11.00 am

If, however, they had purchased the 'Irish News' on Saturday they could have read the full report. I should be interested to hear your opinion, Mr Initial Presiding Officer, of the standing of such a document. Is it public property as soon as the printers have done their work, is it available to just one newspaper or to all newspapers, or should it be available to any before it is available to Members of this House?

The second issue has to do with the Order Paper. Because of the late delivery of the report, amendments could not be tabled before this morning, so there is no edge to my comments in relation to the staff of the House. There is a printing error in the first amendment. The last line says "unnatural departmental divisions are correct". "Correct" should be "corrected" — the House should note the proper terminology — and that mistake is the fault of the First Minister (Designate) and the Deputy First Minister (Designate) who did not release the report in time.

The Initial Presiding Officer: I remind Members about what has just been said about the correction to the first amendment on the marshalled list: the last word in amendment 1 should be "corrected" instead of "correct".

Time was a difficulty with this, and I appreciate Mr Robinson's comments about the staff who have striven to address matters as best they can. With regard to the previous point that was raised, the question of items being put in the public domain, it has always been a convention at Westminster, at least until recent times, that material did not make its way into the public domain in advance of its being made available to Parliament.

It has been made clear at meetings of the Committee to Advise the Presiding Officer (CAPO) that it would be regarded as a discourtesy if such were to happen here. However, there is nothing in Standing Orders that allows me to make a ruling on this. I can simply point out how Members feel about it, but the Executive (Designate) has to act as it wishes to. Members may feel that this is a discourtesy, but there is nothing in Standing Orders which allows me to rule on it one way or another. This is a matter which Members may wish to raise in other ways.

Mr Hay: On a point of order, Mr Initial Presiding Officer. As one of the Members who have not yet received a copy of the report through the post, I would like to support the Member for East Belfast, Mr Robinson. I only received a copy when I arrived here this morning. The point needs to be made clearly: this is an important report, and it is rather sad that the Ulster Unionist Party is determined to stifle debate on this important issue.

The Initial Presiding Officer: I understand the feelings of Members who did not receive copies of the report, but I cannot take it further as a point of order.

The First Minister (Designate): It is my pleasure to introduce the motions on the report that we have produced.

Mr Maskey: On a point of order, Mr Initial Presiding Officer. I note that the report contains, as far as I can understand — *[Interruption]*

The Member must be a mind reader, apart from anything else, because he does not know what I am about to raise.

I want clarification, as we are supposed to vote on and adopt the report, specifically on annex 2 where we have the determination by the First and the Deputy First Ministers (Designate) on the 10 ministerial offices and the Departments. I am uncertain as to why annex 1a is not also included. We are being asked to adopt the report, which contains the number of Ministries and the definition of a Ministry but does not contain their actual functions. Neither is there any detailed reference to the Office of the First Minister (Designate) and the Deputy First Minister (Designate), albeit, as I see it, it would take an Assembly of its own to organise that.

Are we being asked to adopt what is contained in annex 2 and in annex 1 in relation to the 10 Departments? Are we also being asked to adopt what is said about the Office of the First Minister (Designate) and the Deputy First Minister (Designate), which are both excluded from annex 2? This is very important.

The Initial Presiding Officer: I have sought advice on this matter at a number of levels. It is not appropriate for me, in any fashion, to look at the question of the content of the advice — that is not a matter for me at all. It is only for me to try to make proper judgements about the legal competence. As things currently stand, I have been assured that by the time the matter becomes extant, all the necessary matters will have been addressed by way of legislation. It will all have been addressed by then. I cannot do other than to accept that assurance, and with that assurance, as far as I can see, the proposition is a competent one.

Mr Maskey: Further to that point, a Chathaoirigh. You are saying you have been assured, and I have no doubt that you have been, but, for the record, I would like to know by whom. Will the First Minister (Designate) and Deputy First Minister (Designate) make specific reference to this in their contributions?

The Initial Presiding Officer: It will obviously be up to the First and Deputy First Ministers (Designate) to refer to the matters if they choose to do so. The advice that I sought was legal advice and the advice of those whose responsibility it would be to ensure that the legislation is passed. That would not be in this place, but in another place. The advice I have received is that all the necessary legislation will have been passed by the date required.

Rev Dr Ian Paisley: Mr Initial Presiding Officer, are you saying that we will have to wait until the two Ministers concerned have a mind to give us this information? This information should have been in the document, rather than your saying that you have been given an assurance that we will get it.

The Initial Presiding Officer: Let me make it clear that it is not for me to do anything other than try to ensure that a motion that comes before the House is a legally competent one. It would be quite inappropriate for me to even explore other matters. I have made explorations in order to try to ensure that the matters will be dealt with competently, and I have been assured that that is the case. As regards the content and all the other matters, Dr Paisley must refer his questions to people other than myself. They are not points of order in that regard.

Mr Maskey: My interpretation of this is that the legislation will not apply to shadow Ministers, so if a shadow Executive is established, which of those designated functions will the shadow Ministers be responsible for?

The Initial Presiding Officer: I hope I am not straying outside what is appropriate, but I draw to Members' attention the fact that shadow Ministers do not have legal authority and responsibility for any Departments. They are there to shadow, to learn, to apprentice themselves into the position.

It is obviously complex given that there are currently six Departments, and this is a proposition for rather more than that, but they do not have responsibilities according to the legislation.

The First Minister (Designate): The report was drawn up on the basis of legal advice that we received that the content of annex 2 satisfied the requirements of the legislation and the Standing Orders. We also endeavoured to ensure that all relevant information was contained in the other annexes. Annex 1a gives a more detailed description of the functions of the Departments because it encompasses the functions that we missed in the 18 December statement. The distribution of functions contained in that statement is also given, for ease of reference, so people comparing 1a and 1b will be able to see what the missing functions were and how they have been allocated.

We wanted to and had hoped to make this report available to people much earlier. Part of the reason for the delay was the detail that we had to determine and settle with regard to the Civic Forum. That is one of the important new matters in this report compared to others. Members will see that the motion asks them specifically to approve the proposals in relation to establishing a consultative Civic Forum. That means that that approval will turn this part of the report on the Civic Forum into

the basic law of the Civic Forum, and, consequently, it was necessary to include material on the Civic Forum in considerable detail so that we can be clearly agreed on it.

It was not adequate at that stage to sketch general outline provisions on the Civic Forum. If we had just indicated it in outline, we would not be bringing forward the detail until after devolution day. Consequently, we would be delaying the point at which the Civic Forum would come into existence. In order to be able to bring the Civic Forum into existence very soon after D-Day, it was necessary to get details settled here, and we have gone as far as we possibly could — indeed, some matters were not resolved until Friday morning.

I am sorry to say that another reason for the delay is that, in making these changes to Departments, we are encountering a certain amount of turf war between Departments. We are also encountering a reluctance on the part of some officials to realise that things are changing. I do not want to go into detail on that. People are resisting changes. I know that it is difficult for some senior civil servants, after 25 years of direct rule, to accept that elected Members are gaining authority and making decisions which officials have to accept and implement. The rearguard action that is being fought by some Departments against the changes that were agreed on 18 December is most regrettable. I hope that the Departments responsible will accept the decisions that we as elected representatives have taken in this Chamber and will implement them loyally. I hope I will not have to refer to this matter again.

When Mr Maskey held up his report his thumb was on the typographical error in annex 2, and I thought that he was about to refer to it. The reference to the Minister of Enterprise, Trade and Development should read the Minister of Enterprise, Trade and Investment. There is at least one other typographical error in the body of the report, but for brevity's sake I will not get into the substance of that.

I have said that the new material relates essentially to the British-Irish Council and the Civic Forum. I will not go through this in detail, but would point out that the key concept is to encourage the creation of consortiums in various sectors which will then nominate individuals. The Deputy First Minister and I were anxious to avoid a situation where we were directly responsible for all nominees. We will accept responsibility for some, but we will have that residual category to ensure a proper balance. The organisations that are to be involved in this Civic Forum have to accept responsibility for their nominations. We will accept responsibility for oversight and to ensure that fair and open procedures are adopted and followed, but nominations must come from them.

The important step in this debate is the determination on Departments. That is the next step in a series of steps

leading to the transfer of power to this body. That is the real question that we have to deal with, and we will have to deal with it in the run-up to the target date for that transfer of 10 March.

Essentially, we are today reviewing progress and making a formal determination. The real question is whether we manage in the run-up to 10 March to see that everything is done that should be done. Members are aware of my party's stance. We intend to do everything that we need to do and that we can do regarding that transfer. But there are other things that should be done by other people, and they include matters that some people have not yet addressed. They will have to do these things.

I do not wish to labour the point — the Irish Prime Minister said everything that was necessary to be said on this matter yesterday morning. It was published, and, while the pill was sugared slightly for some people in the course of the day, they should not think that they can evade the issue. It cannot be evaded. It is a matter not just for Sinn Féin but for other paramilitary organisations too. They must be under no illusion as to what is required by the agreement for progress. We hope that in the run-up to 10 March, they can achieve what is necessary and can carry out their obligations.

11.15 am

We want to see this body progressing in an inclusive fashion. That is our primary objective. That can happen only if people carry out their obligations and cease clinging to this interpretation of the agreement which the Taoiseach rightly described as unreasonable, unfair and illogical.

It is time for people to do what they have to do, and that must be done in the run up to 10 March. The real question is what will happen in that period when we will be trying to juggle the necessary provisions for the devolution Order, which will have to start at Westminster, and the proceedings that we will have to adopt in the House in March. This is merely a staging post on the route to that destination, and I hope that we reach it with all the necessary steps having been taken.

Some amendments have been tabled, and I want to touch on them briefly. I preferred the original drafting of amendment No. 1 rather than the corrected drafting that was produced by Mr P Robinson. The final words of the original draft —

“departmental divisions are correct” —

are correct. They may be described as unnatural, but they are also correct. The DUP wants to see them changed, but without showing how that should be done. That is not an amendment that we can accept. Neither can we accept amendment No. 1 to the determination because to decline to approve the determination merely stops the process and does not achieve anything.

What must happen and what is important is that before the appointed day and the transfer of functions to the Executive, and, indeed, before the formation of the Executive, we must see a credible beginning of a process of decommissioning. As the Ulster Unionist Party reiterated at its executive meeting on Saturday, it will stick to that requirement, and that will be the view of all members of our party. We are united on that. Consequently, as we are on a staging post towards achieving —

Mr M McGuinness: Will the Member give way?

The First Minister (Designate): No, I am sorry. Having refused to give way to one Member, I must be equal and even-handed in my approach and treat all Members equally on this matter. This is a staging post towards the achievement of that, and I look forward to the day when power can be transferred to the Assembly; when there are not shadow Ministers, but real Ministers; and when the Assembly can carry out all that we have worked for over recent years. I look forward to that time, and I hope that we will do that in the good spirit that is beginning to develop within all sections in the Chamber. That must be the earnest wish of us all.

The Deputy First Minister (Designate) (Mr Mallon): May I, like the First Minister (Designate), apologise for the delay in the report reaching Members. There were many difficulties, not the least of which was the complexity of some of the new, creative and imaginative arrangements, and that delayed us. Yes, there were difficulties in relation to the text. There will always be difficulties in this type of arrangement, and I would have preferred the report to be with Members sooner.

The difficulties are there because of the very nature of the arrangements. I would not like it to be thought that that was the fault of the Civil Service or any civil servants. I thank them and the Members who took part in the round-table and bilateral arrangements for their input on many of the issues, not least the Civic Forum.

Today is a crucial one in the political process that we have embarked upon. It is the beginning of the end of the initial section of this part of our new politics. From now on there will be no more time or space for delay or for prevarication. We have the target dates, and we will know what we have to do when this motion is passed, as it will be. It defines not just the substance but the time in which we all have either to implement both the letter and the spirit of the Good Friday Agreement, or resile from it.

This should not be an acrimonious debate; rather it should be serious and constructive. We should listen seriously to what others have to say, and not just listen, but understand what they have to say and why they are saying it. We have to generate the amount of trust which is going to be required to make a quadripartite-coalition

type of administration work. That has been difficult, even on the limited basis so far, and it is going to be difficult in future. If we can have as serious a debate as possible without acrimony, the better for all of us.

We should not underestimate the amount of work that has gone into this report. It has become difficult, and it will become more difficult as the complexities of the arrangement show themselves. The reality is that we have been able to overcome some difficulties — the difficulties of timing, the difficulties of understanding the agreement and the difficulties of party positions. All of those difficulties have been overcome on this, and that against the background of the continuing question of decommissioning.

I know that it should not overshadow this debate, but we must rise above the difficulties that we face. We have to sustain the vision that carried the negotiating and the adoption of this agreement through. We have to sustain the potential for the future that we have in this room and in this political process.

On the issue of decommissioning I want to make a few points that sometimes are lost. Decommissioning will be resolved by voluntary act or not at all. Those are the exact words of Sir Patrick Mayhew in his last speech in the House of Commons — the Patrick Mayhew who devised, created or stumbled into the Washington preconditions which laboured this problem for so long.

If we accept that it will be by the voluntary decision of the groupings involved or not at all, then we have to face that fact. If this is not the case, and I am wrong in this, by what other way is it going to be achieved? What else has not been tried? What else could be tried? By what other way can it be achieved? That is the first question that we all have to look at.

The second crucial point is that we forget that it is only in the context of this agreement that decommissioning will happen. Outside of this agreement there will be no decommissioning. I say this sincerely to people who have strong views about it: damage this agreement and we damage the prospect of achieving decommissioning. Lose this agreement and we lose any prospect of decommissioning. That is a harsh reality for all of us, but it is another of the fundamental points that should underline our thinking.

The third point is that decommissioning is a requirement of the agreement. The very structures of the institutions, the inclusivity, the shape of the sections on prisoner releases, law reform, human rights, equality and normalisation were all shaped for a context in which decommissioning would take place and violence and the threat of violence had ended. It follows then that it is an inexorable requirement of the agreement that we fulfil the Mitchell principles, and they were arrived at even before the negotiations started. They said that there

would be some decommissioning — not before, not after, but during the negotiations. Negotiations have ended — they took two years. We are almost a year into the agreement, and I believe that the words of the Mitchell Report are as applicable now as they were then.

The fourth very important point is that decommissioning is not a precondition within the agreement. There is no legal or technical factor to suggest that it is, and to portray it as such overburdens the debate, as it probably does the prospect of obtaining decommissioning.

The fifth very important point — and I say this from some experience — is that without a resolution of the decommissioning issue there will not be sufficient trust in the political process to make it work effectively and creatively within the institutions which we are going to adopt today.

Trust is a rare thing among political parties. It has to be nurtured and encouraged, and that is difficult. We will never get absolute trust between any of the parties here or among them. What we can aim for is sufficient trust to make that which we have already agreed in the Good Friday Agreement and in the institutions work. However, unless this issue is resolved, that trust is not going to be there to make this agreement work in the creative, imaginative and determined way that it should.

It follows that the problems that are faced by the Ulster Unionist Party and Sinn Féin must be looked at honestly, and there are problems. I say, especially to those on the Unionist Benches today who have strong feelings and who might be tempted to vote against this motion because of this issue, that, outside of the agreement, there will be no context in which decommissioning can be achieved. I ask them to seriously consider that and weigh it against the agreement's potential to achieve lasting peace and to make that lasting peace part of the political process, not as a word, but as the underlying thesis.

I recognise Sinn Féin's difficulties on this matter, and I take this opportunity to put on record my acknowledgement of the courage with which many in that party have challenged those in the wider Republican organisation on this issue. I say very clearly to them that, like all of us, we should have only one resolve today: to stand by this agreement. We stand by both the letter of the agreement and the spirit of the agreement. If we are all resolved in terms of this debate to stand by this agreement, then we can build sufficient trust to make what we have decided operative.

I know there will be a long and detailed debate on the various parts of the report and I thank you, Mr Initial Presiding Officer, for the opportunity to respond in detail to some of those. However, there is one message today and it is this. We can either lay the basis today for

resolving these issues and moving forward, or we can ensure that that which we have already agreed, and staked so much on, is put in jeopardy. Surely there is only one way to go, and that is the way forward on the basis of an agreement that we all resolved to stand by. There is no other way.

The Initial Presiding Officer: I call Dr Paisley to introduce the first amendment.

11.30 am

Rev Dr Ian Paisley: As has been mentioned before, the last sentence of the amendment should read “unnatural departmental divisions are corrected.”

I beg to move the following amendment: Leave out from “Assembly” and add

“, having noted the contents of the report prepared by the First Minister (Designate) and the Deputy First Minister (Designate), requires them to take back the report and reconsider it with a view to ensuring that —

it contains a specific requirement that any North/South body is accountable to the Assembly and does not perform any executive role;

the Civic Forum is properly appointed in order to ensure a balance of community interests and is merely consultative and not publicly deliberative; and

unnatural departmental divisions are corrected.”

It is very interesting to note that there is no mention whatsoever of decommissioning in the report. The First Minister (Designate) and the Deputy First Minister (Designate) spent most of their time commenting on decommissioning, but nothing is said about it in this paper. It is not referred to because nothing is really going to be done about it. The object of this debate is to see that Ulster Unionist Party Members vote in the right way on this report. In other words, the Members must now endorse the cheque that they voted for at the last sitting.

But interesting things are happening. Mr Ahern has said

“decommissioning in one form or another has to happen. It is not compatible with being a part of a government, and part of an executive if there is not at least a commencement of decommissioning. That would apply in the North and in the South.”

This is what Mr Ahern said that we need to achieve. But then he was asked if he was really saying that, regardless of what it says in the agreement, the practical policies are that there can be no executive without a start to decommissioning. His answer was “Yes”, but that was in the morning. Before the sun had set he had evidently changed his mind.

His change of mind came because there are guns on the table, under the table and outside the door of these negotiations. Mr Hume said that there would be no guns — but the guns are there, and Mr Ahern had to do a

U-turn. Mr Ahern thought he would help Mr Trimble get reticent Ulster Unionists to vote for the report, he gave them the sop that he was with them in their attempt to keep Sinn Féin out of the Executive until such times as decommissioning had, at least, started.

But no such thing is in the mind of the Taoiseach. In fact, the Southern Ireland Government have violated every agreement that they have entered into with the United Kingdom, and they are seeking to violate this agreement with their usual skulduggery and deception.

As far back as September 1997 the Ulster Unionists and my party issued a statement, jointly signed by Mr Trimble and myself, which said

“The two parties are totally agreed that the principle of consent which is the right of the people of Northern Ireland alone to determine their own future is a fundamental governing principle which must apply in all circumstances. This principle must be accepted by the Government and all parties.

Our two parties are also agreed that the issue of the decommissioning, i.e. the handing over of illegal terrorist weaponry, must be resolved to their satisfaction before there could be substantive political negotiations.

Recognising the need for greater Unionist unity of approach at this critical time, the parties have agreed to meet again shortly.”

In a matter of weeks, Mr Trimble had made a U-turn. When Sinn Féin was brought in there was no decommissioning, and my party, as it said it would in its election manifesto, immediately withdrew from the talks. It is a bit late in the day for the Official Unionists to attempt to build a barricade now. The flood waters are flowing, and they are not flowing their way.

This attempt to tell us that there will be no executive unless Sinn Féin is a member is wrong, and it will be proved to be wrong. The two Governments and world opinion will be stronger than the determination of Mr Trimble. How strong will these Members be who went to the electorate and gave assurances, as my party did, that they would not sit down with Sinn Féin in an Executive?

It is amazing that this most important debate is being gagged by the votes of the Official Unionist Party. In no other Assembly would the party leaders be given only 10 minutes to speak to a motion of this kind. Why have we not had a full-scale debate with proper timings? We did not even get the documents.

The Deputy First Minister (Designate): Will the Member give way?

Rev Dr Ian Paisley: No, for I have only 10 minutes, after which the Deputy First Minister (Designate) will be shouting me down.

Pick up the document and consider the Civic Forum — an amazing body. The largest industry in Northern Ireland is agriculture and fisheries — and agriculture is

major in comparison with the fisheries side — yet it is only getting three voices.

I have heard many Members on the Unionist Benches speaking about the victims and how their voices must be heard. Yet they are only getting two voices — two voices. Let us consider the victims of all the violence in this Province. Let us march them past the city hall and measure the number of hours it takes for the multitude of victims to pass by a given point and then think as well of the number who have been murdered. But the victims and their loved ones will have two voices to tell of their plight — probably one from the Nationalist side and one from the Unionist side. There is no distinction made today between innocent victims and others; they tell us that victims are all the same.

However, the voluntary/community bodies, which are highly rated by the Official Unionist Party, will get 18 voices — 18 voices. The First Minister (Designate) and the Deputy First Minister (Designate) are to reserve for themselves not two places but six. They will have more voices than the victims or the agricultural interests, yet we are being told that we must rush through this determination with a short debate.

What will be the end of this matter? The Deputy First Minister (Designate) has told us that the only way ahead is to give in to the lawless, to the people with the Semtex and the guns that have been used to commit these murders. I will never crawl before these people.

Mr P Robinson: I listened with great care to the First Minister (Designate) and the Deputy First Minister (Designate). I prefer to listen to people who believe what they are saying, and that is certainly true of the Deputy First Minister. I do not agree with him, but at least he speaks like a man who believes in what he says. However, the First Minister (Designate) spoke without passion or conviction. He spoke, not as someone who had something to say, but as someone who had to say something. That was the sum total of his short contribution. I listened to his case to see whether it would justify the abandonment of the Ulster Unionist Party's election commitment. It did not.

The First Minister (Designate): On a point of order, Mr Initial Presiding Officer. It may be in order for the Member to say that he does not believe me, but it is not in order for him to say that I do not believe myself. I do.

Mr P Robinson: I note, Mr Initial Presiding Officer, that you have chosen not to rule on that matter.

I also listened out for an explanation as to why he is setting up what everyone knows will be an embryo united Ireland. He is setting up all-Ireland bodies with executive powers which, at this stage, are clearly unaccountable to the Assembly. There was no explanation for that. I also listened for his reasoning for handing over responsibility for further developments to people

outside the Unionist community. That did not come either.

As the Deputy First Minister (Designate) spoke, I detected the distinction that can be made between his stance on decommissioning and mine. He says, quite rightly, that decommissioning, in the form in which we are discussing it, is a voluntary matter, and that it is up to the organisations that hold weapons to decide whether to hand them over. He then jumps from that position to saying that decommissioning will not happen unless we agree to this kind of accommodation.

The question arising from the report is not will decommissioning happen, but is it right to have in government those who refuse to decommission. That is the issue that we must decide. It is a key issue for Unionists in particular, because Unionists of all parties, except perhaps one, have an electoral commitment on this matter. There are four stages on the road to Sinn Féin/IRA membership of an executive.

Mr M McGuinness: On a point of order, Mr Initial Presiding Officer. Would you point out to Mr Robinson that there is no such organisation as Sinn Féin/IRA in the Chamber?

11.45 am

The Initial Presiding Officer: I am afraid that it is rather difficult for me to rule in respect of the way Members address each other, unless it is perfectly plain that they are using disreputable and unparliamentary language. Members do not always refer to each other as one might wish. I register that, but I am not sure that I can rule in the way that the Member wants me to.

Mr M McGuinness: Further to that point of order. I take exception to the remark. When I came into this Chamber I was asked to sign a book, and after my name I put the name of my political party and a designation of Nationalist or Unionist. I did all of that, and at no stage in the process did anyone from my party sign as Sinn Féin/IRA. For that reason we take exception to the use of this language, and I wish you, as Initial Presiding Officer, to point out to Mr Robinson and to anyone else using that term that they are totally out of order.

The Initial Presiding Officer: I can certainly confirm that the Member and his Colleagues signed the book in precisely the way that the Member has described. There is no question about that, and, as far as I am aware, when the Member stood for election he did so in the same way. However, the Member is asking me to rule that other Members are out of order when they choose to make a certain reference. That is a problem for me, because one of the purposes of having absolute privilege in the Chamber is not to enable people to say things which they could not say in other places but to enable them to be free to say what they believe.

As long as the language used is not unparliamentary, I have to adhere to the principle that allows a degree of freedom of speech — and that privilege is accorded — and it would be difficult for me to make a ruling that would accommodate the Member's request. I know that this is unwelcome, and other Members in the Chamber have found rulings which I have given on matters not altogether different from this unwelcome, but I do not think that there is anything other than I can do under the current Standing Orders.

Mr M McGuinness: Further to that point of order, Mr Initial Presiding Officer. I consider the language used to be unparliamentary, and I would like you to rule it as such.

The Initial Presiding Officer: I can understand that you may. I have been asked to rule on other matters — for example, in respect of comments that have been regarded as deeply unflattering and discourteous to women Members — and I have looked into them as best I can and have found myself unable to rule on them.

Some of what has been said in respect of women Members has been regarded as discourteous and unflattering, and manifestly so, and I said so at the time. However, it remained within what is parliamentary. If an inaccurate description is being used, that does not make it unparliamentary. Even if the Member regarded it as unflattering and discourteous to be referred to in that way, that would not make it unparliamentary. However, if the Member is saying that there is some accusation in the reference, that makes the matter somewhat complex, I will try to look at it as best I can.

Mr M McGuinness: Clearly in the Member's remarks an accusation is being levelled at my party, and the Initial Presiding Officer has indicated —

Rev Dr Ian Paisley: On a point of order, Mr Initial Presiding Officer.

The Initial Presiding Officer: I cannot take a point of order during a point of order.

Rev Dr Ian Paisley: He did not say "a point of order".

Mr M McGuinness: The Member should wait until my point of order is finished.

Rev Dr Ian Paisley: He did not say "a point of order".

Mr M McGuinness: I said "a further point of order".

Rev Dr Ian Paisley: The Member did not.

The Initial Presiding Officer: Order. Had I not believed it to be a point of order I would not have taken it because it would have been an intervention during Mr Robinson's speech. I am taking it as a point of order, and then I will take Dr Paisley's point of order.

Mr M McGuinness: I have made my point. Quite clearly, in the course of the Member's contribution, a serious allegation was levelled against 18 Members of this House. As Initial Presiding Officer, you have indicated that if accusations were levelled, you would have to consider the matter further and take a view on it. I now wish you to do so.

The Initial Presiding Officer: Any time Members have raised questions and asked me to look at them, I have done so to the best of my ability and reported to the next Assembly sitting. I will do so again in this matter.

The Member made one remark which needs a brief response. It is established and accepted practice that a remark made in respect of a party does not carry the same kind of connotation as one made in respect of an individual. When the Member said that in making a remark about the party as a whole accusations were being levelled against 18 individuals, it is my understanding that, in parliamentary terms, that is not the case and that remarks which might be made of a party cannot be judged at the same level and in the same way as remarks which were levelled in respect of an individual. It is important that I point that out.

However the Member has made a request, and I respect that request. I will look into it, and I will respond and give a ruling at the next sitting.

Mr M McGuinness: Further to my point —

The Initial Presiding Officer: I am afraid that, in the order of things, I must take Dr Paisley.

Mr M McGuinness: This is an important point.

The Initial Presiding Officer: Would the Member please resume his seat. Dr Paisley's was the next point of order and after that — if there is a further point of order — I will take it.

Rev Dr Ian Paisley: On a point of procedure, Sir. Surely a Member cannot rise up after making a point of order and start a discussion on the ruling made by the Chair. It must be prefaced by the words "On a further point of order". The Member did not do that. He thought he would just carry on his conversation with the Chair. I am pointing out to the House, and I think you will agree with me, that even if we are on a point of order, I can only address the Chair if the Chair takes a further point of order from me.

The Initial Presiding Officer: There is no doubt that the Member is correct. That is the proper way to handle things. I confess that in these early months, I have largely accepted the fact that many Members will be less experienced than he in these matters and will be learning. I have no doubt that what he has said — and it is absolutely correct — will be taken on board by other Members and that they will respect that.

Mr M McGuinness: Further to the point made by the Initial Presiding Officer in relation to whether or not an accusation is made against an individual as opposed to a political party, the Initial Presiding Officer should take on board very seriously indeed the fact that Sinn Féin has lost many of its members as a result of people being killed. A climate has been created on the outside whereby Sinn Féin was demonised, whereby it was effectively set up, whereby people like John Davey and Bernard O'Hagan — elected Sinn Féin councillors — lost their lives.

The Initial Presiding Officer should consider that an accusation against a political party is possibly even more serious than an accusation against an individual, because it can affect the lives of so many more people.

The Initial Presiding Officer: I respect what the Member says. It will undoubtedly form part of my considerations. If Members wish to make points of order it would be helpful if they could begin by pointing out that they wish to raise a point of order. Otherwise the distinction between points of order and other interventions disappears — to no one's advantage.

Mr Dodds: On a point of order, Mr Initial Presiding Officer. We have privilege within this Chamber. Members who feel strongly about allegations regarding their links to and membership of the IRA should look at today's 'Daily Telegraph', where the Member who was on his feet is referred to as a leading member of the IRA's army council. Let us see if he sues the 'Daily Telegraph' instead of lecturing people here with his nauseating hypocrisy, given the murders that his organisation has carried out in the Province.

The Initial Presiding Officer: I hope that we will not find ourselves stretching questions of privilege in this place. Mr Robinson should continue with his intervention.

Mr P Robinson: I am grateful. That was an interesting distraction. I was not aware that Sinn Féin was so embarrassed and ashamed of its relationship with the IRA, particularly given the person who raised the issue.

He is a self-confessed IRA man. I have watched him on television confessing his IRA membership — a former commander of the IRA in Londonderry, at present a member of the IRA's army council. Let us see what he has had to say about his relationship with the IRA. I quote from the 'Irish News' of 23 June 1986:

“ 'Freedom can only be gained at the point of an IRA rifle' Sinn Féin's Martin McGuinness said at yesterday's Wolfe Tone commemoration”.

Mr Molloy: On a point of order, Mr Initial Presiding Officer. Of what relevance is this to the debate we have in hand? Surely the Member should be speaking about the report?

The Initial Presiding Officer: One of the difficulties is that interventions often cause a debate to stray from the matter before the House. If an intervention is made, it is difficult to blame the Member for responding to it. Let us try to focus on the point at issue.

Mr Molloy: You should be reminding the Member that he should return to the report in question.

The Initial Presiding Officer: I have been reasonably flexible and generous with quite a number of Members, given the points of order that have been raised. Even within the past 10 or 15 minutes, there has been a degree of flexibility and generosity in that regard. Therefore I do not feel able to move in the way you have requested me to.

Mr P Robinson: I find it quite touching that Mr “We'll go back to what we do best” Molloy is so interested in hearing my remarks on this report.

I was saying that there were four steps in the process towards membership by members of Sinn Féin/IRA in a Northern Ireland Executive. They are not debatable; they are not something that we, as an Assembly, can alter. They are set down in statute, and they are going to be taken. Indeed, some of them have already been taken.

The first step was the determination. A determination had to be made by the First Minister (Designate) and the Deputy First Minister (Designate), and that was effectively done on 18 December. It was included, in large part, in the report that was received by the Assembly on 18 January, and it is contained within this report, which includes an addendum. So the determination has been made, and there is nothing that the Assembly can do about it.

The second step is approval by the Assembly of that determination, and I will come back to that in a moment. The third step is the provision by the Secretary of State for Northern Ireland of the necessary Initial Standing Orders to enable us to run the mechanism. And the fourth step is the one by which the Initial Presiding Officer triggers that mechanism within the Assembly.

The first step has already been taken, and we need to recognise that, as far as Unionist Members of the Assembly are concerned, the only one of those four steps over which we have any control whatsoever is the present stage, the giving of formal approval to that determination.

Is there any Unionist Member brave enough to say that he trusts the Secretary of State to withhold those Standing Orders to avoid Unionists being placed in the embarrassing position of having Sinn Féin/IRA representatives in a shadow executive or a full executive? And is there any Unionist who would expect the Initial Presiding Officer to do anything other than fulfil his obligation to enforce those Standing Orders?

The Secretary of State has full power, under the Northern Ireland (Elections) Act 1998, to release the Standing Orders to the Initial Presiding Officer. He will then have an obligation. This will not be a matter of his choice — he will have no say whatsoever. He will have to act immediately on the new Standing Orders that the Secretary of State releases to him. So the only step over which Unionist Members will have any say is the present step.

Are they relying upon the SDLP's supporting them on a motion to exclude Sinn Féin/IRA from the Executive if they allow this step to be taken?

12.00

Anyone who believes that the SDLP is going to turn on Sinn Féin/IRA does not understand the nuances of Nationalist politics. Do they believe that the IRA might begin to decommission? It will certainly not begin to decommission under the terms that the Deputy First Minister (Designate) has suggested where it would be substantial and verifiable and clearly part of a process to completely decommission. Perhaps it is what they have been telling some of their colleagues around the corridors. There will be a scorched earth policy. They will allow this to go through but when it comes to the stage of appointing people they are going to pull the rug from under the Assembly, precipitate a crisis and bring the House down unless decommissioning has begun.

Do they really believe what their leader is telling them on this matter? Indeed, that might be an issue worth exploring. Let me ask the Ulster Unionist Members, who are going to take a key decision today, tomorrow or the next day, if there is any one of them who really believes that the leader of the Ulster Unionist Party is not prepared to sit down in a shadow executive or a full executive with Members of Sinn Féin/IRA before decommissioning has taken place. I would like them to put their hands up if they are prepared to risk their political careers and resign from this House if he does not. Let us see the hands go up from those on the Ulster Unionist Benches who trust their leader in that respect. Not one of them trusts him to do that. Not one of them is prepared to do it. They are not prepared to risk their careers by doing so, but they are prepared to risk the future of the Union by voting for this motion.

We all recognise that in our lives there are moments when we will take a decision that will have profound consequences. There are even occasions when it is of such profound consequence that it will have an effect, not only on ourselves but on all those around us. This is one of those occasions.

The way Ulster Unionist Members and others vote in this debate today will have consequences for the Union. They cannot escape those consequences. They cannot sometime in the future say "We were loyal members of

the Ulster Unionist Party, we faithfully followed our leader, and we did what he asked us to do." Now that they have been warned of the consequences they cannot say at some later stage that they did not know what the outcome was going to be. They have been warned what it is going to be. To vote for this report is to vote for the destruction of the Union and for Sinn Féin/IRA in government. They need not try to tell their electorate otherwise.

Mr Birnie: I welcome this report. On 18 January I focused mainly on the North/South aspect. Today I am going to turn to an equally important, equally valid aspect of the implementation of the Belfast Agreement — the British-Irish Council (BIC).

Before coming to that I want to say a few words about another element of this report — the Civic Forum. There are a number of key principles which we, as a party, believe are reflected in this report. We believe that in the structures for the Civic Forum there is indeed a wide representation of those groupings who have a reasonable right to be represented. There is transparency about the nomination and election procedures, and if there are problems in practice, there is written into them the provision for a review of the practice of the Civic Forum. What we wish to avoid is a situation where members of the Civic Forum have what a Conservative Prime Minister of the 1930s, Stanley Baldwin, referred to as "power without responsibility: the prerogative of the harlot throughout the ages". We do not want that to apply to the Civic Forum, and we believe that the structure, as offered, will safeguard against that.

It is said currently that some of the difficulties being felt in south-east Asia, in terms of the economic crisis, relate to so-called crony capitalism. The provisions in the report ensure that the Civic Forum will not be subject to crony corporatism. The report envisages that not only will the North/South Ministerial Council meet in so-called shadow form, but so will the British-Irish Council. They will meet at roughly the same time. We hope to have parity of esteem on issues such as the size of the secretariat to the British-Irish Council relative to that for the North/South Ministerial Council, and on the location for a permanent support secretariat for the BIC.

At the shadow meeting stage, the BIC will consist of representatives from Belfast, Dublin and London, and the smaller islands. We shall have to await representation from the devolved administrations in Scotland and Wales. Perhaps much further down the line English regions will be represented. In the interim, we in the Ulster Unionist Party are making our best efforts to seek the opinions of political parties and leaders in Scotland on the working of the BIC and are giving them our opinions.

The effort to get the BIC up and running and to formulate its procedures, which is mentioned in the

report, is a complex matter but it is also a noble endeavour. We will keep in mind international precedents, and notably the Scandinavian example, the Nordic Council. Decision making in the British-Irish Council is to be by consensus. That can work, as the Scandinavian example demonstrates.

The BIC will have to settle the conundrum of who speaks for England. We will have to ensure that whatever procedures are adopted to represent English interests within the BIC, the views of the 50 million or so residents of England do not swamp the views of the 14 million residents of the so-called Celtic fringes.

The report refers to a work programme for the British-Irish Council. I welcome that prospect, and the Ulster Unionist Party has strong views on the matter. According to IDB figures, between 1991 and 1996, the sale of manufactured goods from Northern Ireland to the Republic of Ireland increased by 60%, whereas those going from Northern Ireland to Great Britain increased by only 22%.

It is against that background that we will be anxious to use the BIC to facilitate trade links between Northern Ireland and its largest external market — the rest of the United Kingdom. In that regard, I commend papers that were produced last month by the regional Confederation of British Industry on the issue of east-west transport and business proposals under strand three of the Belfast Agreement. We should look at the pricing, efficiency and frequency of sea links between Northern Ireland, Scotland, north-west England, and at the onward road and rail communications to London and the channel ports.

The Belfast Agreement stresses mutual benefit as much in the context of strand three as in the context of strand two, which we discussed previously. For example, the Dumfries and Galloway region of Scotland is well known to Northern Ireland people in terms of tourism. People from here visit places such as Ayr and Dumfries. It is one of the historic parts of Scotland and contains the homes of such great Scots as Sir Walter Scott, Thomas Carlyle and Robbie Burns, or Bobbie Burns as the Taoiseach referred to him in a speech in Edinburgh last October. For all that, that part of Scotland is considered peripheral, relative to the central belt area containing Edinburgh and Glasgow. It has some of the highest unemployment and lowest gross domestic product per head of any part of Scotland. So perhaps they have as much to gain by having stronger links across the Irish Sea as we have.

Turning to Merseyside, Liverpool's economic problems are well known, and, indeed, parts of that region have the same objective status, at least at the moment, as Northern Ireland has. Anything that would revitalise the ports of north-west England would be just as good for that region as it would for Northern Ireland. Indeed, the

north-west English region of the Confederation of British Industry (CBI), along with its counterpart in Northern Ireland, are campaigning along those lines.

As Edmund Burke said — I know that Ulster Unionists who quote him are sometimes upbraided for it, but he was a great Irishman and a great British parliamentarian, and the two need not be incompatible —

“England and Ireland may flourish together. The world is large enough for both.”

I am glad that, last October, Bertie Ahern was in Edinburgh opening a Republic of Ireland Consulate. Indeed, there is also one in Cardiff now. I look forward to the day when the normalisation of north/south relations between Northern Ireland and the Republic of Ireland ensures that we also have a Republic of Ireland Consulate in the centre of Belfast.

The British-Irish Council is, in part, visionary; it is, in part, practical. It recognises the strength of human and cultural connections between these islands. The great historian HAL Fisher, in his history of Europe, referred to its peoples as energetic mongrels, and given the behaviour of some Assembly Members, that description seems quite apt. The comment was to do with the extent of ethnic mixing, because there is no such thing as a “pure English race” or a “pure Irish race”. Those who believe there is have often been misguided, and have done terrible deeds on the basis of such ideology.

Such ethnic mixing is supremely so in the case of the peoples who live in the islands of Britain and Ireland in Northern Ireland, the Republic of Ireland, Scotland, Wales and England. The genius of those peoples derives in large part from such human mixing, and the British-Irish Council is the institution in the Belfast Agreement which best reflects that fact. I urge support of this report.

Mr Farren: As we all know, today's report brings us to the very critical, penultimate phase of the preparations required of the Assembly, prior to the formation of the Executive, the opening meeting of the North/South Ministerial Council, the transfer of power, the formation of the Civic Forum and the British-Irish Council. Despite the many late nights and the very difficult problems that had to be resolved during the negotiations on each of these matters, the overall result is one in which we can take considerable satisfaction.

Never before has such a level of agreement been reached between parties from the two main traditions in Northern Ireland, and between these parties and the two Governments in exercising ultimate responsibility for political relations in Ireland and Britain. To achieve this stage, signalled by this report, we have all had to travel very difficult paths. For some, the journey has been much more difficult than for others. I commend all those

who have accepted the need for the honourable compromises which the Good Friday Agreement, and all that has followed from it, have required. What those parties which have not accepted these compromises have demonstrated, as today's debate and previous ones have so frequently underlined, is that they have no capacity to produce any alternative with the remotest possibility of addressing the divisions in our society.

12.15 pm

On the contrary, they persist with a totally negative approach which is more likely to deepen and widen divisions than to provide bridges leading to agreement and reconciliation.

As a result of the compromises and the efforts of all the pro-agreement parties since Good Friday, we have put together a positive and remarkable blueprint for governing relationships in Northern Ireland, between North and South and between the people of Ireland and Britain as a whole. On the basis of that blueprint, we can begin mobilising our political resources to lead and support economic and social development, and, ultimately, genuine reconciliation in our divided community.

The hopes and expectations that were engendered by the Good Friday Agreement have been brought many steps closure to realisation. The opportunity to take responsibility for promoting economic and social reconstruction is at last within our grasp, but, as we all know, the challenges facing us are enormous. Economically, many sectors are showing significant signs of development, but to develop further they need a stable and peaceful political atmosphere. Other sectors continue to experience contraction and decline. In addition, unemployment persists at unacceptable levels, resulting in the marginalisation and poverty that are experienced by many. That sits uncomfortably alongside the affluence of others.

Peace and stability are even more essential if we are to attract inward investment, create new enterprises and provide for those who are affected by decline and contraction, the unemployed, the marginalised and a growing, young labour market.

In taking up all those responsibilities, which are eagerly anticipated by the wider society, many sectors of which will be joining us in this endeavour through their participation in the Civic Forum, we welcome the report's detail on that Forum and the detail on the British-Irish Council. We anticipate many benefits economically, socially and culturally within the context of the new political relationships that that Council will encourage.

As we audit what has been achieved since Good Friday, we note that decommissioning remains the issue upon which hardly any progress has been recorded. While decommissioning is not a precondition for progress

in any other area of the Good Friday Agreement, neither is the rest of the agreement a precondition for progress on decommissioning. I want to see the whole question of decommissioning removed as a matter of controversy and left to the international body, as laid down in the Good Friday Agreement.

Mr Roche: Will the Member give way?

Mr Farren: I will not give way.

I concur with many Members who have been calling for the matter to be treated in precisely that way, but that can only happen when there is confidence that the process is under way. I recognise that the absence of any report which would clearly signal that the decommissioning body is making progress speaks for itself.

There is nothing for the international body to report, apart from the destruction of some LVF weapons and explosives before Christmas. I trust that Gen de Chastelain and his colleagues will soon have matters of more substance to report on decommissioning.

The exclusively democratic and peaceful means of resolving differences on political issues and the opposition to any use or threat of force by others for any political purpose, to which all pro-agreement parties voluntarily subscribed, can only mean that we continue doing all in our power and influence to rid society of illegally held arms in the possession of paramilitary organisations.

Using whatever power and influence that we have to this end is one of the fundamental tests of our commitment to what the agreement states to be exclusively democratic and peaceful means of resolving differences on political issues. It is a test we must meet as constructively as possible in order to instill the confidence and trust essential if the institutional blueprints before us in today's report are to become the realities for which we all hope.

In the past week there has been talk of where some who are here today believe we will be in 15 years time. I would like to think that by then we will be living in a totally peaceful, much more reconciled, more united and more prosperous society than the one we are living in today. If we are, it will be because we have implemented all aspects of the Good Friday Agreement. Indeed we will arrive at such a situation only by laying foundations today which are firm, just and equitable; foundations that respect and honour all traditions, and which, above all, are fundamentally informed by democratic and peaceful values.

Mr Presiding Officer and Members of the Assembly, I commend the report and the determination it contains as an essential step towards bringing this about.

Mr Adams: A Chathaoirleach, ar dtús, mo bhuíochas leis an Chéad-Aire (Ainmnithe) agus leis an Leas Chéad-

Aire (Ainmnithe). B'fhéidir gur cuimhin leat mé ag rá ar an lá a fuair muid an tuarascáil, go raibh a lán rudaí inti nach raibh Sinn Féin sásta leo.

Ach táimid sásta go bhfuil dáta cinnte inti nuair a bhéas David Trimble ag cur moltaí chum tosaigh —
[*Interruption*]

Mr Maskey: A Chathaoirligh —

The Initial Presiding Officer: Order.

Several Members: A point of order.

The Initial Presiding Officer: I will take a point of order from Ms Morrice, as she was the first person to catch my eye.

Ms Morrice: Mr Initial Presiding Officer, there is some commotion in the Galleries to which I would like to draw your attention.

The Initial Presiding Officer: I am grateful to you for drawing that to my attention. I am finding it difficult to hear the points of order coming from all areas. Mr McCartney had a point of order, as did Mr Neeson and then Mr Maskey.

Mr McCartney: Further to the point of order that has just been made, Mr Initial Presiding Officer. I do not agree at all with the politics of Mr Adams, but I do think he has a right to be heard.

The Initial Presiding Officer: That is unquestionably true.

Mr Maskey: A Chathaoirligh, you are aware that this matter was raised at a recent meeting. I urge you to declare now that the Gallery be quiet or be cleared. This is totally unsatisfactory. It is your duty to clear the Gallery if people persistently come there to try to disrupt democratically elected Members who are trying to speak on behalf of their constituents. Perhaps you might need assistance to do that.

The Initial Presiding Officer: The point the Member raises is absolutely correct, and if there is any further commotion whatsoever from the Gallery I will have no option but to clear the Gallery as a whole. That must be clear to Members. Those who come to the Galleries to observe the proceedings are very welcome to do so, but if they start making a noise they are attempting to participate in the proceedings, and that is another matter altogether — one that is completely out of order and unacceptable. I hope that that will be taken into account, and if there is any further commotion, the Galleries will be cleared until at least after lunchtime.

I apologise to Mr Adams. I was trying to ensure that I heard the translation of what he was saying. My apologies if I was not sufficiently attentive to the other matter.

Rev Dr Ian Paisley: Further to that point of order, Mr Initial Presiding Officer. Will the Chair make it clear that visitors to the House, unless they are accompanied by a Member, cannot walk along the corridors with notebooks writing down the names that are on doors, and opening doors to find out who are in the rooms. I have raised this matter with the authorities, as the Initial Presiding Officer knows, and the next time this happens, the people in their rooms will have no option but to forcibly remove these people from the corridor. Are we being set up by people who roam freely the corridors of the House, taking down names and the numbers of the rooms?

The Initial Presiding Officer: The situation in respect of regulations for the conduct of visitors to the building is very clear indeed. There are some public areas, the principal one being the Central Hall. Visitors are permitted into the Central Hall but they cannot go elsewhere, even if they have passes, unless they are accompanied by a passholder. That is very clear. If there are occasions when the regulations are broken, and it ought not to happen, I would be grateful if these were drawn to the attention of the doorkeeping staff and, indeed, to the attention of the Keeper of the House. The regulations are very clear indeed.

Mr McGrady: On a point of order, Mr Initial Presiding Officer. If — and I hope that it will not happen — you are called upon to exercise your authority in order to deal with disorder in the public Gallery, will you bear in mind that most of the people who visit the Chamber are exceptionally well behaved. I hope that your remarks and instructions will be directed only towards those who are causing the disruption.

The Initial Presiding Officer: I accept entirely what Mr McGrady said. It is rightfully said; it is well said. All visitors have a duty to respect the rules that have been set down and, indeed, which are pointed out to them when they come. It is difficult enough for me to keep order in the Chamber and keep an eye on Members; it is quite impossible for me to sort out matters in respect of visitors in the Gallery. Therefore if there is a commotion I have no option but to clear the Gallery as a whole, though that would be regrettable. I hope what I have said makes the position clear, and that it is not necessary to do so.

Mr C Wilson: On a point of order, Mr Initial Presiding Officer. The House should be mindful that in the public Gallery today there are families who have suffered as a direct result of Sinn Féin/IRA violence — people some of whose relatives not only will not be heard from again but cannot ever have their voice heard in the Chamber. It is in that regard that we should question whether a small disruption is so totally out of place.

The Initial Presiding Officer: Let me be very clear. One of the purposes of parliamentary procedure is to

ensure that no matter how strongly Members feel about issues — and many Members have many reasons to feel very strongly about things that are said or done — their behaviour is kept within the bounds of procedure and proper rules and regulations.

While I have no doubt that many people have reason to feel strongly, particularly about the matters that may be dealt with in a Chamber of this kind, this cannot be an excuse for breaching regulations and rules that are properly set down. They must apply in the Chamber to Members, to the visitors Galleries and, indeed, to the press Gallery.

Rev Dr Ian Paisley: Further to that point of order, Mr Initial Presiding Officer. Surely in another place, when an interruption takes place in the Gallery, there is no attempt to clear it. The person who interrupts is taken out by those in charge of the Gallery. I would like you to give us a ruling. Can a Member bring 13 adults and a child into the coffee room that is supposed to be for the use of Members? Is that in order? Is that the way this place works?

The Initial Presiding Officer: Let me deal with the first question that you raise. It has been the fact that, on occasion in the past, some visitors in the Gallery have made a noise or other commotion. In some cases it was merely people getting a little excited; in other cases they were conversing rather too loudly with their neighbours. It was not always malign. That matter was pointed out by the doorkeeping staff who attended to it, and everything was fine.

12.30 pm

It was also clear — and I sought and received a report on this — that a number of visitors came, not on their own, but in a group with the clear intention of creating a commotion. The doorkeepers made it clear that such behaviour was not acceptable. Unfortunately, when those visitors were leaving, they upbraided the doorkeepers in a thoroughly unpleasant, inappropriate and unacceptable way.

I appreciate what Dr Paisley and Mr McGrady have said — that most visitors have an interest in what is happening in the Chamber and behave properly. Unfortunately, if there are visitors who create difficulties that the doorkeepers cannot deal with on an individual basis, I must deal with the situation by clearing the Gallery, for it is not possible for me to begin to identify individuals.

In respect of the other matter which Dr Paisley asked me to address, the rules with regard to the coffee lounge and other places are also quite clear. I must beg Members' indulgence. It is hard enough for me to deal with points of order that refer to what happens in the Chamber and in the Gallery, but to make an immediate ruling on a point of order about what happens in the

coffee lounge does create some difficulty. The Member has quite rightly raised this matter, and I will ask the Keeper of the House to go to the coffee lounge and deal with the situation as appropriate.

Mr Adams: First, will I be permitted to finish my remarks before the lunch break?

The Initial Presiding Officer: Yes.

Mr Adams: Secondly, I do not mind the noise in the Gallery. It struck me as some sort of strange virus, like DUP flu, for instance, because what was happening in the Gallery was merely an echo of what was happening on the Benches opposite. With all the focus on the Public Gallery, the point was missed that these Gentlemen, and one Lady, have always conducted themselves in this way. At some point, Mr Initial Presiding Officer, you should call them to order.

Bhí mé ag rá, sular cuireadh isteach orm, nach raibh Sinn Féin sásta leis an tuarascáil ach go raibh muid sásta go raibh dáta cinnte inti nuair a bhéas David Trimble ag cur moltaí chun tosaigh.

Tá an lá sin buailte linn inniu agus tá na moltaí romhainn: sin rud maith. Is céim thábhachtach í, agus sílim nuair a bhéas an díospóireacht seo críochnaithe — amárach nó Dia Céadaoine — go gcaithfidh Rialtas na Breataine céim eile a ghlacadh leis na h-institiúidí a bhunú.

When Sinn Féin first received the report about one month ago from the First Minister (Designate) and the Deputy First Minister (Designate) — and I thank them for today's report with its determination — it had a number of reservations, and those reservations stand. Some of my Colleagues will deal with them later in the debate.

We objected, for instance, to the absence of a Department of Equality, a very negative step; to the illogical fracturing of education into separate Departments; to the failure even to mention a junior Ministry with responsibility for children; and to the fact that in December the implementation bodies were diluted during the negotiations. Sinn Féin feels that much less was achieved than should have been.

Sinn Féin also has reservations about the Civic Forum. That was to empower civic society and involve people in a whole range of important issues.

Sinn Féin approaches these reports and this determination in a strategic way. It wants to see a new society on this island. It wants to see the Union ending. It wants to see — and this is only possible in that context — the aged taken care of, young people given opportunities, agriculture dealt with, and all those who are disadvantaged and oppressed being helped. Only when that happens will the Members opposite be

liberated in terms of their sense of who and what they are.

This determination comes at a very important point for Unionism, and I want to address the rest of my remarks to where Unionism is now. The power, the influence and the monopoly on the affairs of this island, which Unionism used to represent, is gone. It is over, done with and gone. Some Unionists know this, and they accept it. Perhaps they even welcome this development. Some do not know, and they are the ones who cry the loudest like empty vessels. They do not know that the old days are over, that the old agenda has failed. In many ways, they are more to be pitied than to be scorned.

Others know this too, and they have great difficulties accepting the consequences of the changes that are coming or accepting their responsibilities for this new era. Or, at an intellectual level, they do accept that changes are needed, but emotionally they have great difficulties. This should be easy for Republicans to understand. They too have experienced a roller coaster of emotional and intellectual turmoil, but from a totally different basis. We want to try to be agents of the changes that are required. We want to try to be part of the transformation that is required if a real and lasting peace with justice is to be established.

Some Unionists may hark back to the old days, the heady memories of Brookeborough and Carson, or even the ghosts of O'Neill and Faulkner. And there is an understandable interest in how the Ulster Unionist Party will vote, and what size the Unionist vote led by Mr Trimble will be. However, that is to miss the point, to miss what we have been trying to do and what we want to do. This is as difficult for the representatives of Sinn Féin and for the wider Republican constituency as it is for Unionists. The point is that no matter what our party political and ideological differences are, no matter the difficulties, the hardship and the grief that we have all come through, the new dispensation under the Good Friday Agreement divides us into pro- and anti-agreement camps.

If he implements the agreement, Mr Trimble, in his capacity as First Minister, has the support of over two thirds of the parties represented here. That is his own party, the SDLP, Sinn Féin, the Women's Coalition, the Alliance Party and the Progressive Unionist Party. That is the new potential in all of this — not just looking over our shoulders at some fracturing of Unionism. Mr Trimble, as he implements the agreement, must uphold the rights of all citizens and respect the democratic mandate of all parties. There must be no more second-class citizens within this island. On these issues, the pro-agreement parties are in the majority and have a clear mandate from the vast majority of people on this island who are, to a man and woman, on the same side.

It is difficult for me to contemplate being on the same side as the Ulster Unionist Party. It is difficult for them as well, but that is the reality. David Ervine said that it is also difficult for the Loyalist people, and I recognise that. In all of this, we have to look to the future. This is an important day, and this Assembly is going to clearly and decisively vote for this determination and this report. Sinn Féin, despite our reservations, is also going to vote for it. After that there needs to be speedy movement — *[Interruption]*

Bob McCartney is attempting to intimidate the Member behind him.

Since last summer we have been waiting for these institutions to be put into shadow form. We want to see moves made speedily to allow these institutions to assume shadow form, so that power can be transferred from London and Dublin on 10 March.

In response to the remarks made by the First Minister (Designate) and the Deputy First Minister (Designate), I would like to say once again that Sinn Féin remains totally committed to every aspect of the Good Friday Agreement and to restate Sinn Féin's commitment to that agreement.

Of course, this could be a messy debate, given the juvenile, schoolboyish and schoolgirlish antics of those on the Benches opposite. They provide light relief on what could, otherwise, be a boring day. But when the debate is finished, the Assembly will have sent a very clear message to the world that it wants the Good Friday Agreement to be implemented. The onus will then clearly be on the British Secretary of State to trigger the d'Hondt system, so that real power can be transferred from London and Dublin.

Sin é. Sin an méid. Mar a dúirt mé ar dtús, níl muid sásta le achan rud sa tuarascáil seo, ach táimid ag vótáil ar a son.

The sitting was, by leave, suspended from 12.41 pm until 2.00 pm.

Mr Neeson: I generally support the report from the First and the Deputy First Ministers (Designate). Some Members have complained about a delay in the presentation of the report, and I share these concerns. The report did not arrive a day late — it arrived about three and a half months too late. While the deadline of 31 October has been missed, I sincerely hope that the deadline for the transfer of powers to the Assembly will be met. I hope that by 10 March the Assembly will be well on its way to assuming the role for which it was formed and Members on their way to assuming the duties which, as elected representatives, they have been tasked to carry out.

There is great expectation in the community at large about the prospects for the Assembly, and for its

working for people regardless of their age, religion, gender, ethnic origin or disability. One important thing that could well develop once the Assembly is fully working — and I hope it does — is that more young people in Northern Ireland may be encouraged to become involved in politics. Clearly this morning's events would not encourage that, but on occasions, such as when there have been delegations to Ministers on integrated education and the extension of the natural gas pipeline, the political groups in the Assembly have shown that they can work together on the bread-and-butter issues.

It is up to the Members of the Assembly, collectively and individually, to ensure that we deliver, and deliver on time. Both Governments are working at full steam to ensure that the necessary legislation will be brought forward on time. I commend this, and I hope that developments inside and outside the Assembly will progress in parallel with the efforts of both Governments to ensure that full devolution is delivered.

Since the initial presentation on the restructuring of the Departments was made I have reflected, and I think that there are a number of issues which need to be seriously addressed by those who produced the report. For example, the Education Department is going to be responsible for appointments to education and library boards. Some Assembly Members have already been contacted by the various libraries expressing concern that libraries have been put into the Culture, Arts and Leisure Department.

No doubt this was a balancing act. I have long believed that tourism should have been included within the Department of Culture, Arts and Leisure. I suppose that they have included Libraries in that Department in order to balance things out. That is no way to structure Government Departments. I appeal to those concerned to give further thought to this.

I strongly believe that the Environment and Heritage Service, which is currently in the Department of Environment, should have been included in the Department of Culture, Arts and Leisure because of its responsibility for archaeology and other heritage-related functions. I ask for that to be considered. Also, when we talk of museums we are talking about galleries as well.

As far as the six areas for co-operation and the implementation bodies are concerned, the Alliance Party would have preferred to have seen more implementation bodies established, even at this time. Clearly this was a point of dispute between the SDLP and the Ulster Unionists when they were working out their deal.

Energy should have been included in the areas for co-operation. As I said earlier, an all-party delegation met with the Minister to discuss the extension of the natural gas pipeline, and this is a clear example of where

good North/South co-operation can lead to developments which can benefit people on both sides of the border.

One of the most important functions of the Assembly is to establish the scrutiny committees. Various Members talked about a "stitch-up" between the Ulster Unionists and the SDLP, and I hereby give warning that I do smell a rat. There will be 10 Departments, and I strongly believe that there should be 10 Committees to scrutinise them. Equally, I would like to think that there will be Committees to scrutinise the functions which will be brought to the centre — equality, community relations and the major issue of Europe.

It is in the best interests of the Assembly to have an all-inclusive approach towards the scrutiny of the legislation which will come forward. There are 108 Members in this Assembly, and it is important that every Member be involved in the scrutiny committees. It is important that all Members have ownership of the powers which will be devolved to the Assembly.

Regrettably, the question of decommissioning seems to be the next major obstacle that we have to face. The polls in the 'Belfast Telegraph' clearly showed the public's concern on this issue. We have heard what Bertie Ahern said at the weekend. John Bruton, at the Fine Gael ardfheis, made similar comments, as did most of the political leaders here.

We have got to remember that there are no preconditions in the Good Friday Agreement to entry into an executive. However, we are almost 10 months down the line from when the agreement was reached. There is a strong moral obligation on the paramilitaries, whether Republican or Loyalist, to start actual decommissioning. I realise that it is a difficult issue. The International Commission on Decommissioning was established by the agreement to deal with the question of decommissioning, and it should remain with that body.

I repeat the suggestion I made last week: to ensure a win/win situation, and not a win/lose situation, it is important that David Trimble, the leader of the Ulster Unionists, and Gerry Adams, the president of Sinn Féin, get round the table together. If that could be facilitated by Gen de Chastelain, there are possibilities there. They have to be explored now if we are to achieve devolution by the 10 March deadline.

As we all know, the DUP amendment is simply a ruse to split the Ulster Unionists. Those who make some of the strongest statements about paramilitary connections should read yesterday's issue of 'Sunday Life' before making any future statements. The determination of the report is important, and I look forward to the full devolution of powers on 10 March.

Mr R Hutchinson: The motion represents a further weakening of the Union. For the past 30 years, under the impact of the terror of Ireland's physical force exponents, the balance between Unionists and Nationalists in Ulster has increasingly tilted in favour of the Irish Nationalist agenda.

We in the Northern Ireland Unionist Party will vote against this motion, not because we do not believe in peace but because the people who elected us would have no future in a united Ireland that was achieved by terrorism, ethnic cleansing and political coercion. The Unionist people would have ceased to exist. The evidence of our eyes, the experiences that we have lived through, and the fact that the wonderful and high-flown sentiments to which Nationalist politicians such as those in the SDLP, or, indeed, those in Sinn Féin/IRA who are engaging in the present charm offensive, bear no relationship whatever to the sufferings and abuse that have been inflicted on Unionists in pursuit of the objective of Irish unity.

All those things teach us that the romantic illusion of a united Ireland is undercut by the sordid reality of cruelty, lies and deception. Actions of the most savage and reprehensible kind, about which Irish Nationalists have taken up a stance of collective denial for too many years, have resulted in the Unionist population of Ulster being subjected to a brutal and efficient campaign of terror. Too often we have had to stand at the open graves of murder victims and listen to ministers of religion telling us that the victim had been cut down by a savage act of mindless violence.

Those who said that the violence was mindless were wrong, however well intentioned they may have been. The assertion that the bombings and the killings were mindless conceal the fact that the violence was part of a cold-blooded, callous strategy based on the vicious principle that violence pays and, in the case of Ireland, that unity necessitated its use.

While Irish Republicans pursued their objective by physical force, constitutional Nationalists sought the same objectives by a process of gradualism. The motion represents the triumph of the policy of gradual Irish unification. In case the Unionists fail to follow through by committing collective suicide, the arsenals and the explosives will be retained. There will be no decommissioning until it is adjudged that the momentum towards Irish unification is irreversible. The violence was never mindless. Even the most devilish and satanic acts, as the media described them, could be subsumed within the overall strategy because such acts terrorised and intimidated people who did not understand the role played by the fanatic in the Irish struggle.

Some weapons that are essential to the maintenance of control over Republican areas are in circulation. The remainder of the terrorist arsenals are stored away. The

cynical calculation is that the IRA can get more out of the current situation by political means than by the application of physical force.

2.15 pm

For the moment politics is more advantageous to the cause of unification than slaughter but the high priests who served Mother Ireland are ready to begin the ritual of human sacrifice again. Thousands of innocent lives are under threat and could be sacrificed if dark clouds arise to threaten the cult's new dawn.

If the Unionists renege on their commitment to the all-Ireland peace process then the arsenals would be made available to those who have signed up to the physical force tradition. These Republicans understand that the machine that drives forward Irish unification operates on a trigger mechanism.

The SDLP is well aware of the gains that violence has made for Irish unity, but its conscience is clear. Its liturgical condemnations of violence are a matter of public record. The SDLP has to make a choice between a stable society in Northern Ireland in which people who may have acute differences of culture and religion can nevertheless live together as neighbours and its aspiration for a united Ireland. Faced with that choice, the SDLP invariably sacrifices stability now for its dream of a united Ireland. The SDLP is into denial about the extent to which its united Ireland policy contributes to the polarisation in this society.

The Northern Ireland Unionist Party rejects this motion setting up cross-border bodies, not only because they are an extravagant waste of money and make no economic sense but also because the sole rationale behind these functional institutions, which aim at a united Ireland through bureaucratic structures over time, are based on an Irish Nationalist agenda which is dangerously flawed, and has heaped untold misery on Northern Ireland over the last 30 years. The SDLP has put its Nationalist ideology and aspiration before the common good. The SDLP has preferred to tolerate deepening polarisation within Ulster as the necessary price to be paid for a united Ireland in some distant future.

The Belfast Agreement, which we in the Northern Ireland Unionist Party reject, represents a triumph for the SDLP's gradualist approach to Irish unification.

The SDLP is in effect saying to Sinn Féin/IRA through the Humes-Adams relationship "It is our view that movement towards Irish unity can be advanced through cross-border bodies and the increasing involvement of Dublin in the everyday life of Northern Ireland, rather than by more years of murder and mayhem."

We are clear in our minds and in our analysis, which is why we will reject this motion today. We recognise

that the violence of the IRA was never mindless. Note the importance of the statement made in 'An t-Oglach', the official journal of the Irish Republican Army in 1967:

"Our strategy must be the perfect blending of politics and violence (political action and military force) at the most opportune time and under the most favourable circumstances."

Only four years later Robert Moss, in his book 'Urban Guerrillas', was able to set out in outline or overview a more detailed appraisal of the IRA's intentions. In March 1971 the Provisional IRA was claiming, according to Moss, that they had formed a terrorist organisation in Ulster capable of a protracted campaign; that that campaign would lead, firstly, to the fall of the old Stormont Parliament and, secondly, to direct rule from Westminster; that the IRA campaign would divide Ulster into Roman Catholic and Protestant zones; that the IRA would mount a programme of selected assassinations.

Then the IRA forecast that all of this strategy would — to quote Moss —

"clear the way for the unresisting absorption of Ulster into a united Irish republic".

No one can read those strategic predictions without a cold shiver going down the spine. Think of the thousands murdered and injured because cold-hearted, callous, cynical and brutal men deliberately set out to sacrifice victims, lives and limbs in order to unify Ireland.

They fly in the face of the history of this island, which is a history of cultural difference and legitimate political division in spite of all the wickedness to which it has been subjected. Unionist people have demonstrated resilience and perseverance throughout 30 years of terrorism. They will not readily surrender to either physical force or political coercion. Why should they?

In 1986 we got another insight into this cruel and violent strategy which blends physical force and political activism — the Armalite and the ballot box. It was Brendan Clifford who revealed in his writings that he had been an eyewitness to the setting up of the Provisional IRA by what he called respectable people in the Republic of Ireland. He has written, of that period, that the IRA was financed and supported in its initial phase by eminent people in all parts of the Republic.

The Initial Presiding Officer: I must ask you to bring your remarks to a close.

Mr R Hutchinson: I tried to convince them that they were mistaken in their estimate of the social character of the Ulster Protestants. It is a pity that the Republic's politicians and members of the IRA did not listen at that time.

I challenge those sitting on the SDLP Benches today: reject these men; kick them out of bed; come with those of us who are democrats; help us to create a peaceful state in Northern Ireland; and totally and utterly despise these people who have killed and murdered for years.

The Initial Presiding Officer: I must ask you to bring your remarks to a close.

Mr Agnew: There are many in the House and perhaps many outside among the public who will look upon this as a historic day. Either today or tomorrow we will vote on the report that will determine the future government of this our country. Either today or tomorrow we will choose between what some believe is going to be a solution to all our problems and what others believe is a transitional period on a road to a united Ireland.

This report is one that others believe will secure the Union and bring accountable government to Northern Ireland. Others even believe that voting to endorse this report will prevent something even more dictatorial being imposed by London and Dublin.

What we probably will end up voting for — if it is this report that we are going to vote for — is a report cobbled together during another time, the week before Christmas that coincided with the air strikes by the United States of America against Iraq. And that was preceded by the historic elections to this Assembly after the historic referendum result. One could say that living in Northern Ireland today is living through history.

Having been elected by good people who feel alienated and demonised politically by the great and the good in London, Dublin and Washington, I must say that it is a humbling experience to be here today. Warnings that many of us have consistently given regarding the Belfast deal have been ignored, but the fact remains that you cannot square the circle of democracy with armed, unrepentant murderers in government.

These particular people have a curious mindset. They say that we are wrong and have to change; that they are right and do not have to change; that we should forget about our past while they remember theirs. That is the mindset that we as Unionists have to deal with.

The G7 group pontificated again at the weekend about the Executive and parallel decommissioning. Where have we heard all of this before? Senior politicians who were involved in the "Yes" campaign with an insight into the thinking of paramilitaries tell us again that there is a crisis. What have we all been saying from the very start?

It is inconceivable to think of having representatives of psychopathic IRA serial killers in government. I remind everyone in the Assembly that any chain is only

as strong as its weakest link and that the weakest link in this process is the representation of heavily armed terrorists in this Chamber to whom the Labour Government have pandered and surrendered completely — and we have watched them do that. The total capitulation to these people will have many side effects for decades to come. The rule of law has now degenerated to the rule of farce. Violence has been shown to pay handsomely.

The precedent of an amnesty for future crimes has now been set with the Belfast deal. Who would have thought that after all the massacres and murders no one would serve any significant time in prison? The release on to our streets of some of the most violent men in Europe was degrading in the extreme for the victims of their crimes. I say with a heavy heart that those Unionists who negotiated the Belfast deal leave a dreadful legacy. I do not see what Unionism has achieved from this flawed agreement. Not one practical achievement has benefited the law-abiding Unionist.

Here we sit with the illusion of power, depending on Sinn Féin/IRA to denounce and reject violence. If President Clinton, Tony “O’Blair” — that would be a good name for him, and I suppose that it will be said to be a deliberate mistake — Bertie Ahern and all the other influential opinion makers cannot make Sinn Féin/IRA turn away from violence, what hope is there for an outcome to the pathetic pleadings for a token gesture on decommissioning by some Unionist leaders in the Chamber? Decommissioning is not the only issue. Some of us fought for election to the Assembly on more than the decommissioning issue. We object to people serving in government as of right.

Token gestures are meaningless. Many people have told Sinn Féin/IRA that their Semtex is not defensive and should be handed over. I suspect that there will be no decommissioning, no handing over of Semtex or other explosives. The illusion will be that everyone in Sinn Féin is doing his best to influence matters. Those Unionists who concluded the Belfast Agreement in 1998 betrayed all the efforts that were made by our gallant security forces over the past 30 years. They also betrayed all of those who lost their lives in the battle against Provisional IRA/Sinn Féin terrorism.

No wonder the victims of terrorism do not rate anywhere in this deal. Those who faithfully supported the Ulster Unionist Party since its formation in Northern Ireland have been betrayed. People have entered into negotiations with armed murderers to secure the release of IRA murderers and bombers. The rule of law has been undermined by agreeing to a virtual amnesty for terrorist crime. The RUC will be destroyed, and those actions have led to the demoralisation of the Unionist people.

Paddy Fox, the dissident Republican recently kidnapped by Sinn Féin/IRA, said

“I do not want to sit with a bag over my head for six hours.”

He was referring to a kidnap attempt. We should realise that nothing has changed. The Sinn Féin/IRA leopard has not changed its spots. The brutal murder of garda Jerry McCabe and the atrocious decision to drop the murder charges shows that in the Republic nothing has changed either. The same judiciary which for 30 years failed the people of Northern Ireland by not extraditing the murderers and escapees to Northern Ireland, has now failed the garda; and the McCabe family.

The shocking and brutal killing of Eamon Collins by the IRA should be a warning about the seriousness of the situation. There is no doubt that at the end of the debate Unionists will vote with Sinn Féin/IRA. It will probably be the third time in 10 months that they have joined together politically against the rest of the Unionist family. I repeat that. I take no pleasure in saying that. There is a danger that the Ulster Unionist Party and Sinn Féin/IRA will be inextricably linked because of this deal.

Is there a modern democracy anywhere where a minority has an equal say in government and where a section of that minority seeks to undermine the very institutions in which they have a very sizeable stake or share? I do not believe there is. These basic reasons, together with the fact that this is a process dependent on concessions to Sinn Féin/IRA terrorism, ensures that I will certainly be joining with those who are opposed to this report.

2.30 pm

Mr Ervine: As a well-known “traitor” and “betrayor”, I support the motion. My party has some reservations, some of which were outlined by Mr Cedric Wilson and, indeed, by the leader of the Alliance Party. The two large parties need to be aware that consultation does not simply mean having a chat and then doing what one wants to do anyway. Cognisance needs to be taken of that.

It is important to look at how far we have come before we consider jettisoning our desire, our vision for the future, to join those who at some point it may be worthwhile considering using parliamentary privilege against. This has been building and building, and I am getting pretty sick of it. I emphasise the word “hypocrites”, and if they want to raise points of order during my speech I am happy that you facilitate them, Mr Initial Presiding Officer.

They need to remember, when they talk about honour, integrity and decency, how many of them had long and meaningful debates with me — when I was a representative not of the Progressive Unionist Party but of the Ulster Volunteer Force — in meetings all over the

country and, indeed, in some of their houses. I do not want to do it, nor do I want to give Nationalism or Republicanism a cudgel with which to beat Unionism, but I am not prepared to see the holier-than-thou attitude prevail.

I am neither a traitor nor a betrayer. I have a view that is different to theirs, and I may have reason for it to be different. It may be because of my sense of betrayal, or my sense of people having sent me, assisted me, talked to me, came with me part of the way, and then betrayed me. They washed their hands of people. They shout at Sinn Féin so that their constituency might see it. The cry might be “We beat them to death with DUP manifestos”. Who are they kidding? They talk about the seriousness of what faces this country.

The reality is we have come a long way. The ceasefires may not be perfect, but they are in place. Many make use of television or other media to criticise those who take serious risks, and all of that as the words “traitor” and “betrayer” are ringing in the ears of those with whom they have to work. I ask them to think very carefully about who they describe as being a traitor or betrayer. They should think very carefully when I lay my life on the line, which I am prepared and happy to do — not for the first time, I might add — for my country, and I do so in the belief that we can make a difference. Not that it will stay the same. I do not ever want it to stay the same, and if it were wonderful it would not be good enough — it would have to be better.

I believe and hope that that is the nature of politics. It is supposed to be made better by politicians. The louder the complaining, the more I concentrate on the paramilitary groups, the drug gangs, the house-breaking gangs — all the difficulties in this society, such as the massive number of one-parent families, the near meltdown of the agricultural economy, the situation where Christians make a virtue of hatred and where politicians have no art, rather than making politics the art of the possible. I wonder if I am alone in wanting it to be different. Am I alone in wanting it to change?

We have come a long, long way. There have been changes, even in the ideology, that people may not have recognised because they cannot see the wood for the trees. For them to identify the shifts or changes or schisms that exist between the ideology and the political reality of Sinn Féin would be an admission that perhaps there is hope, and they would not want there to be hope.

They walk past Carson, under Britannia; they sit in this House talking; they tore up the “green book”, but not many of them took the trouble to read it until recently, when they got elected and got the opportunity to let on that they had read it. They have no concept of the changes that can take place, of the will of the people, the desire of the people to live in peace.

I understand. Contrary to popular opinion, I do not live in “leafy land”; I have one small Housing Executive house, and I live in a solidly Loyalist housing estate. I have not had anybody shouting abuse at me. I wonder why.

A Member: I wonder why.

Mr Ervine: I wonder why. Could it be that they are all so fearful for the future of society that they are not telling me? They could always hide behind hedges and bushes, but they do not. And that tells me something: they are searching for, lusting after, some kind of better opportunity for the future.

All of us may be frightened. As we are in uncharted waters, why would we not be? No matter what tributary you face in life, the fear of getting it wrong is natural — of course it is — but you will never make anything or do anything unless you examine and explore the opportunities for the future.

That is what we did in Castle Buildings. But there were those who would not even explore the opportunities for the future. Listen to the opportunities for the future and then retreat if you will. But they would not even listen. And they did not listen because the fiefdom might be challenged, the fiefdom that has them shouting and screaming at Sinn Féin only for the television.

What they are really trying to do is upset the Ulster Unionists and turn themselves into the leaders of Unionism. Some of them want to be that; others are “cul-de-sac” politicians. I repeat what I said in October: there are two forms of “cul-de-sac” politicians — those who cannot and will not come out of the “cul-de-sac” and those who live in a “cul-de-sac” and are frightened that somebody is looking through the venetian blinds and saying “That is the one who let Gerry Adams into government.” That is the fear — the fear for themselves. They cannot be afraid for their children or grandchildren or they would be thinking about the future; they would have vision.

If we do not test Sinn Féin and the Provos, we will never know. We will have consigned this territory that we all profess to love to constant, bitter and brutal feuding until somebody with wisdom comes along and does something different. When the brutality has begun and we have begun to venerate the victims, we will be unable to stop the war. I have heard that from many people here; I have walked behind the coffins; I have had family members killed, and, indeed, there have been attempts on my own life. If all we had done was venerate the victims, how would we have ended the Second World War? How would we have gone on to have relationships with people that fought with my father, for instance? How often has it been said that soldiers fight only to end wars, not to perpetuate them?

A battle or a conflagration must end or the value in that conflagration only exists in having it.

There is a genuine opportunity to begin to use the process that we put together in Castle Buildings to deliver — to deliver the end of punishment beatings, to deliver decommissioning, to deliver accountable democracy, to deliver all of the things that every constituency signed up to, or it is not worth the paper it is written on.

But it is about more than that; it is about healing relationships, not only the fractured relationships between the North and the South and between east and west, but also the fractured relationships that have borders at the end of every street in some constituencies.

All that has to be begun, and if we cannot or are not prepared to set an example but are prepared only to chide and cough and play games, we will not get off first base.

Those with large egos who defecate from a great height will undoubtedly tell us that vision which is not founded in their sense of democracy is not vision at all. If our troubles were a couple of days old we could begin the process of putting the wrongs right. We could say that one thing happened as a reaction to another and attempt to put it right and seek apologies. But we have had 30 years of this, and if we play the game of constantly harking back — today we were as far back as 1967 — there will be no future, and those who advocated no and who want collapse at every turn have their part to play.

Ms McWilliams: On the way here this morning I passed Stormont Presbyterian Church, which I think has been sending us subconscious messages over the past few months as we drive to the Assembly. This morning the message said “God give me patience ... but hurry”. That message is truly meant for Members. We have waited long enough for this debate, and it is time that we made a determination to set up the Government Departments, the North/South bodies, the bodies for agreements between these islands, the British-Irish Council and the Civic Forum.

It is time that we gave the people of Northern Ireland some encouragement by doing what they said they wanted us to do in the referendum. The process has become stagnant. We are in a vacuum, and every time that happens it is the most vulnerable time in our society. The people who live at the interfaces of our communities face the outcome of that vacuum. Day by day, they are terrified that we will not reach a decision that will eventually bring peace to Northern Ireland.

We have that responsibility, and it is time that we implemented the agreement and moved to this next phase. It is the next step. Members have said that this is an important day. I hope that as we cast our votes in favour of accepting the report we realise the importance

of moving to the next stage. We still have irreconcilable differences that are repeated over and over again in the media, which concentrate only on the fears of politicians, and leave no time for what David Ervine has rightly called space for hope.

If that is all that we are sending out, day by day, it is little wonder that people are saying that if the referendum on the agreement was to be rerun, they might be tempted to vote no. All that we have fed them is a diet of what people are against. I know from life and from working on committees and organisations and in education, that it is easy to be against and much more difficult to be for.

Rev Ian Paisley spoke about the floodwaters that are running, but it is much better to irrigate land than to see it in a drought. The Member for the United Unionist Assembly Party asked the Ulster Unionists about their legacy, which he said would be dreadful. My view is that it is the only one. It is the legacy of consensus and of agreement, the promise that we will never again do to each other what was done in this country over the past 30 years. That is the legacy which I promise my children and their children, and the children of all those in the Chamber. That is the only way forward.

I want decommissioning — not because it is being forced, but because it is the honourable thing to do when we move out of war and towards peace. It is the only thing to do. However, the agreement speaks to other forms of arms being taken out of this country. I read over the weekend that absolutely nothing will be done about firearms regulations or small arms. I want all arms, large and small, the arms that kill people, to be controlled. The only arms I want are those that I use to write. It is time for reality to set in and for us to agree that that is the only way forward.

2.45 pm

We must set up that Executive. I support the G7 group. All Members may not agree with them, but at least they have put forward suggestions — for example, rather than just saying “leave them to do it”, they have suggested that there be decommissioning at the same time as the setting up of an Executive. It is one suggestion among many, and who are we to say that they should not make those suggestions?

We have a great deal of concern about some of the issues in this report, but in the spirit of compromise and consensus we are agreed that this is the report that is going to stand up.

Yes, I agree with the Rev Dr Ian Paisley that there may be room for more victims’ organisations to be represented on the Civic Forum. Many people have been affected by the troubles, and it is my belief that many of them will be represented on the Forum. However, if victims are going to get lost in the Office of

the First Minister (Designate) and Deputy First Minister (Designate), then I have serious concerns.

At present, victims come under Adam Ingram's portfolio. I want to make it clear that the Assembly is going to take this issue seriously. The concern of the victims' organisations that I have spoken to is not that all of them should be represented on the Civic Forum but that they will be able to secure core funding for the future. The ones that I have visited are simply spending project money, and when that runs out they are finished. As we move from conflict into peace these organisations start to come forward as the frozen watchfulness that they had during the years of conflict begins to melt. Assembly Members should ensure that they get the resources they deserve.

Mr A Maginness: Does the Member agree that Dr Paisley and his party should have raised their concerns during the Civic Forum discussions rather than boycotting them?

Ms McWilliams: I agree. In fact, I note that in the DUP amendment —

Rev Dr Ian Paisley: On a point of order, Mr Initial Presiding Officer. Is it in order for a Member to mislead the House? The DUP met Mr Mallon — one of Mr Maginness's bosses — and Mr Trimble and discussed the matter fully. We also left them a paper on it. Now Mr Maginness is trying to malign the party by saying that it should have raised its concerns during the Civic Forum discussions.

Ms McWilliams: Let me address this very issue. The amendment makes a humorous point when it says that the Civic Forum should be "merely consultative". One consults and addresses issues — one does not merely consult. I noted that Peter Robinson, the Member for East Belfast, said that he drew up this amendment rather quickly. The wording does indeed suggest that it was drawn up very quickly as it also contains the words "properly appointing".

The Civic Forum will not be appointing anyone. It will set up sectors, sub-sectors and, if required, sub-sub-sectors to bring people into the Civic Forum, from grass roots community activists to the top people in consortiums. I do not know if a person can be improperly appointed, but putting the word "properly" in front of appointed leaves a great deal of room. I hope that Mr Robinson's party will address this wording when it discusses the Civic Forum.

The amendment also says "merely consultative". Many of Mr Robinson's Colleagues and others have argued for serious consultation. Given the response to the Member for North Belfast it would appear that these Members were consulted about the Civic Forum and responded to the consultation by putting forward a paper. Consultation should not have the word "merely"

in front of it. Consultation is a serious matter and one should take on board the points that are made as a result of it. The adjectives put in the amendment have done a great disservice to the Democratic Unionist Party. Perhaps it now recognises that the Civic Forum will be established and will encourage members of civic society to put their names forward.

I am also concerned that women's issues, which are to be in the First and Deputy First Ministers' office, will be buried there. Looking at the list that is attached to that office, one begins to ask seriously how any two people will ever be able to do the work that is spelled out in that report. I hope that if junior Ministers are to be appointed — and we still have had no serious consultation on that issue — a number of them will be given these responsibilities to take forward.

Let me address the issue of the Civic Forum. It is a good day for the Women's Coalition. We were the party responsible for putting this forward as an idea in the negotiations. It is true that we almost lost it; there were brackets around the Civic Forum, but we negotiated like everybody else and compromised on its final drafting. But it is there, to our great delight.

Civic society has been strengthened over the years by the number of people who were prepared to get out and become the doers and not just the talkers. It is that strength between and within communities that I would like to address. It is an inclusive body. It will address not just the issues of Nationalism and Unionism but the strengths across all sectors, and most particularly in the community and voluntary sector.

Mr McCartney: Contrary to what Monica McWilliams has said, it is not easy to be against purse and patronage of two Governments plus the United States, or against UTV and the BBC, to say nothing of 'The Irish News', the 'Belfast Telegraph' and the 'News Letter', all of whom weighed in very heavily in favour of the matters that Monica McWilliams supports.

The only definitive statement of the Government's policy strategy for Northern Ireland is entitled 'Towards a United Ireland'. The present Secretary of State was the co-author of that document, which contains all the essential elements of the Belfast Agreement. Yet Unionists, by giving cross-community support to this determination, will be putting their future and that of the Union in her pro-Nationalist hands. By approving this determination, Unionists will, in effect, throw away the one element of positive control over the process that they can now exercise. They will have placed themselves and the Union at the mercy of a Secretary of State who is totally unsympathetic to their interests.

Once this determination is approved, the Secretary of State can, by Standing Order, put the d'Hondt formula into operation when she chooses. When she does,

Sinn Féin will be entitled, as of right, to its appointed places in government, first in shadow and then in substantive form. Over that situation, pro-Union parties will no longer have any control whatever. Such trust in the Minister, in the wake of a string of broken pledges, indicates a faith and a child-like trust that beggars belief.

With the control of the timing of the d'Hondt operation, the Government will have space to arrange the final and fatal fudge on decommissioning. Gen de Chastelain is now claimed by Dr Mowlam and Messrs Hume and Mallon to have a pivotal role on this issue. That is a false claim, and it was reiterated today by Mr Farren. Gen de Chastelain is charged under the agreement merely with monitoring, reviewing and verifying progress on decommissioning.

Mr Farren should read the agreement. The fudge or fig leaf will require a new and unauthorised political role for the general. He will be pressurised to provide a programme for decommissioning commencing at some time after Sinn Féin has been seated. Unionists will be fobbed off with a promise of a review if Sinn Féin/IRA do not meet the required timetable. This arrangement has already been kited by such as Dr Maurice Hayes in yesterday's 'Sunday Independent', and the ground is being prepared by Sir George Quigley and others of G7. The scheme would be worthless because there is no hope of the IRA decommissioning anything, and certainly not before the RUC has been demoralised and disarmed.

Many informed people consider that the Government, under the guise of implementing measures appropriate to and compatible with a normal peaceful society, are preparing to remove all personal security weapons from those to whom they have been issued as a protection against terrorist attack.

This is designed to meet the IRA's requirement for what it calls demilitarisation. The Government will suggest it as a trade-off for decommissioning, and the Minister of State, Mr Adam Ingram, will tell Mr Trimble and Mr Ken Maginnis that he does not usually discuss the detail of such matters with the Opposition. Informed people realise that the Government, after each concession, such as the continuing prisoner releases, will tell us that we have no alternative, as failure to accede to each new demand from the terrorists would bring the entire process to an end and send the IRA back to war.

In the past, the IRA threatened us with violence if we did not do what it wanted. Now the Government threaten us with violence by proxy. The reason is that there is no sacrifice that Unionists will not be asked to make in order to protect the lives of the first-class citizens and the economic targets on the mainland.

Are we so naïve, so trusting and so blind that we do not realise that once Sinn Féin has taken its seats in government, it will never be put out as long as there is a threat of a renewal of terrorism on the mainland? This process has always been driven, and will continue to be driven, inexorably by terror and by the threat of terror until Sinn Féin/IRA achieves its political objectives. Those who think otherwise are living in cloud-cuckoo-land. The Ulster Unionist Party has said that it will refuse its seats in government if Sinn Féin takes its seats without decommissioning. This could only be compared to the defenders of a city throwing their weapons over the walls to the besiegers before announcing that, if the besiegers did not go away, they would march out and abandon the city to them.

The Assembly and any devolved government that it may produce under the terms of the Belfast Agreement are poor enough instruments for defending the Union, but they may turn out to be as much as we are ever likely to get in terms of local democracy. However, to throw it all away now, after giving everything else away and discarding all one's cards, would be to commit political suicide. Unionists should realise that the tide of democratic opinion — here, in Britain and especially in the Republic of Ireland — has turned in their favour. There is an increasing awareness that without decommissioning democracy is dead and that no institution of government worthy of the description "democratic" can exist and, at the same time, include a minority that attempts to determine policy by using the threat of violence from a private army.

The case for excluding Sinn Féin from government until the IRA decommissions has never been stronger. Now is the time to take advantage of that growth in public support and to refuse to approve this determination until such time as substantial decommissioning has begun. One way of dealing with this problem, so far as the Ulster Unionists are concerned, is to vote for the first motion — the one on the report — put it on the table and say "that is what we voted for and what we are willing to agree", but to withhold support from the second motion, which would transform acceptance of the report into a determination that would enable the Secretary of State to use the d'Hondt system whenever she wished.

Thus the Ulster Unionist Party would have fulfilled all its commitments. It would be able to say that it had agreed to the bodies, to the Ministries and to the functions contained in the report while, at the same time, saying that it refused to vote for the determination until such time as substantial decommissioning had begun and had been carried out. Thus the Ulster Unionist Party could disarm its critics: it could not be accused of not being constructive, and it could not be accused of placing obstacles in the way of progress.

3.00 pm

A clear marker would have been put down: there cannot be a determination until Sinn Féin/IRA shows its determination to enter fully and properly into the democratic process.

I say this to Members: “Do not place your future, the future of your children and that of the Union in the hands of this particular Secretary of State, but declare that without decommissioning there will be no determination.” Such a decision is the last card within their control, and now is the time for the Ulster Unionist Party to play it. Without decommissioning, democracy is indeed dead, and the approval of this determination will enable the Government, and their allies, to pressurise the Unionist parties into Government without a single gun or a single ounce of Semtex ever being decommissioned. Members are simply storing up further pressure for the day when they will have to make a decision on whether they remain in an executive or go. I ask them, I implore them, to vote against the motion approving the determination.

Mr Foster: The Ulster Unionist position is quite clear: we will not be sitting in ministerial positions unless there is decommissioning. That is an absolute, and there is no getting away from it. I support this motion. I support my party leader, and I compliment him on his conviction, his bravery and his knowledge in this matter.

Reference has been made to the Civic Forum. I want Members to know that the DUP and Sinn Féin are very much agreed on the Civic Forum and on other issues — in case people have the wrong impression. Earlier, Mr Peter Robinson, in his nauseating, sanctimonious way, referred to a denial of freedom of speech. I wonder what he has to say about the attempt to deny freedom of speech in Fivemiletown a fortnight ago tonight, when there were despicable scenes aimed at stopping Unionist folk from going to a party meeting. I was kicked, jostled and subjected to taunts, scorn and gibing — that is what the DUP calls free speech.

I want this state to prosper, but it can only be built upon foundations of a moral character. Such character is the principal element of its strength and the only guarantee of its permanence and prosperity. I do not want Government by stampede — not by any means. The situation must be appropriate, and at present it is not. The politicians of our time could be characterised by their vain attempts to change the world and by their inability to change themselves. Evidence of that manifests itself in the Assembly today.

This Assembly would almost be ready to begin to govern Northern Ireland, within the United Kingdom of Great Britain and Northern Ireland, but for one big, vital issue — decommissioning. Republicanism has reneged

on the Belfast Agreement; it has failed to deliver on getting rid of arms and explosives; it has not honoured the agreement. Therein is the denial of democracy, and Sinn Féin — the front for terrorism — has failed, and failed miserably. I question whether it has ever really tried.

The Assembly cannot govern with credibility if political parties, from wherever, ignore the fact that there are weapons of war and destruction out there in the undergrowth. The potential for another Omagh, another Enniskillen and all the other dastardly acts of evil is still very real. If there is honesty, if there is integrity, let it show itself now.

The use of the words “inextricably linked to the IRA” is, in my opinion, wrong because it suggests that Sinn Féin is different from the IRA. One has to ask “Is it?” How often have Members of this Assembly, and others, been seen at the funerals of terrorists? Did not Mr Gerry Adams act as pall-bearer at the funeral of the Shankill bomber who, just two days before, had murdered eight people in that dastardly act of aggression? Did not Mr Francie Molloy state “We can go back to what we do best”? Was that a threat or an act of bravado to a receptive audience?

Are the leader of Sinn Féin and his associates not fooling some? Are they bluffing terrorist associates, or are they bluffing society? It seems they want to be part of both. They cannot be.

The IRA/Sinn Féin group must prove itself to society and not vice versa. They can make or break the benefits we seek from government in Northern Ireland. Do we wish to accept that they, without any sign of conscience, compassion or concern, once again associate themselves with those who have bloodied this land by their acts of terror? They expect this Assembly to ignore the fact that loved ones, dear ones, were torn to shreds. There have been broken hearts and broken limbs, and families have been scarred for the rest of their lives by base deeds. Decommissioning would be an act of trust, an act of faith and an earnest of an intent never again to sink to the depths of the past 30 years of evil. We are not getting that action or trust.

Not only the Ulster Unionist Party should be emphasising this requirement of the IRA and Sinn Féin. Every party should seek it rather than evade it or turn a blind eye to the IRA/Sinn Féin movement, which can wreck the Assembly.

If IRA/Sinn Féin fails to deliver, the rest of us should agree, without any compunction, to go on without them. They will then have debarred themselves, and the world should be made fully aware of their deceit. It was destruction physically over the years, and now it is destruction politically by using democracy to deny and

destroy democracy. Mrs Mary Harney, the TD in the South, has stated

“There is no distinction between the IRA’s political wing, Sinn Féin and the IRA, and now is the time for them to decommission.”

‘The Irish News’ recently referred to attacks on people in Nationalist areas of Belfast. Of the appalling death of Mr Andrew Kearney it says

“All the attacks were plainly in breach of both the IRA ceasefire and the Good Friday Agreement. They state these punishment attacks must be brought to an immediate end yet Sinn Féin still continues to seek Executive positions.”

Sinn Féin and the IRA are holding this country to ransom. They inhibit progress and stifle trust, and for more than 30 years they have denied people the benefits of good citizenship. The whole world must now be made aware of the deceit and falsehood of Sinn Féin. If there were decommissioning, a Government would be in action here. That is as plain as day. They should move out of the darkness of evil into the light of democracy. We seek that, but Sinn Féin deny it to the people. It and any other terrorist-associated grouping cannot be allowed or excused such base behaviour.

The Ulster Unionist Party wishes to set up the institutions that are envisaged in the agreement. We need to tackle the mass of urgent social and economic issues. Action on those is vital to the future welfare of our people.

I close with a sentence that Members should ponder. Show me the person who does not want his gun registered, and I will show you a person who should not have a gun.

Ms Hanna: I wish to speak in support of section 5 of the report relating to the consultative Civic Forum. I was the SDLP representative on the study group, and I should like to thank the representatives of the other five parties for their commitment towards producing that report. No party got everything it wanted, but the proposals in Section 5 are an acceptable compromise.

I regret that two parties, the Democratic Unionist Party and the then United Kingdom Unionist Party excluded themselves from the study group. The proposals for a consultative Civic Forum are an indispensable and integral part of the Good Friday Agreement. The SDLP is committed to implementing all aspects of the agreement. We made many specific proposals, some of which are incorporated in Section 5 and some of which are not.

The overall principle, which I am glad to see is implicitly acknowledged, is that the Assembly is free-standing. There are several forms of democracy, the most important of which is representative democracy whereby the electorate choose a relatively small number of people to take decisions on their behalf. By the standards of western democracy, we have a high rate of

electoral participation. About 70% of the electorate voted in the Assembly election. That is comparable to the turnout in a general election. It is certainly a lot higher than in the US Congressional elections of last October where the turnout was 33%.

The Civic Forum can broaden and deepen the political and public process by bringing a rich diversity of viewpoints to discussion about matters of public policy. Indeed, it could foster a healthy and creative relationship with the Assembly.

Another principle held by the SDLP is that the Civic Forum must be as broadly based and inclusive as possible. Representation and selection are vital issues, and we want the net to be cast as widely as possible in order to allow the broadest possible representation. People will be nominated by various bodies, and they will, I believe and hope, not only have the confidence of their nominating bodies but the breadth of vision to empathise with the broader needs of society, as well. The process of selection must be gender-proofed, ensure an equitable geographic spread and be broadly balanced. We do not just want to see the great and the good, who, in fairness, have contributed a lot to our society over the past 30 years. We now have an opportunity to include the marginalised and some fresh faces.

The make-up of the Civic Forum is not set in stone. The SDLP would have preferred, for example, that the Chairperson be selected from within the Civic Forum’s membership rather than an appointee. Also, there are groups that are not mentioned in the report who should have the right to nominate people, such as the Credit Unions. The fact that a group’s name is not mentioned does not preclude it from making negotiations.

The Civic Forum must be effective and it must start working as soon as possible on a number of subjects, such as social exclusion, long-term unemployment, selection in education, sectarianism in our society and civics education in our schools. Discussion of these thorny and endemic problems in the Civic Forum would allow a consensus on the way forward to build up before an issue made its way on to the Floor of the Assembly.

The Civic Forum will not necessarily depoliticise these problems, but it could ensure more rational and informed discussion among the parties. Democracy in all its forms has had a difficult time here for generations. It has been tested almost to the point of destruction by those who have resorted to violence. We have been given the chance for a new beginning. The proposals for a Civic Forum give us a chance to underpin our new start for democracy, and I hope to God that we do not waste that chance. If we do, what are the alternatives?

On behalf of the SDLP, I support this report.

Mr M McGuinness: Go raibh maith agat, Initial Presiding Officer.

I, along with my colleagues in Sinn Féin, will be supporting this report by David Trimble and Seamus Mallon. We have expressed, through our party Leader, our reservations about the report and about the way in which it was brought together. That said, this is an important day, and when the vote is taken to determine this report, that vote will be crucial, particularly for those people who voted in the referendum.

If things go according to plan, there is no reason for the shadow executive's not being appointed in two weeks' time after the triggering of the d'Hondt mechanism by Mo Mowlam and by yourself, Mr Initial Presiding Officer. There is no reason for devolution's not being triggered on 10 March by the British and Irish Governments — no reason at all in this wide world. Yet we continually hear a reason for this not taking place. We are hearing a grievous re-interpretation of this issue all the time, particularly from the DUP Benches and, somewhat more disappointingly, from the Ulster Unionist Benches.

3.15 pm

Sinn Féin has been working at the peace process for the greater part of this decade. I know that many people do not like it and find it very difficult to face up to it. We have worked hard, assiduously even, and we have worked with people like John Hume and Albert Reynolds. Over the course of that period we have built up a relationship with people like Tony Blair, Bertie Ahern, Albert Reynolds and with the President of the United States. All of them have stated, time and time again, that they believe in the Sinn Féin leadership, that they believe we are serious about this process and that they believe that we can be trusted to press forward with a process which is designed to end conflict, to bring about justice, to bring about equality and to bring about a peaceful future for ourselves, our families and our children. For us that is what the process is all about.

We hear Unionist representatives saying that they are for decommissioning but that perhaps Sinn Féin is not. Some go further and say that Sinn Féin is opposed to it. All our efforts over the greater part of this decade, I contend, have shown — and we have proved this to the highest people in the highest places in this world — that we, as well as wanting to bring about an end to conflict, injustice, inequality, discrimination and domination, want to bring about the removal of all guns from Irish politics. It is not true that the Ulster Unionists and Sinn Féin are generally divided on this issue. The difficulty comes when the Unionists wrongly, as David Trimble admitted in a recent debate in this House, interpret the Good Friday Agreement as stating that there is a precondition to Sinn Féin's participation in an executive. There is not, and we all know it.

What did the Good Friday Agreement do about this issue? It made decommissioning or the removal of

weapons from Irish politics the responsibility of us all, at least of all those who signed up to that agreement. It is the responsibility of us all. We in Sinn Féin are not going to take on our shoulders sole responsibility for resolving this issue. I think that both Governments are listening to the argument that the key phrase in the agreement is that responsibility for this lies with all the participants.

I have met Gen de Chastelain on many occasions. I was glad to see many of the other parties going to meet him last week because up until then I had met with the general more than the other parties put together. I have told Gen de Chastelain that there is a responsibility to be shared and that Sinn Féin is not going to accept responsibility for this alone.

The Ulster Unionists talk about decommissioning as if its taking place is proof of a party's or parties' commitment to peace and democracy. It is no such thing. It does not prove that at all, and the LVF's decommissioning clearly shows that. I know that this is a difficult process for Unionists, but it is also a difficult process for Republicans.

One of the big difficulties, even the great sadness, of this process has been the lack of connection between the Ulster Unionist Party and Sinn Féin. I do not know Roy Beggs Jnr; I do not know Pauline Armitage; I do not know Peter Weir. They never gave me the chance to get to know them. That is their right, but is it how a peace process should work? Most people in the international community would be shocked to know that if I were to meet David Trimble walking along a corridor here today he would not even say "Hello". Is that how a peace process should work?

Over the weekend I spoke on the telephone to a very senior businessman who is a Unionist and a supporter of the Ulster Unionist Party. He told me that he was shocked to discover that the last time David Trimble met with Gerry Adams was 18 December of last year — two months ago. Is that how a peace process should work? I think not.

There needs to be a real engagement between the Ulster Unionist Party and ourselves. They have hurts. They see us as people with a lot of baggage. I understand all of that. We have hurt them, but they must also look at it from our perspective. The people that we represent have been hurt. They were hurt on "bloody Sunday"; they were hurt by the introduction of internment; they were hurt by gerrymandering; they were hurt by discrimination; they were hurt by the killing of Pat Finucane; they were hurt by the fact that, as we can now prove, elements within British military intelligence, involved with Loyalist death squads, were involved in the killing of our people — probably by the hundred, the Pat Finucane case being only the tip of the iceberg.

Stephen Leach, one of the architects of decommissioning, has been in the United States in the last two weeks, and he told people he met that Sinn Féin would not get positions on an Executive unless — these are his exact words —

“there is an actual surrender of weapons by the IRA.”

This is Stephen Leach, the man who thought up this issue and gave it to John Major in order to prevent negotiations taking place. If John Major had won the 1997 general election none of us would have been standing here today. We are now facing a situation where the Ulster Unionist Party is threatening to use this issue against Sinn Féin’s participation in the Executive, using the same veto. I hope the British Prime Minister will not allow that to happen, because behind all of this, ongoing attacks are still being carried out by the Orange Volunteers and the Red Hand Defenders.

I have here a component part of a hand grenade which was thrown in my constituency in recent weeks. I believe it is one of those hand grenades imported into the North of Ireland in the last 10 years by Brian Nelson with the assistance of British military intelligence. These were the weapons that were divided between the UVF, the UDA and the Ulster Resistance. We heard “Peter the Great (the Clontibret raider)” and the “Grand Old Duke of Paisley” — who climbed up many a hillside — claiming this morning that they had absolutely nothing to do with all of this.

The Initial Presiding Officer: I must ask you to bring your remarks to a close.

Mr M McGuinness: The point I am making is that the agreement is clear. In the next four weeks there will be a shadow Executive, and if there is any justice whatsoever in this process, we will on 10 March see a full-blown Executive with Sinn Féin Ministers in it.

Mr Campbell: Mr Initial Presiding Officer, the security implications of the device brought in to the Chamber will not have escaped your notice. I am sure you will investigate that.

I wish to commence with a brief reference to the consultative Civic Forum and the intention to have the same.

Reference was made to what might be described as our inactivity in coming forward with proposals regarding the Civic Forum, and there are those who would like to try to denigrate our position in relation to that by saying that we are totally and utterly opposed to the formation of a Civic Forum. They obviously have not read the amendment. We would not have had and do not have today any difficulty whatsoever in putting forward constructive proposals for that forum, but we are not going to sit down with the representatives of armed terror, be they called Sinn Féin/IRA or IRA/Sinn Féin — and I know there is a feeling out there in the

community about which they should be called. We will not be participating in that sense.

Mr A Maginness: Does the Member agree that the DUP boycotted the study group that was concerned with detailed proposals for the Civic Forum and that the DUP, by so boycotting, was not in a position to address the issues which it purports to address in the Chamber today?

Mr Campbell: I do not know whether Mr Maginness is as conversant with ordinary English as he was with the French-English of a recent television programme, but we made a full, written submission about the Civic Forum, and we discussed it in bilaterals. How he can see that as total opposition on our part to the Civic Forum is something that I cannot understand, so I will leave it for others to work out.

The Civic Forum is to be composed in a particular way, and others have outlined the problem — indeed, the many problems — arising from allocating so many positions to the voluntary and community groups, and from allowing the First and Deputy First Ministers to appoint six people and so on. There is no place for any formal local government involvement, yet that could have been considered.

Round-table consultations with six of the Assembly parties established this report, but there is no reference to the fact that consultations are supposed to take place on a whole range of matters. Two weeks ago we were having a serious debate here.

Mr Interim Presiding Officer, you were absent because of the subject matter of that debate. There were those — and they are to be found in almost all the groups that are mentioned under paragraph 5(1) — who opposed my party’s motion of no confidence in you, thereby implying they had every confidence in you. Yet today we are told that consultations have been going on for a number of days and that it would not be expedient to proceed. We will deal with that in the coming days and the sleaze that goes on behind closed doors will no doubt be revealed.

The more substantial part of my comments relates to what will undoubtedly be established, and that is the Executive. We could dwell on, as I know some people have, promises made. I could refer to advertisements at the time of the referendum, to assurances given, and to adverts that cost tens of thousands of pounds, and I could well cause some embarrassment if I were to do that. There were Ulster Unionist voices that said “Yes for the Union.” I could cause acute embarrassment, but I do not know that that would do any good.

I do not know that that would bring us any further forward because my feeling is that, for the large part, minds have been made up; and people are prepared to live with the consequences of their actions. That is the

feeling that I get. We are undertaking a debate today which will result in a vote that will lead to the setting up of a Government: a 10-person Executive, two members of which — and that is one fifth of the Government — are inextricably linked to a terror machine. Whether they are called Sinn Féin/IRA or IRA/Sinn Féin I care not.

3.30 pm

They will be part and parcel of the Executive that will come about because some token action will occur which will allow the Executive to be formed while allowing Mr Trimble to say that decommissioning has started. Whether it is Gen de Chastelain or Mo Mowlam in conjunction with Bertie Ahern, a token gesture will be made, and the Executive will be formed.

My main question is this: what then for Unionism? What do we do then? I have taken it as read that the vote will be carried today. From all the speeches and contributions I detect no feeling of regret. In spite of all that has happened and all the shifts that we have detected in opinion polls — even last week, when the Unionist's community's views were seen to harden — there are still those who are determined, for whatever reason, to press ahead. The self-destruct button must be pressed, and they are determined to do it.

After this vote, and for the foreseeable future, there will be three elements of Unionism. First, the defeatist section of Unionism, who, for whatever reason, has decided that it cannot change anything, that the combination of Sinn Féin/IRA, the SDLP, the British Government, the Irish Government, the Irish Americans and the European Union cannot be defeated. People in that section have thrown in the towel and said "Let's make the best of it." That is the defeatist element of Unionism. They have cut their cloth, and there is no going back after this vote. I am not throwing my lot in with them, nor will I ever do so.

The second element of Unionism contains the quitters or those who opt out. I sympathise with some of them because, understandably, they feel that they can no longer participate in politics. They have decided that they are going to quit political involvement or they have already quit, and we see that from the lower turnout from Unionist communities in the east of the Province. I am not in the lobby of those who have decided that there is no point in getting involved because the process is going ahead.

The third element contains those of us who are realists. We know what is going on. We see the reality of what is happening, and we have determined to do something about it, irrespective of our party label — whether we be DUP, Ulster Unionist, UK Unionist, United Unionist, Northern Ireland Unionist, or part of the mass of Unionists who simply see the realpolitik in

this building and outside and want a change. They have said "We do not like what we see. We do not want the status quo."

I have said here many times and outside the Chamber a thousand times that we do not want the status quo. Why? Because the status quo has brought us to where we are today. We want a dynamic, determined, confident, assertive Unionism, whatever its label, whatever party we belong to. We want that to enable us to bring about change for our people and for the Nationalist community so that together we can go towards the future and put the past behind us.

Mr Weir: I rise today not with any sense of pleasure but with a very heavy heart. When looking at this report and the two motions that flow from it, I am reminded very much of the proverbial curate's egg.

I will turn briefly to the part of the report which I find quite reasonable. If we are to put up with the necessary nonsense of a Civic Forum, the proposals are quite reasonable, though not ideal. Therefore, I have no reason to object to item 4 on the Order Paper and will be supporting it.

However, anyone who knows about the substance of a curate's egg, knows that it has good parts and bad parts. The whole point of a curate's egg is that the bad parts make the whole egg rotten — which brings me to the business motion. I will be opposing that motion today and supporting the DUP amendment. I will be doing so because I believe that it is a dangerous motion — and I am not referring here to the number of Government Departments, though my preference would be for six or seven Departments only.

There are criticisms that can be levelled at the make-up of those Departments that have been suggested. They may not create the best administrative system for Northern Ireland, but in themselves they are not dangerous to the Union. What is profoundly dangerous in passing this motion and in making the determination today is that it will place Sinn Féin/IRA closer to the heart of Government and remove one of the most vital barriers between it and executive power.

In days of yore in ancient Rome, the great fear of the citizens was that the citadel would be invaded from outside by barbarians. The phrase often used was that the barbarians "rapped the gate". Today we find ourselves defending the citadel of democracy in a not dissimilar position. I will not compare any of the parties opposite to barbarians, because, given some of the vicious things that have gone on in Northern Ireland, to do so would be to insult barbarians. *[Interruption]*

Nevertheless, in defending the citadel of democracy at this vital moment the effect of passing the determination will be to remove the guard that is there for the Assembly. Take it away, and you put at the gate, as the

barrier between Sinn Féin's getting into government and its being kept out, the Secretary of State. She will be the guardian, and I do not have faith in her to defend our democracy. The only remaining option for citizens faced with being overrun by barbarians is to destroy the citadel itself — and that is not a good strategy for Unionists.

I do not, here today, question the sincerity of my Colleagues who will presumably vote in favour of this. I do not question either their integrity or their motives — I know that they are of the highest level. What I do question is their judgement on these tactics. What is to be gained by passing this determination?

It has been said that this determination has to be passed to enable the various administrative acts to go ahead in preparation for devolution. That is not the case. Section 2.4 of the report indicates that the administrative work in setting up the Departments has already started. The number of Departments was confirmed by the Privy Council on 10 February, and those Departments will come into effect on the day appointed for devolution. Thus the necessary administrative work will not be affected by whether this business motion is passed or not. We are correctly informed that before devolution can occur, there has to be some form of determination. I do not doubt that.

As indicated by Mr Foster earlier, the circumstances are not appropriate at present for setting up an executive. Surely we should wait until the circumstances are appropriate before we formally pass any determination. If the circumstances were appropriate, we would be in a position to pass a determination within a matter of days. It strikes me that to pass it at this time would be foolish.

We have been told that the stopgap measure offers an opportunity for a review of the whole process. We have been told by the Taoiseach — and we have no reason to doubt the Taoiseach's word because he is a man who is consistent — that if we reach a review stage, nothing can really change. We have also been told this by Members opposite, particularly those on the SDLP Benches, and to be fair to them they have always been completely straight on this issue. We are going to vote on the agreement, and this is what is going to go through.

In any event, if we enter into that review having made the determination, we will be throwing away one of the Assembly's strongest cards — the final veto over the establishment of an executive, when that is by no means necessary. We will be handing over to the Secretary of State who will, via the Standing Orders, have complete control over its establishment and the timing of its establishment.

If we take the course of action that is proposed in the DUP amendment and reject the determination, we would not be passing any judgement on the nature of the

Departments. All the preparatory work can go ahead so that were we to reach the situation in which we were ready for devolution, that could happen.

We would be sending a very clear message to the Government that the Assembly will not tolerate terrorists in government under any circumstances. We would be sending a clear message that no one could misunderstand.

In any form of politics there are times when the dictates of one's party conflict with matters that one believes to be vital to the good governance of the country. This is one such occasion, and in all conscience I will vote against the determination because it is entirely inappropriate.

Members should note that however things go between now and March or in the future, this will be the last opportunity for individual Assembly Members to voice their concern on this issue. Once the motion is passed, individual Assembly Members will not have that opportunity again.

My good friend Dr Birnie — whether he will want to claim that description is another matter; if I am going down perhaps I can take him with me — quoted Stanley Baldwin, who said that power without responsibility was the prerogative of the harlot throughout the ages. At that time there was another quote of which I do not know the source, and I fear that it will come into play if we accept the motion. We will be left with responsibility without power, which has been the prerogative of the eunuch throughout the ages. I urge Members not to be the eunuch but to take a stand by voting no to the motion and supporting the amendment.

Mr Dallat: The report sets out the blueprint for the future of Northern Ireland and its relationship with its neighbours. It is the culmination of months, indeed years, of hard work, and I pay tribute to those Members who worked hard to bring us to this stage in the political process.

It is my wish and without doubt the desire of the vast majority of people of both traditions that this day will mark a new beginning, a new style of politics and a new kind of democracy. Not everyone has welcomed the report with open hands. Some are apprehensive and a few are openly hostile, but we must be prepared for that, because politics should be about taking risks, meeting challenges and overcoming difficulties. It is certainly not about running away or about coming here with a sound bite for the media, and nothing more. *[Interruption]* I remind DUP Members that when they were speaking I gave them the courtesy of silence. I hope that Mr Robinson hears me. *[Interruption]*

The Initial Presiding Officer: Order.

Mr Dallat: Change does not come easy to many people. We have a long history of resisting change, not only in politics, but in many aspects of our daily lives. Some Members came here today by motor car. One or two arrived in chauffeur-driven limousines, and perhaps Sammy Wilson came on his motorbike. In the last century when the motor car made its debut, someone walked in front with a red flag to warn of the dangers. In such circumstances some Members might have arrived with a green flag in front.

Just as the motor car has turned out to be safe if handled properly, let us hope that the new style of politics proposed in this report will be accepted — even if we continue to argue about the colour of the flag.

3.45 pm

We cannot continue on horseback, because we are going nowhere fast. Members must face the future, uncertain as it may be, and we must stop putting obstacles that will prevent political progress in the way. In the engineering world, people from these Northern Counties influenced a rapidly changing world with their inventions. People like Harry Ferguson, John Boyd Dunlop and many others did not turn away just because someone in Parliament said “You must confine your motor car to five miles per hour, and you must have someone walking in front with a red flag.”

As Members debate this report the world is moving on, away from the engineering world which I have reflected upon and on to a new world of science and technology. That is the immediate challenge facing Members. Just as there were great innovators eager to encourage change in the past, there are many splendid people in the universities and the world of work today who have the knowledge and skills to put Northern Ireland back on the map. Their work has been seriously hindered by the continued political instability, and it is our task to do something constructive about that. Are Members prepared to be constructive or will we continue to live in the past with our little flags the only security we have to offer? I hope not.

Over the past few months Members have had an opportunity to focus on the political problems of the North and concentrate their minds on possible solutions. We know that the New Assembly must target social need, influence economic development and encourage cultural diversity. There will be 10 Government Departments as well as the six implementation bodies to do just that.

Members have a duty and a responsibility to ensure that education and training is appropriate to today's needs and those of tomorrow. If Northern Ireland is to compete in the ever-changing world of science and new technology, much has to be done to make up for the neglect of the past. Members cannot walk away from

this responsibility merely because they disagree on a timescale for redressing decommissioning or whatever.

Northern Ireland has been through hell for 30 years. Is the two-year timescale for sorting out these problems too much to live with? Progress in matters such as decommissioning is important; it will help reduce fear and mistrust, and Members who can influence progress have a responsibility to do so.

But there are other issues to be faced, and the most fundamental is the ability to trust each other and, in turn, to encourage the wider community to do likewise.

In the Assembly there are encouraging signs that people from different backgrounds are making a genuine effort to stretch out the hand of friendship. Slowly but surely they have begun the process of building bridges and have set about laying the foundations of a new future built on mutual respect and a growing sense of confidence. This process is the greatest weapon to ensure that never again will politics fail. Is it too much to ask that Members ensure that people can continue to build bridges, create trust and show leadership?

Returning to the report before us, let us welcome it enthusiastically so that we can at last begin to address the very serious problems in the Health Service, deal with the shortcomings in education and tackle social injustice in all its forms, particularly unemployment.

Over the last nine months, I have had the chance to meet many people, many involved in the world of business and commerce, others running the various Government agencies or holding down key positions in our universities and places of higher education. I have also met a multiplicity of people involved in the community sector working both in a voluntary and statutory capacity. All of them are dedicated people who have ideas for the future and some will, no doubt, become members of the Civic Forum where they can assist and support the Assembly in its work.

How can I, or anyone else, go back to these people to tell them that we have failed? We cannot do it, and if those who say they are opposed to the report were honest with themselves, they could not do it either. They are waiting for someone else to blink, to give way so that they can run to the battery of cameras outside screaming “Sell-out”.

For political expediency, they want to gamble with the lives and future prosperity of our people. They do not care about the Health Service, the failings in our education system or the plight of the ordinary working-class people of this Province who have no jobs and no hope.

Mr R Hutchinson: On a point of order, Mr Initial Presiding Officer. I take exception to the Member's

suggesting that Members on this side of the House who are opposing the motion do not care about education and health. How dare he?

Rev William McCrea: Further to that point of order, Mr Initial Presiding Officer. How can it be that those who are so concerned about education and the rest will waste £90 million to have 10 Ministries and jobs for the boys?

Mr Dallat: I will accept their apologies.

A few of those involved have made their fortune. Others are waiting, hoping, even praying, that someone else will make the decisions so necessary and they can continue to enjoy the salaries and perks of this House but without responsibility for those decisions. Their only contribution so far is to condemn and crucify those — *[Interruption]*

Mr R Hutchinson: On a point of order, Mr Initial Presiding Officer.

Mr Dallat: No more points of order.

The Initial Presiding Officer: It is not for one to dismiss points of order that arise.

Mr Dallat: They are not points of order.

The Initial Presiding Officer: When you find yourself in this Chair, as you undoubtedly will, you can deal with that particular question. If these are not points of order, then it makes me very chary of accepting future ones.

Mr Hutchinson, if it is genuinely a point of order, please give it.

Mr R Hutchinson: That is not for me to decide, Mr Initial Presiding Officer. It is up to you to decide whether it is genuine or not.

Would the Gentleman be so aggressive if he were asking these Members here to get rid of their arms?

The Initial Presiding Officer: That is not a point of order, and I will consider that when further points of order are requested. I cannot do otherwise.

Mr Dallat: At all times I have shown courtesy to other Members when they were speaking.

Their only contribution so far is to condemn and crucify those who have shown courage and leadership. No one will ever know if the parliamentarians of the past who ordered that red flags should be carried in front of motor vehicles were genuinely concerned about the danger of the motor vehicles, or were simply political opportunists playing on fear in the same way as our politicians are today.

This morning Mr Mallon asked us to place our trust in each other. Mr Ervine reinforced that very well this afternoon. I will end with a little prayer of St Francis:

“Lord, make me an instrument of Your peace.
Where there is hatred let me sow love;
Where there is injury, pardon;
Where there is doubt, faith;
Where there is despair, hope;
Where there is darkness, light;
Where there is sadness, joy.”

Northern Ireland needs to take heed of those sentiments. I beg the Assembly to endorse the report in its entirety.

Mr Shannon: In 1966, following criticism from the anti-O'Neillite opposition to the perceived anti-Unionist policies of Terence O'Neill, Lord Brookeborough gave this warning to his party colleagues:

“Many of us do not like the way things have been going of late. May I offer grave warning at this time — never at any time can we Unionists afford to forget that in unity, and unity alone, rests all our strength.”

I appeal to those Unionists who would do today what they have refused to do during 30 years of terror, and that is to hand over to Dublin the right to dictate to people in Northern Ireland the way in which they should run their lives. This is the greatest concession ever to Republican violence in the history of Northern Ireland, and it is being made in the name of peace. Peace means that there are no bombs in London, although a certain level of violence can be accepted in Northern Ireland. This peace will only last until such time as Sinn Féin/IRA grows frustrated and returns to doing what it does best. *[Interruption]*

The Initial Presiding Officer: Order. I find myself in the unusual position of having to ask for order from the colleagues of the Member who is speaking.

Mr Shannon: I appeal to Ulster Unionists to stand by their manifesto pledges and rejoin us as we strive for the return of true democracy in Northern Ireland.

What has changed between 1974 and 1999? In 1974, Unionists stood firm and united to oppose the executive interference of Dublin, through the Council of Ireland, in the internal affairs of Northern Ireland. In 1999, some Unionists support executive interference by Dublin, through the proposed North/South bodies. In 1974, it was proposed to establish an Executive based on a wholly unrepresentative and undemocratic Nationalist-to-Unionist ratio of 50:50. In 1999, some of the people who opposed this body 25 years ago are now supporting exactly the same proposal. In the past 30 years, however, more than 3,500 lives have been lost in this country in our attempts to preserve freedom and justice.

Those who support the ratification of this treacherous report say that it is the only way forward, if we do not want the murders and mutilations to resume. We are here today because of that violence, not because we are participating in a genuinely democratic process. For the time being, Gerry Adams, Martin McGuinness and their

murderous colleagues are satisfied with the concessions that have been made. But their strategy means that they will inevitably return to terror when these concessions cease. The peace of which these men speak is not based on compromise or on mutual respect but will be possible only when there is a united Ireland. Only then will they cease to have any quasi-political reasons for murdering Unionist people.

We all welcome investment in Northern Ireland, and the jobs and prosperity that go with it. However, what precluded peace and prosperity in the past was violent terrorism. There has been huge destruction of both life and property. The only path to peace and stability is to remove guns and explosives from the situation.

Sinn Féin/IRA demands that all sides carry out decommissioning — not just paramilitary organisations but also the legitimate forces of law and order in Northern Ireland, (the RUC and the British Army). If Sinn Féin were genuine in its wish for equality, it should demand that the Irish Army decommission. In 1969, this Army gathered at the border, in a blatantly provocative operation to “defend” one section of this community. They should be part of Sinn Féin’s equation. They could decommission a few tanks, to start with — that is if they have any. Perhaps the Irish Navy could scuttle a gunboat or two. That might stop them from illegally boarding British fishing vessels from Portavogie and Kilkeel in British waters.

Sinn Féin/IRA never stops talking about equality, but what about equality for the victims of their search for “peace”? What about the thousands of families and friends who have been robbed of their loved ones? When will we hear Gerry Adams stand up for the rights of the victims of the IRA? On 12 September last year, troops made a last symbolic patrol on the streets of Belfast before withdrawing to barracks. Yet the activities of all the paramilitary organisations have shown no signs of diminishing whatsoever. People are still being maimed by the weapons which the IRA and other groups continue to hold.

At the end of September last year, soldiers of the Royal Irish Regiment stationed along the border had their personal protection weapons decommissioned. Perhaps the IRA could give their defenceless victims a week’s notice of their assassination, so that they can pop down to the barracks and sign out a personal protection weapon

Rumours about an escalation in Republican terrorism in those areas have substance. This is an ongoing problem for the security forces who, in spite of the supposed peace, are once again wearing flak jackets.

4.00 pm

The IRA has yet to decommission one single round of ammunition. There can be few families in the Province

which have not been touched by the deadly, cold hand of terrorism. While the Unionist and the Protestant people have felt the brunt of IRA violence, it is often forgotten that the organisation which was singularly responsible for the deaths of most Roman Catholics during the past 30 years was the IRA — the so-called protectors of Nationalists.

Two victims in particular come to mind. First, Kenneth Smyth, a UDR sergeant — my cousin — murdered on 10 December 1971, and, secondly, his colleague, Daniel McCormick, an ex-UDR soldier. Kenneth Smyth had been a B-Special; he was a UDR sergeant and a Protestant. Daniel McCormick had been in the UDR; he was a Roman Catholic, who left behind three young children. That is an example of a Protestant and a Roman Catholic both defending their country and both murdered by the IRA. As on most occasions throughout the troubles, the murderers simply made their way back to the sanctuary and confessional box of the Irish Republic.

Some people see fit to question the integrity of the security forces because of their religious make-up. The fate of the two brave men that I have mentioned can only be a major factor in this.

I will list some details of the terror that we had in the month of January to give Members some idea of what these boys are up to in their spare time. They seem to be pretty busy: 15 shootings, 35 beatings, 65 exiles and 69 intimidations — 184 incidents, six for every day in January. These incidents took place, behind backs, in Holywood, Bangor, Cookstown, Londonderry, Dungannon, throughout Belfast and all over the place — an ongoing plan of terror against the good people of this Province. That is a phenomenal set of figures and makes interesting reading considering that we are meant to have peace. The conclusion of the peace process should have been peace, but that has not happened. There is not even a basis, a framework, or a foundation for peace of any sort.

All that Members have succeeded in getting is a growing list of demands from Gerry Adams and his pan-Nationalist colleagues. When one considers that it is estimated that the IRA has been responsible for over 1,000 knee-cappings and other forms of torture, which have left people maimed or disabled, one can really grasp the true spirit in which these people operate.

Sinn Féin/IRA has continually reaffirmed its pledge never to decommission, while in the same breath it, and its political masters, demand the destruction of the gallant Royal Ulster Constabulary and the decimation of the criminal justice system. This is the accountable democracy that certain politicians love to eulogise about. Thanks, but no thanks.

Armed terrorists cannot be allowed to take up positions through which they can dictate how we should run our lives when, for over 30 years, they have done their very best to destroy those lives. To do so would be to abandon every principle of freedom and justice that we have ever stood to defend and protect.

Gerry Adams was reported in a recent newspaper interview as having said that hundreds of people who would otherwise have died in the conflict are alive and well today because of these endeavours. He seemed to be implying that had not the ongoing concessions process offered up sufficient gains to satisfy the insatiable tapeworm appetite of pan-Nationalists, his colleagues would have killed hundreds more people in protest. Gerry Adams makes it crystal clear that that is what would have occurred, and he is saying that if his demands are not met, this is what will happen in future.

It is blatantly obvious that this Executive, this report, the agreement and this whole process are in no way accountable to the people of Northern Ireland, who have paid the price for a 30-year campaign of terror waged against them. On the contrary, it is based simply on the whim of those who were responsible for 30 years of violence, people who were, and still are, committed to the destruction of this country.

These people retain every ounce and bullet of their weapons capability to enable them to recommence their terror campaign, and their words indicate that that is what they intend to do, yet this report proposes to give them seats in the Executive of the Assembly, to see the destruction of Northern Ireland from within. At the same time, Dublin is given the first tentative reins of executive power over us.

Other Members have referred to their children. I am the father of three young boys, and I will be doing my best for them by taking this stand. It is for them and for the thousands of other children that the DUP takes a stand, and it is for the children and the grandchildren that we urge Unionists not to support this report. It is a total travesty of justice and represents a profound adulteration of all democratic principles.

This report must on no account be ratified, and I urge every democrat in the House to take the resolute action which is necessary to restore democracy to Northern Ireland and vote this report into the annals of history. This could be the day that Unionists recaptured their Unionism.

Mr J Kelly: A Chathaoirligh, we have heard all morning, and into the afternoon, about decommissioning. I contend that the issue which is central to the success of this agreement is not decommissioning but a commitment to equality in all its strands. Equality is at the core of this present peace process.

One has only to reflect back to 1985, to the Anglo-Irish Agreement, when there was no Sinn Féin, no decommissioning, no guns outside the door, inside the door or under the table. There was only the SDLP and the Alliance Party, and mainstream Unionism could not bring itself to share power with those constituents at that time. It is not about decommissioning, a Chathaoirligh, it is about equality.

Sinn Féin has campaigned strongly for a Department to deal with equality issues and we will continue to do so. We will continue to do so, a Chathaoirligh, because equality must be cardinal in the governance of the Six Counties, and a dedicated Department is the only way of beginning to do that. The equality agenda must be developed on an all-Ireland basis. We need to demand the same level of equality promised in the agreement for the 26 Counties as for the Six Counties.

Equality is a right for all our people, North and South, Protestant and Catholic, men and women, black and white. Recognising this truth is the first step towards cherishing all of the children of the nation equally.

A Chathaoirligh, during the 18 January discussions on the report from the First Minister (Designate) and Deputy First Minister (Designate) Sinn Féin strongly criticised the proposal to locate the responsibility for the equality agenda within the office of the First Minister (Designate) and the Deputy First Minister (Designate). We did so, A Chathaoirligh, because even now, 30 years after the Civil Rights Movement began its campaign to end discrimination, and after 25 years of fair employment legislation, Nationalists are 2.2 times more likely to be unemployed than Unionists. This is why Sinn Féin puts such store by the equality agenda and the establishment of a Department to deal with it.

Neither the Unionist parties nor the British Government, with their proven track record, can be fully trusted to deliver on equality unless it is open and subject to public scrutiny on an ongoing basis. In that context, A Chathaoirligh, Sean Farren, speaking on behalf of the SDLP in an earlier discussion, indicated support for our call for a scrutiny Committee. Unfortunately we have not had any further details of this proposal placed before us today. We hope that this is not an empty promise, and I invite the First Minister (Designate) or the Deputy First Minister (Designate) to share their thoughts on this vitally important matter with us in their concluding comments.

A Chathaoirligh, those who advocated placing responsibility for the equality agenda under the influence of David Trimble have clearly disregarded his inability, thus far, to act impartially on issues of equality. The most glaring example of this lack of impartial perspective is his support for the Orange Order and other Loyalists in their attempts to trample over the

rights of the Nationalist residents of the Garvaghy Road. He too has persistently refused to meet with the residents or their elected representatives even though they are his constituents.

We believe that the SDLP has advanced the rather disingenuous argument that Unionists would take control of the equality Department under the d'Hondt system and apply a dead-hand policy to prevent any implementation of equality policies. The SDLP, in making this argument to journalists and to ourselves, appears to accept that the Unionist parties will continue to behave in the discriminatory fashion that has characterised their attitudes in councils throughout the North over the years.

Discrimination must be confronted, a Chathaoirleigh, and the parties in this Assembly must set their faces against any practice that discriminates against any section of our community. This is the basis of the Good Friday Agreement and the new political beginning that we all signed up to. Discriminatory policies and practices —

Mr A Maginness: Does the Member agree that the SDLP's position is to be preferred in relation to equality since this is not the province of one individual Minister? Rather it is a cross-departmental matter that is controlled, directed and inspired from the centre by the First Minister (Designate) and the Deputy First Minister (Designate), a much more effective means of equality-proofing the policies of the future administration.

Mr J Kelly: The short answer is no. The reason — if I may continue — is that this is the basis of the Good Friday Agreement and the new political beginning that we all signed up to. Discriminatory policies and practices have distorted the political landscape in the North for many generations, and the Assembly should make it clear that that situation will no longer be tolerated.

We should, indeed, go further and ensure that there is no room for those who would discriminate or for those who would return to the bad old practice of Unionist domination and the denial of rights to Republicans or Nationalists or, indeed, Unionists. The argument that the matter of equality would become a battleground if placed in a separate Department ignores the fact that equality will be a battleground in any case.

It is better to have a dedicated Department with a cross-party scrutiny Committee than to let the issues become an ongoing bone of contention between the First Minister (Designate) and the Deputy First Minister (Designate) at the centre or, alternatively, to ignore or long-finger them in order to avoid dissension. If equality is placed at the centre and then ignored or treated with less importance than other issues, we will all come under severe criticism from a community that will feel

let down in respect of the promise made to it by the agreement.

The First Minister (Designate) and the Deputy First Minister (Designate) can play an arbiter's role in any dispute between Departments on this matter. They cannot be independent arbiters of their own Department. Equality in all of its dimensions is a critical element of the peace process and cannot be left to the vagaries of internal Unionist political dynamics. Equality of treatment, in all walks of life, has long been a central plank of Sinn Féin's political agenda. Equality, and the eradication of discrimination, are central to the building of a stable and cohesive society.

Paragraph 3, under the heading "Human Rights", in the Rights, Safeguards and Equality of Opportunity section of the Good Friday Agreement, sets out a mode of working for public bodies which will be very different from the relationship that such bodies have had with the public until now. New Departments with new Ministers will need a great deal of help, advice and encouragement if we are to set out proper work practices from the outset. A new Department of the centre will simply not be able to give sufficient weight to this along with its other responsibilities in the early months.

In overseeing the new statutory duty on public bodies, both inside and outside the Assembly, an Equality Department could have worked successfully with the new Equality Commission, thus creating a strong internal and external mechanism for bringing about equality.

There can be no lasting political settlement which is not built on a solid foundation of equality. This is a fundamental democratic right which must be seen to be being delivered, and the most transparent manner by which that could be achieved is through an independent Department of Equality which was subject to examination by a cross-party scrutiny committee.

The Good Friday Agreement, a Chathaoirleigh, was heralded as the beginning of the end of our shared history of misery, conflict, violence and grief. Throughout the island of Ireland our people have welcomed and voted to support the political accommodations and compromises that were so painstakingly negotiated over so many months. In all of this, a key concept — possibly the key concept — has been equality. The brave new beginning that the people of Ireland voted for, the democratic society that we are attempting to create, can only be built on the most solid foundations of equality.

4.15 pm

Mrs E Bell: First, I would like to concur with the remarks of my Colleague Mr Neeson on the report as a whole. However, I will concentrate on the proposals for the Civic Forum. The Alliance Party will be supporting

the report of the First and Deputy First Ministers (Designate) as we are very keen to see this Forum established. We do have some concerns over certain aspects of the proposals, and I will outline them now.

First of all, I would like to take the opportunity, as a member of the consultative sub-group, to thank all those organisations and individuals who made submissions. As a local representative and a community activist, I can appreciate the need for the Civic Forum, and I do hope it will be set up as quickly as possible. The development of civil society in Northern Ireland, and the Assembly's interaction with it, are fundamental requirements upon which to build on the foundation laid by the agreement. The Civic Forum can complement the institutions of representative democracy and provide a greater sense of legitimacy to their decisions. It should not, and will not if it is set up effectively, threaten anyone. It is accepted that the Civic Forum should be consultative; nevertheless, there is great scope for its having a substantive and innovative role that will complement the Assembly.

The Civic Forum should be encouraged to look at cross-sectoral, inter-departmental themes. It could initiate new strategic thinking, bring forward fresh ideas and show policy creativity in areas where the Assembly would perhaps not be so flexible. There are a number of policy areas in which it would have important things to say — for example, on sustainable development, social inclusion and the competitiveness of Northern Ireland. It could also play a useful role in addressing society's divisions and help to promote reconciliation, and we need that. It is noteworthy that we in Northern Ireland are lucky to have a large part of civic society organised on cross-community lines.

This report, at times, bears no resemblance to the areas in our sub-group report, and I am sorry about that. Comments and suggestions made by all parties have been left out, and those omissions take away from the credibility of the report. It is disappointing that the First and Deputy First Ministers (Designate) have not reflected the hopes expressed by myself and others for the success of the Civic Forum — sometimes even their own hopes.

It is important that the Assembly take the Civic Forum seriously. The Civic Forum should act largely on the basis of matters referred to it by the Assembly, and it should have a useful role to play in commenting on any programme of action coming from the Executive — if we ever get that far.

The report is not clear about whether the Forum will have the ability to raise matters on its own initiative, nor is it clear on the relationship that should be built up between the Assembly and the Civic Forum.

I am also concerned about the proposed nomination process for the 60 members. It should not just comprise

the great and the good, although those people have made a contribution, they have been to the forefront of the voluntary, community, trade unionist and commercial worlds; but it should also include people who have worked long and hard in dreadful conditions and without recognition. They have had a great effect on their own communities and on Northern Ireland in general.

I am therefore concerned that the First and Deputy First Ministers (Designate) have the authority to nominate six personal choices. That was never suggested to us in the sub-group. We have heard a number of Members expressing concern that the UUP and the SDLP have taken too much power onto themselves. It is vital that this Forum maximise, as far as is possible, the diversity of opinion in Northern Ireland. We would lose an opportunity were we not to do it. I therefore ask the First and Deputy First Ministers (Designate) that information be given to us with regard to the criteria for nominating these six direct appointees. There must be no chance of marginalisation of any group or section, and no preference should be given. The rigid division of the make-up of the different sectors is, perhaps, overly inflexible. I hope that no significant groups have slipped between the cracks and, as a consequence, will feel aggrieved.

I am also unclear as to what was meant by the First Minister (Designate) when he said that they would have oversight of the nominations. Does that mean that the public will nominate these individuals for selection by the First and Deputy First Ministers? Or will they select them after they have discussed it with them and reached an agreement as to who they would put forward? Oversight is not enough. We must be clear regarding the line of selection and nomination.

I do hope that paragraph 10(2) will be adhered to: that the evolution of the Forum will produce an ongoing monitoring programme in the remit of the proposed subcommittee that is mentioned. The review must be effective and constructive to ensure the maintenance of a Civic Forum that represents truly the rich and diverse civic society that abounds in Northern Ireland. After the proposed review of 12 months they can have an ongoing monitoring programme by way of a proper and effective review. It will be like the Assembly, an evolving thing. It is new.

We are starting off from a completely new scenario, and in the Civic Forum we must take all the advantages of the work that has been done in society over the years. We have had more than enough of majority rule in Northern Ireland, so politicians and citizens must now go forward to build an equitable, responsible, accountable and truly inclusive Northern Ireland. The Civic Forum must be equipped to do this and to proceed with the confidence and the respect of the Assembly.

I support the motion.

Mr O'Connor: Tony Blair stated at the time of the Good Friday Agreement that he felt the hand of history on his shoulder. Twenty-five years after the collapse of the Sunningdale Agreement, history must not be allowed to repeat itself. This process is not perfect, but it gives us the best chance in 25 years to deliver good, accountable government to the people of Northern Ireland on the issues that really matter — health, education, jobs and economic development.

As we consider the contents of the document before us, we must make that step forward. The overwhelming majority of the people voted for that accountable government, and we must deliver it to them. The determination must be made to agree the numbers on departmental responsibilities in order to be able to take this process forward and be ready to assume power on the appointed day.

The agreement is a principled compromise which allows Nationalists and Unionists an equal say in the way our country is to be governed. It is fitting, therefore, that an Executive should reflect this equity by having 10 Ministers and 10 Departments. By having five Nationalist Ministers and five Unionist Ministers we will have to work together for the good of all the people.

Some people have suggested seven ministerial Departments: four Unionist and three Nationalist. This would be a perversion of the election. The combined first preference vote of Nationalists and Republicans for the SDLP and Sinn Féin was 320,821. The combined first-preference vote for the Ulster Unionist Party and the DUP was 318,142. It is inconceivable that with Nationalists and Republicans achieving more votes at the polls than the DUP or UUP, the process should be gerrymandered to allow Nationalists less representation on an Executive. That would be totally unjust. The designation of the 10 Departments provides many overlaps, thus making it necessary for all the Ministers to work together collectively for the good of all the people.

I welcome the proposals for the Civic Forum. I pay tribute to the six parties which took part in the round-table discussions on it. The Civic Forum is very important in that it will complement the Assembly. It will act as a valuable consultative body, and its membership will be inclusive. All sections of the people will be represented through industry, trade unions and voluntary organisations.

Mr Kelly, a Sinn Féin Member for Mid Ulster, touched on the Equality Department and why his party felt that it was necessary to have a separate Equality Department. I welcome the fact that the Equality Department is being retained within the office of First

and Deputy First Ministers. It is much too important an issue to be the remit of one Minister.

Mr Kelly said that the Unionists, the British, could not be trusted with equality. That is exactly why it cannot be the remit of either a Nationalist or a Unionist. It is much more important than that. By retaining it within the office of the First and Deputy First Minister, each can police the situation for the benefit of both Nationalist and Unionist; they can ensure that equality is a real issue in each of the 10 Departments, and it is not sidelined. The political integrity of the whole equality issue will be maintained as long as it stays at the centre.

There can be no blaming Unionists for doing this or Nationalists that. By retaining it within the collective office of the First Minister and Deputy First Minister, we ensure that it is dealt with correctly.

Every Member is responsible for ensuring the full implementation of the Good Friday Agreement. Within the agreement parties must use their influences to achieve full decommissioning of all illegal weapons by May 2000. This is still the case. The Deputy First Minister (Designate) has said that if it does not happen he will vote to exclude those who do not fulfil these obligations from ministerial office, and I support him in this.

But today violence in our streets has subsided. People now focus on punishment beatings. They are terrible and an abuse of human rights. We all accept that. But people are walking our streets today who would not otherwise be. Before the ceasefires between 80 and 100 people lost their lives through terrorist violence each year. Since the ceasefires in 1994, there are between 300 and 400 people alive in this country who would not be otherwise. This is something that we should not lose sight of. Had only one person been still alive, this whole process would still have been worthwhile and to suggest otherwise is total nonsense.

Many Members have talked about decommissioning, including the decommissioning of guns. Perhaps some of them — those former members of the Ulster Resistance — would use their influence to ensure that the illegally held weapons brought in from South Africa are also decommissioned.

4.30 pm

I remind the House that guns do not kill people. People kill people. Guns are sometimes used, but the weapon can be a knife, a hammer or a crowbar. It is far better to decommission the mindset that makes people want to kill. That can be achieved through the democratic process in which we are engaged. By listening and learning from each other we can build the trust that will move this society forward.

I should like to finish my maiden speech by quoting Martin Luther King. He said

“We are not where we want to be, but thank God we are not where we used to be.”

Mr S Wilson: We have had a useful debate in which many of the issues that surround the report have been well aired. Perhaps it has not been as colourful as the debate on 18 January. Mr Mallon has not been flying his aeroplane, and Mr Close has not been pushing his wheelbarrow, but we have dealt with some of the issues.

Two aspects of the report have been skirted. The Ulster Unionists have been guilty of that because they fear where the report will take them, and Members of other parties have done it because they know that the contents of this report, the compromise as they call it, is not the essence of good government for Northern Ireland.

I will use a metaphor which I am sure Members, and especially Sinn Féin Members, will understand. The report is a political time bomb that people started to construct in December. Bringing the report to the Assembly has put in place its timing mechanism, and the leader of Sinn Féin has said “When we take the vote, we will trigger that mechanism.” Perhaps he knows all about triggering mechanisms.

The First Minister (Designate) has told us that we then simply hand it to the Secretary of State to do as she wants. She has no intention of defusing that bomb if things do not go the way that the Ulster Unionists think they should go. It will explode and destroy democracy and the Union because it will blow into government members of Sinn Féin/IRA.

I do not care what we have heard from Members of Sinn Féin in the debate. Gerry Adams spoke about being concerned that there was no Minister for children. Many were left as orphans by the work of his organisation. Gerry Adams also talked about there being no special provision for the elderly, many of whom have lived all their adult lives in the shadow of the gun and the bomb, and perhaps lost loved ones as a result. Sinn Féin portrays this new image, which was probably just as nauseating on the television upstairs as it was in the Chamber.

David Ervine turned all his bile on DUP Members because they dared to highlight the true nature and affiliations of Sinn Féin. I do not regard him as a traitor. However, I do regard him as a sad case, who comes from the Unionist community and spends the 10 minutes he has in the Assembly attacking fellow Unionists and defending Sinn Féin. You would think that he might have learnt by now — the man who gave Gerry Adams the benefit of the doubt at the time of Canary Wharf. You would think he would have learnt by now not to trust IRA/Sinn Féin. *[Interruption]*

I will come to the Member in a minute. I do not want him to feel left out.

We have this new face of Sinn Féin — Martin McGuinness tells us he is offended because when he walks along the corridors in this building, David Trimble will not say “Hello” to him. Of course, he does not say “Hello” to half of his own party, so it really does not make much of a difference. This is the new sensitive face, the caring face, of Sinn Féin that is being presented — they plant trees instead of bombs, and we are supposed to think that this is progress. Well, I do not believe it is progress to set in train a string of events which will place people who still wish to retain their arsenal in a government.

The second thing I wish to say is this: quite a lot of Members have mentioned aspects of this report which they do not like. It is not a report set for good or efficient government — it was never designed for that. The First Minister said that it had been his aim to have seven Departments, and indeed Members of his own party have said that more than seven Departments were unnecessary. Anyone who wanted more than seven departments just wanted to get his snout in the trough. Yet the First Minister (Designate) said that he gave up the idea of seven Departments not because it would be good for efficient government but because it gave him a negotiating tool. We have finished up now with 10 Departments which will cost the taxpayers £90 million and give us a form of government which is most inefficient.

People have asked why the DUP did not put forward proposals. We did. We said that there was nobody in the House who had any experience of government in Northern Ireland in the past and that, rather than jump in with both feet, we should start with what we had. Then, if we needed to expand Government Departments after we had learnt about how they operated, we could do that later. But, oh no. Now we have a set of new Government Departments.

Let me talk about something that was mentioned this morning. The education and library boards will now find themselves responsible not to one Minister but to three Ministers. For schools, it will be the Minister for Education; for student support, the Minister for Higher Education; and for libraries the Minister for Culture, Arts and Leisure. Is that going to lead to better government? In no other part of the United Kingdom are, for example, schools and libraries separated.

We have got a programme which the Department of Education has been promoting and which I understand all parties in the Assembly have been promoting — Education for Life-long Learning. The whole essence of this programme is that we have an integrated system of education. Libraries, schools and further education are all integrated. What has this report done? This report has fragmented that.

I also have some knowledge of planning. In England, unitary authorities are being set up because it has been recognized that it is a nonsense to separate development control from strategic planning. What does this report do? It separates strategic planning from development control, and transport planning, urban planning, social regeneration and social development are elsewhere. Three elements of planning are in three different departments — and this is supposed to give us more efficient government.

Indeed, some of the report's authors do not have a clue about what is meant by some of the terms. I always understood "sustainable development" to encompass all aspects of government — where one integrates it, and where one plans to make sure that communities are sustainable. Therefore one has to make sure that schools, roads and housing, for instance, are in the right location. Sustainable development is a kind of overarching concept in planning, yet it has been stuck into one department. I suppose the rest of those engaged in planning will feel that it is not their responsibility.

I could go on, but I do not have much time. Were Assembly Members to be honest with themselves, they would recognise this report for what it is — a piece of political chicanery and nothing to do with effective government. That is why we will be rejecting it.

Mr Wells: On a point of order. We have just listened to another outstanding contribution from the Member for East Belfast, and the reason everyone in the Chamber listened to his every word was that he did not read from a prepared text. All Members of the Assembly have made their maiden speeches. There is no excuse now for any Member to read verbatim from a prepared text. Can we not encourage Members to stop reading their speeches and engage in proper debate?

The Initial Presiding Officer: I accept that that is an interesting point of order, and I shall make two responses to it. First, should Members wish this to be included as a note in Standing Orders, the proper thing to do would be to bring it to the attention of the Committee on Standing Orders. It is constructing the draft Standing Orders which I hope will be presented to this Chamber fairly soon. Should it be included in Standing Orders, I hope that Members will also indicate how the matter might be policed — for the sake of myself or whoever else is in the Chair. Secondly, in the absence of a Standing Order, should the Member concerned be very persuaded by the value of speeches being produced with the tremendous vitality and enthusiasm of his Colleague, he could perhaps draw that to the attention of some of his other Colleagues who have perhaps been a little less impressive.

Ms O'Hagan: A Chathaoirigh. First, I give today's report a qualified welcome. It is a welcome if belated step forward in the political process towards setting up

the Executive and the all-Ireland bodies. My Colleagues have been outlining our party's concerns with this report and I share those concerns, especially with regard to the placing of equality in the centre. Equality and human rights provisions were central to the Good Friday Agreement. Outside the confines of this Assembly, equality and human rights have been scarce commodities in Portadown. The small Nationalist community in that town has endured more than seven months of an orchestrated campaign of sectarian terror and intimidation carried out by the Orange Order and its supporters.

Since last July there have been more than 150 protests and demonstrations, most of them illegal, held by the Orange Order and Loyalists in the town. These have been carried out on an almost nightly basis, effectively corralling the small Nationalist community centred on the Garvaghy Road into their homes. The Nationalist population of Portadown cannot go about their normal, everyday business in the town. They cannot shop, go to the bank or to the post office or visit the local leisure centre for fear that they will be attacked and beaten. Those areas are out of bounds to them. Loyalists have verbally and physically abused schoolchildren whose uniform marks them out as Catholics. The case of Robert Hamill —

Mr Dodds: On a point of order. The Member has just referred to the phrase "out of bounds". In terms of the motion her speech is very clearly out of bounds. We are not debating the Garvaghy Road or the Drumcree situation today, and I ask you to direct the Member to be relevant in her remarks.

4.45 pm

The Initial Presiding Officer: I was waiting to see how her speech related to one of the Departments. I trust that Ms O'Hagan will speak to the motion.

Ms O'Hagan: The case of Robert Hamill, who was beaten to death in Portadown town centre by a Loyalist mob as the RUC looked on, graphically illustrates the reality of sectarianism in Portadown.

Mr P Robinson: On a point of order, Mr Initial Presiding Officer. At the last sitting there was a clear direction by the Chair — not by you but by the person who took over in your absence — that Members had to confine their remarks to the issues that are contained in the motions on the Order Paper. It is clear that that is not being done. I ask you to ensure that Members confine their comments to the matters on the Order Paper and not trot out some hobby horse that a Member might like to ride up and down the Garvaghy Road.

The Initial Presiding Officer: We are debating the Departments, and I ask Ms O'Hagan to speak to the motion.

Ms O'Hagan: If I am allowed to continue the House will see the relevance of my comments because I will refer to equality being under the auspices of the First Minister (Designate) and the Deputy First Minister (Designate).

It is against the background of the shameful events in Portadown that the failure to implement the Good Friday Agreement is set. The continuing political vacuum, caused by the failure of Unionism to deal with Nationalism on the basis of equality, is the reason for the crisis in Portadown. David Trimble, despite his roles as MP and Assembly Member for the area and the First Minister (Designate), has consistently refused to meet the representatives of the Garvaghy Road community. His latest refusal occurred just last week. David Trimble is a member of the Orange Order, and he should use his influence to halt the organised campaign of violence that is being carried out by the Orange Order in Portadown.

Mr Morrow: On a point of order, Mr Initial Presiding Officer. At the last sitting of the Assembly, when I tried to speak I was interrupted 14 times. I was challenged because it was claimed that I was not speaking to the motion. Ms O'Hagan is not speaking to the motion, and I ask you to rule on that.

The Initial Presiding Officer: Your colleagues raised that and I asked Ms O'Hagan to speak to the motion. It seems that Ms O'Hagan is beginning to address the matter of the First Minister (Designate) and his Department. If she continues in that direction her speech will be relevant.

Ms O'Hagan: The report asks Members to make equality the responsibility of the First Minister (Designate) and the Deputy First Minister (Designate). How does Mr Trimble propose to ensure that the people of the Garvaghy Road are treated with equality, given that he refuses to speak to them?

That community has a right to expect Mr Trimble to ensure that their rights are protected. The Good Friday Agreement, under the section Rights, Safeguards and Equality of Opportunity, states that the parties to the agreement affirm the right to freedom from sectarian harassment. From July, events in Portadown show the inability of Unionism to live up to the Good Friday Agreement. Those events also call into question the ability of the First Minister (Designate) to treat Nationalists on a basis of equality. Peace requires change that is based on equality, justice, human rights and respect.

It is time to stop Unionist terror and violence in Portadown. David Trimble has the power and influence to end the Nationalist nightmare in that town and to resolve the crisis in the political process and set about the implementation of the Executive. If he is serious about peace and sincere in his desire to create a new political atmosphere, he must act and act quickly.

Go raibh maith agat.

Mr Roche: The report from the First Minister (Designate) and the Deputy First Minister (Designate), which has been put to the Assembly for a determination by a cross-community vote, feeds into the Armalite and ballot box strategy of Sinn Féin/IRA. The report does not even mention the word "decommissioning". This means that in its negotiations since July 1998 on the detail of the Belfast Agreement, the UUP leadership has failed to incorporate into this report the logic of its own understanding of the agreement, that the agreement requires the decommissioning of the IRA's terrorist arsenal as a condition of Sinn Féin's taking its seats in the Executive. The failure to build this into the report as an explicit requirement for Sinn Féin's participation in the Executive amounts to total capitulation on the part of the UUP negotiators to what Mr Adams, in the politics of Irish freedom, has called "the vital cutting edge" of the Republican movement.

The UUP negotiators have also capitulated to what Mr Adams refers to as "the non-armed forms of political struggle". The reason for this is that the UUP negotiators have conceded the full Nationalist demand for the number of seats in the Executive. The result of this UUP capitulation is that the role of Sinn Féin/IRA in the Government of Northern Ireland and in the North/South Ministerial Council has been maximised. The overall import of the report can be seen with brutal clarity: the UUP negotiators, in agreeing this report, have finalised the retreat that they have been making throughout the period of the so-called peace process from virtually every position of strategic significance for Unionism. This means that, in the terms of the Belfast Agreement and the detail of this report, the UUP negotiators have capitulated to a moral and political indignity of almost unbelievable proportions.

The terms of the Belfast Agreement and this report provide for the citizens of Northern Ireland to be governed by the architects and activists of the Republican terrorism that has been directed against them for 30 years while the IRA maintains its terrorist arsenal and organisational structures intact.

That is why no Member authentically committed to democracy and to the integrity of the rule of law could possibly vote for this report. But the UUP position is that the report should be agreed by a cross-community determination and then either "parked" or "reviewed" in case the IRA refuses to decommission its terrorist arsenal. The problem with both these proposals — apart from their inherent ambiguity — is that they are not provided for as options in the terms of the agreement.

There is nothing in the agreement that provides for a "parking" of the implementation of the agreement, whatever that term may mean. There are certainly no provisions in the agreement for a "review" in the case of

a refusal on the part of the IRA to decommission its terrorist arsenal. These considerations mean that any attempt to “park” or “review” the agreement would not have the support of either the Government of the United Kingdom or the Government of the Republic.

The ultimate strategic blunder on the part of Mr Trimble in putting the report to a determination is that he will either split his own party or the determination will have cross-community support. But in the event of cross-community support, the political initiative will pass immediately to a Secretary of State whose commitment to Irish unity is set out in unambiguous detail in a Labour Party policy document entitled ‘Towards a United Ireland’, which was co-authored by Mo Mowlam. The determination of the report would mean that the introduction of the Standing Orders to trigger the d’Hondt mechanism to seat Sinn Féin/IRA in the Executive would be entirely at the discretion of a Secretary of State committed to Irish unity.

The Secretary of State would then have to make a choice between “facing down” Unionist opposition to the seating of Sinn Féin in the Executive without IRA decommissioning or a return to terrorism on the part of the IRA. The choice of the Secretary of State is entirely predictable, since the whole political rationale of the agreement is to meet the requirements of Sinn Féin/IRA for what the Mitchell Report describes as “taking the gun out of Irish politics”. If need be, this means that the Secretary of State would almost certainly choose the option of neutralising any attempt to “park” the implementation of the agreement, particularly in the wake of the entire detail of the agreement’s being accepted in a cross-community vote in the Assembly. A Unionist vote supporting the report would therefore amount to a virtually irretrievable strategic blunder.

The consent principle in the agreement would provide no protection to Unionists once the Rubicon of accepting this report was crossed. The reason for this is twofold.

First, the consent principle in the agreement relates only to the issue of the final choice for Irish unity. Secondly, the consent principle in the agreement is not based on recognition of the legitimacy of Unionism. On the contrary, the repeated references in the agreement to “the people of the island of Ireland” and their right to self-determination concedes a fundamental point of Irish Nationalism — that there is a single nation or people on the island of Ireland. Ulster Unionists who took part in the negotiations leading to the agreement were, obviously, unaware that by making this concession to a fundamental tenet of Irish Nationalism they were undermining entirely the legitimacy of Unionism and the status of Northern Ireland within the Union.

The consent principle mentioned in the agreement is not related to any recognition of Unionism but is a

purely pragmatic requirement for political stability in a united Ireland. This separation between the principle of consent and the legitimacy of Unionism is a fundamental element in the attitude of Irish Nationalism to Unionist consent. It can also be seen in Dr Mowlam’s policy document ‘Towards a United Ireland’. This view is that, since Unionism is itself devoid of legitimacy, Unionists have no right of veto over how their consent to Irish unity — or any other issue — is obtained.

The logic of this position is developed in detail by Mr John Hume in his book ‘Personal Views’. Mr Hume’s central thesis is that the recognition of successive British Governments of Unionists’ right to veto with regard to Irish unity was the fundamental cause of the last 30 years of terrorism in Northern Ireland. Mr Hume turns the victim into the culprit and is prepared to follow through unambiguously in the logic of his view on what he calls the Unionist veto. His position is that, if coercion is required to obtain Unionist consent, then Unionists must be coerced. This means that if this report were given cross-community support while its implementation is “parked” Mr Hume would not align the SDLP with those who demand that the IRA should decommission its terrorist arsenal before Sinn Féin can take seats in an executive. On the contrary, Mr Hume would, almost certainly, see such a situation as an appropriate opportunity finally to “lance the Protestant boil”.

The presentation of this report to the Assembly brings Northern Ireland to the edge of the Union. The Unionist electorate should, therefore, take this moment to evaluate their leaders coolly, avoiding both political disorientation and defeatism. In short, they must avoid doing what some self-proclaimed leaders of Unionism have done. I take no pleasure in the development of this point.

During the debate on this report the leader of the UKUP set out his reasons for opposing it, just a few days after his party conference had indulged in the political tomfoolery of conferring honorary life membership on Dr Conor Cruise O’Brien. Dr O’Brien is now an unqualified advocate of old-style Irish unity. The argument set out in the final chapter of his memoirs is that Unionists have no option but to negotiate their status as Protestants in a united Ireland. Dr O’Brien dismissed the Union as a mere abstraction and argues that his plan for Irish unity would put the IRA out of business. That is indeed the case, as Dr O’Brien’s plan would concede to the IRA everything for which they have terrorised the Unionist community for 30 years.

The political disorientation of the UKUP under Mr McCartney’s leadership is such that the author of a plan for Irish unity, involving the appeasement on a massive scale of IRA terrorism, has been reinstated to the party as an honorary life member just a few months after I, with the support of my Assembly Colleagues,

and in the face of opposition from Mr McCartney, forced him to resign.

This insight into the politics of the UKUP is entirely relevant to the current situation. A vote to approve the determination of the structures proposed in this report would precipitate a crisis for the Union not seen since 1912. That is why I appeal to UUP Members to vote against the report. If this report is accepted on a cross-community vote, the first task for the Unionist electorate will be to deal with Unionist leaders who have nothing more to commend them than a lethal combination of strategic ineptitude and political stupidity at a time of serious crisis for the Union.

Ms Rodgers: First of all, I advise Mr Roche to read more carefully what Mr Hume wrote, because he has been quite selective in his dissertation on Mr Hume's views. He might also recognise that it was the SDLP, under John Hume's leadership, that was the first party on these islands to write the word "consent" into its Constitution.

5.00 pm

The report is the culmination of a lengthy process of negotiation and consultation among the parties in the Assembly, and it represents yet another step in the implementation of the Good Friday Agreement. Let no one forget that this agreement has the support of three out of four people in Northern Ireland and 85% of the people of this island. Those people voted for an agreement which they understood to be a compromise, an accommodation requiring give and take on all sides. They have a right to see the agreement working, and all of us in the Assembly share the responsibility to fully implement the Good Friday Agreement to the letter and, as Seamus Mallon said earlier, in spirit.

The setting up of Departments, as proposed in the report, will allow Members, as democratically elected representatives, to influence in a practical and accountable way the important decisions which affect the lives of their constituents. It will put an end to situations, such as the one which arose last week, when the Government, having announced an injection of resources for pre-school education last year, summarily changed their mind and reallocated the resources elsewhere. Members do not know what priorities influenced this volte-face; we do not know why the money was reallocated, and Members had no say in the matter. That is an intolerable situation, one which can be remedied when Members take the next step of assuming the right to influence and make decisions on these important issues themselves.

I listened to the tired old rhetoric of the past from some of the Benches in the corner opposite. Members heard the usual attempts to represent the proposition — and indeed the whole agreement — as a danger to the Unionist identity. Dr Paisley raised the question of

victims of violence — an understandably emotive issue, unfortunately affecting all sections of society. However, the real question is how can Members ensure that there will be no more victims of violence. By raising the temperature and, unnecessarily, the fears of the Unionist community — and we know, from people such as David Ervine, the effect that that has had in Northern Ireland in the past — do Dr Paisley and the DUP think that that is going to do anything to ensure that there will be no more victims of violence?

The agreement which is being implemented, and which I hope will continue to be implemented, is about achieving a situation where there are no more victims of violence and where Members can change the face of this community. Sammy Wilson talked about past atrocities and about blighted and lost lives. I want to know what contribution he and his party have made to bring about the changes which will ensure that no more lives will be blighted or lost. I have not seen that contribution to date.

The leaders of the political parties in this Chamber (John Hume, David Trimble, Gerry Adams and David Ervine — all of them) have taken risks when it was necessary, risks to move away from past attitudes. They have seen the option of sticking with past attitudes and where that has brought the community. I do not need to illustrate it; we have seen it all around us for the last 30 years. They have seen this and have taken the option of taking risks, moving forward and changing the face of this community. This is why, as Danny O'Connor said, "We are where we are and not where we used to be."

May I remind the pro-agreement parties that we need to rededicate and recommit ourselves to what we signed up to and what the people supported:

"We, the participants in the multi-party negotiations, believe that the agreement we have negotiated offers a truly historic opportunity for a new beginning. The tragedies of the past have left a deep and profoundly regrettable legacy of suffering. We must never forget those who have died or who have been injured, and their families. But we can best honour them through a fresh start, in which we firmly dedicate ourselves to the achievement of reconciliation, tolerance, and mutual trust, and to the protection and vindication of the human rights of all.

We pledge that we will, in good faith, work to ensure the success of each and every one of the arrangements to be established under this agreement."

What we need to do is to concentrate on the commitment we have made and ensure that we deliver on it. Each of us needs to concentrate on what we can deliver, not what the others must deliver.

We have firmly committed ourselves to achieving mutual trust. Decommissioning has been raised time and time again. The issue of decommissioning is about establishing mutual trust. It is about building confidence. To rephrase a statement made by the late John F Kennedy, it is not about what we can do for ourselves but what we

can do for others. It is about what we can do for the agreement and not what the agreement can do for us.

The agreement is the people's agreement. I have not heard people from either side of the community saying that they are desperately concerned about decommissioning. Of course decommissioning is an issue, but what people are really desperately concerned about is that this agreement should be made to work and that it should be implemented as agreed. That means everyone playing his part in achieving that.

Finally, I want to see decommissioning. My party wants to see decommissioning. The people want to see decommissioning, and I want to ask the Democratic Unionist Party in particular how they are going to bring about decommissioning outside of this agreement which they are opposed to and which they want to see ended. How are they going to do it? It has not been achieved in 30 years.

Seamus Mallon rightly said this morning that the only vehicle we have for bringing about decommissioning is the Good Friday Agreement. If we want it to happen then each of us will play our part in implementing that agreement, in building the necessary confidence and trust to make sure that we can implement it. We cannot implement it and work together in a government where that trust is not built. It is a matter for each of us to build each other's confidence.

I leave Members with those thoughts and support the motion as another step in implementing the will of the people of Ireland and the people of Northern Ireland.

Mr Paisley Jnr: A number of questions arise out of this debate today. A number of questions must be heavy on the minds of Members, no matter what section of the Assembly they come from.

Is Northern Ireland ready for self-government? Of course, every democrat would say that Northern Ireland deserves self-government. Northern Ireland should never have lost its own parliament in the past. It should never have lost the opportunity to govern itself and the citizens of Northern Ireland. However, with that question comes a solemn responsibility. What type of self-government does Northern Ireland want? What type of self-government does Northern Ireland deserve?

In the report offered by the First Minister (Designate) and the Deputy First Minister (Designate) there is nothing resembling good and stable government for the people of Northern Ireland. My Colleague Sammy Wilson went through the report looking at each Department and pointing out the ramshackle arrangement of the various Departments. It does not make sense.

It is not only the Democratic Unionist Party that has taken this view about the structure of government in Northern Ireland.

Leading members of the Ulster Unionist Party, people such as Ken Maginnis, have said that this is the worst example of snouts in the trough — old Fianna Fáilism — politics that he has ever seen. Other leading Members, who could by no means be described as belonging to the “no camp” of Unionism, have said that it is a waste of £96 million of Government resources. If that is their view — and they are in favour of the agreement — then how can they expect my party, which is critical of this report, to agree with its contents?

Just this morning, Mr Trimble's office passed around corrections to pages that were not in the original report. The accurate report shows us the way in which this oligarchical structure has been designed. Indeed, in the Office of the First Minister (Designate) and the Deputy First Minister (Designate) there are something like 27 areas of responsibility — three times the size of any other Department. They really trust their friends, you know! They are not prepared to dish out any of this responsibility to anything, to anyone, or to any other Member, even to those in their own party.

The only other Department which comes close, with 14 areas of responsibility, is either John Taylor's or Reg Empey's Department — the Enterprise, Trade and Investment Department — and there will have to be a political carve-up in that one. Mr Trimble's Office has responsibility for freedom of information. Imagine that, when it cannot even arrange for this information to be disseminated among Members in good time.

Going through the report, many Members, including Eileen Bell of the Alliance Party, dwelt heavily on the issue of consultative —

Mr Haughey: The logic of Mr Sammy Wilson's intervention was that there should really be only one Department of Government. The logic of Mr Paisley's intervention now appears to be that there should be 143 Departments of Government since each Government Department, as set out in the report, is packed with far too many responsibilities.

Mr Paisley Jnr: The Member for Mid Ulster is just being silly. He should listen to what some of his Colleagues in his new coalition shadow Executive have been saying — one of the Back-Benchers in the Ulster Unionist Party made it clear that with six Ministers in Northern Ireland, we would have three too many. Three could perform the task of administering Northern Ireland adequately. This is the view of the people with whom he wishes to share power.

With regard to the consultative Civic Forum, the share-out of responsibilities is unbelievable — our largest industry gets a minority position on this body. The voluntary/community sector — that sector of failed or aspiring politicians — gets the greatest number of representatives in Northern Ireland. That is a shame, and

this consultative Civic Forum will be a waste of space and a waste of resources. Northern Ireland will have about 168 legislators and advisors when other areas of the United Kingdom, which are considerably larger, will have less than half that number to administer those areas.

On 'Good Morning, Ulster' this morning, Mr Trimble said that this was not a significant day by any means and that today's vote does not really matter. If this is such an insignificant vote, why can the Ulster Unionist Whips not lay off their Members? Why can they not say that today there will be a free vote for all of the Ulster Unionist Members? I would like to see just how many would vote for this report then. In their election manifesto the Ulster Unionists made a very straight commitment — they said that they did not wish to sit in a Government with unreconstructed terrorists. This report will usher those very unreconstructed terrorists into government, as Mr Weir said earlier today, and I agree with his view.

The euphoria of 1998 is evaporating — we can see that all around us in Northern Ireland. Look at the recent poll findings in the 'Belfast Telegraph'. A total of 84% of respondents said that they wanted the decommissioning of all terrorist weapons immediately. A massive 93% of Protestants, and almost 70% of Catholics, said that they wanted decommissioning to start straight away.

5.15 pm

I notice that Ms Rodgers, who is a touchstone of Unionist opinion, does not seem to know that 70% of the community that she comes from want decommissioning right away. On day four of this survey it went on to say that four out of five people — over 83% of the population of Northern Ireland — want the early release of prisoners stopped. This deal is currently unravelling, and it is doing so on issues that we predicted.

Then, of course, there are the negotiators of the Belfast Agreement who told us this was the best deal possible but who are now running away from that deal. People such as Ken Maginnis, who boasted that he had negotiated the Police Commission for Northern Ireland, last Friday distanced himself from it and said he wanted nothing more to do with it. If that is the best they can offer us, dear help this country.

The Secretary of State should realise that what she sows in Northern Ireland she will reap, not just in Northern Ireland, but right across the United Kingdom. She will reap what she sows when people bow not to democracy only to terror and she realises that, as has been happening in Northern Ireland for too long, coffins are being put in the ground across the entire United Kingdom. Instead of leading us towards a situation where peace ought to come about, this Government is

taking us back to a situation where peace can never come about.

I listened carefully to many of the speeches. Mr Trimble said there were functions missed out of the 18 January report, and it has taken until now to include them. Of course there were functions missed out. The most glaring omission in this report is the absence of any mention of decommissioning — it has not got a look in. Mr Trimble must have been really embarrassed yesterday whenever he was shown up by Bertie Ahern who dared to mention decommissioning, while he has been running away from it and not daring to mention it in his reports.

The Deputy First Minister (Designate), Mr Mallon, said that we have overcome the difficulties. The only reason he is able to say that the difficulties have been overcome is that he has avoided including decommissioning in this report; he has avoided grappling with that issue; he has avoided tugging that little flower that he said he wanted to tug.

The Deputy First Minister (Designate): Will the Member give way?

Mr Paisley Jnr: The Member's Colleague tried to interrupt me. I wish I could give way, but I have only two minutes left.

Mr Mallon also said — and I quote him directly —

"Outside of this agreement there is no prospect of decommissioning."

The reality is — and I speak to you solemnly today — that within this agreement and this report there is no prospect of decommissioning either. Everyone must face that reality — and I wish we all could. There is not the slightest chance of our seeing decommissioning coming out of this report or this agreement.

Mr Farren, in his little gambit to be a Minister in Northern Ireland, said that there was no alternative. There are countless alternatives to this agreement but none which will suit the Provisional IRA, and that is why Sinn Féin/IRA are for this agreement. That is the reality. There is no mention of decommissioning in this report.

I say to the Back-Bench Unionists that they should not put their faith in Bertie Ahern; they should not vote for this because Bertie Ahern says he will give them some support further on down the road. They cannot trust his words. They should not put their eggs in Bertie Ahern's Fianna Fáil basket; they should put them in the basket of Unionism; they should stay with Unionism today and give it the endorsement it requires.

Mrs Nelis: Go raibh maith agat, a Chathaoirigh. I was absorbed in the Reverend's young son's rhetoric.

I want to address Section 5 of the report which deals with the setting up of the Civic Forum. Sinn Féin

subscribes to and supports the setting up of the Civic Forum. We have made constructive and positive inputs through our full and active engagement in the working party set up to bring forward proposals to the First Minister (Designate) and the Deputy First Minister (Designate). Over the weeks of its deliberations Sinn Féin brought forward comprehensive proposals for the setting up of a Civic Forum. During those deliberations we flagged up a number of concerns such as representation, nomination bodies, remit — all the issues which have the potential to make the Civic Forum a truly representative body reflecting civic society.

We were concerned lest the Civic Forum become a performing poodle. We note that some of our concerns have been addressed in the final report. However, we are disappointed that this report today contains fundamental flaws and falls far short of producing a body that will address the democratic deficit and its effect on civic society that 50 years of Unionist misrule and 30 years of direct British misrule have given us.

Sinn Féin believes that our proposals for the development of a Civic Forum would address the democratic deficit, complement the work of the Assembly, add to the quality of decision-making and be not only consultative but innovative as well. Sinn Féin set out proposals which we hoped would impact on civic society by structuring the Civic Forum in such a way that it would provide the potential for establishing a new relationship between people and politicians — a bridge from the community to the Assembly.

In the working party we argued for quality time for the Civic Forum, more and wider consultation, equality of representation, the core principles of accessibility, transparency and accountability. We promoted and encouraged the concept that the Civic Forum, by embracing core democratic values, could become a dynamic body influencing and contributing to the process of real change.

Our proposal for setting up Comhdháil an Phobail, the people's forum based on constituency panels connecting directly with local Assembly representatives, had the overall aim of providing an effective and expert structure to the Assembly on development, policy performance, legislation and administration. We argued and will continue to argue that such a structure would be preferable, in terms of democratic participation, to an exclusive and predetermined clutch of organisations designed to meet the needs of the First and the Deputy First Ministers (Designate) in meeting the needs of civic society. Constituency panels would also ensure an effective mechanism, not only for equality proofing and maximising representation, but also for providing a sound basis for debates, drawing upon the knowledge of those who are expert in any given area of discussion.

Some of our concerns have been addressed in the report, but there are still areas where we have serious misgivings. We argued in the sub-group for a further period of more extended consultation to address the concerns and the suspicions in the broader community that the Civic Forum would be nothing more than a body of the great and the good, already well represented in civic society — a sort of Trimble and Mallon fan club.

Despite these concerns Sinn Féin has struggled to uphold the principles which underpin the agreement and to devise mechanisms for developing the Civic Forum which are consistent with the core principles of equality, accessibility, transparency and accountability. It is for those who have participated in the formulation and endorsing of the report to explain, not only to the Assembly but also to the pro-agreement public, how precisely this report can overcome the inherent and fundamental flaw which gives ultimate control of selection, remit and representation of the Civic Forum to the First and Deputy First Ministers (Designate).

No matter what the recommendations of the sub-group, the invitation to the umbrella groups, the process of selecting the voluntary community sector, the public advertisement, appointments, and so on, at the end of it all the First and Deputy First Ministers (Designate) — not the Assembly — will hand-pick 60 individuals. This will be a double-edged sword for them. In terms of equality proofing the buck stops with the First and Deputy First Ministers (Designate). Despite the fact that it allows for review after a year in terms of the Civic Forum delivering what everyone expects of it — participative democracy — this report falls far short of such expectations.

The Initial Presiding Officer: I know that we are getting well on in the day, but I would appeal to Members to give this Member the same good hearing that has been given to most other Members. If Members wish to have conversations they should slip out for a minute or two to do so.

Mrs Nelis: In this report, democratic principles are secondary to the opinion of the First Minister (Designate) who, it seems, never wanted a Civic Forum. When it was written into the agreement the First Minister (Designate) hoped that his inactivity and hostile approach to it would make it disappear — like other issues in the agreement which he did not like, but signed up to. But it did not. Indeed, the UUP's submission contained in the synopsis to the working party says

"keen on the business community being represented, but conscious that, however worthy, bodies such as the Institute of Directors do not fully represent the business community. Keen on Chambers of Commerce and Chambers of Trade as having a role."

Could this be crony corporatism? Not exactly a recipe for democratic participation, nor does it reflect

equality, which is to become the responsibility of the Office of the First Minister (Designate) and Deputy First Minister (Designate).

The DUP, the party that said “No” and continues to say “No”, refused to participate in the working party. It was scared that it might learn something about democracy, which it keeps shouting about here. It is called political cowardliness.

A Chathaoirligh, I raised my party’s concerns during working party meetings that the submissions made to the First Minister (Designate) and the Deputy First Minister (Designate) represented a narrow cross-section of civic society. I raised the issues of quangos, which are actually given the authority to nominate members to the Forum. I asked time and time again for consultation to be extended to incorporate the opinions and ideas on the Civic Forum of marginalised and excluded communities.

This report does not accommodate such communities, unless the additional six representatives which the First Minister (Designate) and the Deputy First Minister (Designate) have slipped in, outside the recommendations of the sub-group, will be drawn from those excluded by the report — for example, ex-prisoners, travellers, grass-roots community economic organisations, human rights groups and victims of state violence.

It is more likely that the additional 10% of the Forum, the magnificent six appointed by the First Minister (Designate) and the Deputy First Minister (Designate), will be the friends of friends — the great and the good; a Civic Forum quango in what is supposed to be a consultative body.

Nevertheless, the Civic Forum will be set up, and we in Sinn Féin will give it our critical support. It will be up to the First Minister (Designate) and the Deputy First Minister (Designate) to demonstrate that the Civic Forum will be explicitly, directly and systematically equality-proofed. Sinn Féin will continue to press for a Civic Forum which will be truly democratic and inclusive.

I would like to end with the words of the great poet Robert Frost:

“The woods are lovely, dark and deep,
But I have promises to keep,
And miles to go before I sleep.”

This report has miles to go.

Go raibh maith agat, a Cheann Chomhairle.

Mr A Maginness: Recently I received a card which showed the monument erected at Messines to commemorate the fallen Irish soldiers of the First World War. The interesting thing about those soldiers was that irrespective of whether they came from North or South, or whether they were Catholic or Protestant, and although they fought in the one army, they fought for different political objectives and from two different

political perspectives. A further interesting thing about the card was the name of the group that designed this monument, and I know that the Member for North Down, Sir John Gorman, was actively involved in that design.

5.30 pm

It was called the Journey of Reconciliation Trust, and it struck me today that we are also on a journey of reconciliation. Without that key goal in mind, the Assembly will fail because it exists, not for our entertainment or for political point scoring, but for the creation of genuine reconciliation in this society. The report is an attempt to create a structure and a network in which reconciliation can take place. We have constructed an Executive that has built into it power-sharing between the two communities and among all the Assembly’s political parties.

We have a unique opportunity to develop that theme of reconciliation. Today is a good day for reconciliation because the report provides a vehicle for that. I note the sneers from DUP Members when I mention reconciliation. I am used to that and to the negativity of the DUP. Its corner of the Chamber should be called “No corner” because the DUP represents the biggest negative in our politics. Its attitude to the report entirely reflects its negativity. Its Members are the no-men. They are going nowhere and they live in a political nowhere land.

The speeches by Mr Paisley Jnr and Peter Robinson reminded me of a drowning man clinging to the political wreckage of failure and abstentionism that represents the DUP. The Members who support the report represent hope and reconciliation for this community —

Mr Paisley Jnr: Will the Member give way?
[*Interruption*]

Mr A Maginness: Listen to them. They illustrate the negativity that I and others, including David Ervine, have highlighted. The debate ended — [*Interruption*]

The Initial Presiding Officer: Order. Mr Maginness may be able to deal with these interruptions, but they are disturbing for everyone else. Are you prepared to take the intervention, Mr Maginness?

Mr A Maginness: No. [*Interruption*]

The Initial Presiding Officer: Order. The Member has made it clear that he is not taking the interventions. I therefore ask Members to let him proceed.

Mr A Maginness: The debate ended around 2.30 pm after David Ervine’s —

Mr Campbell: On a point of order, Mr Initial Presiding Officer. Is it in order for Alban Maginness to lambast Members in this corner for being negative?

When I was speaking I gave way to him, and he adamantly refuses to give way to anyone on this side.

The Initial Presiding Officer: As you know, it is in order for a Member not to give way.

Mr Wells: Mr Maginness will recall that I gave way to him during my previous speech. The Member speaks about negative approaches. Does he remember that it was his party which boycotted the Assembly from 1982 to 1986? It also boycotted the Forum, the Police Authority and Stormont in 1969. Which is the negative party in the House?

Mr A Maginness: I am talking about a situation where we all have an opportunity to rebuild this community. The DUP is not taking that opportunity because it is so negative in its attitude to everything at present. And the problem for some people is that they made a mistake about a year or 18 months ago when they refused to go back into the negotiations. Now they are left in a situation in which we have an agreement which has the support, not just of the political parties that signed it, but of the vast majority of people in Northern Ireland, and, indeed, in the whole of Ireland. Their boycott, negativity and abstentionism have brought them into the cul-de-sac that David Ervine has rightly described them as being in, and they cannot get out of it without losing face. But if they had had a leadership that was brave enough and imaginative, they would have got out of it long before now.

The people who are giving leadership in the community are Seamus Mallon and David Trimble. Through today's report they have provided — *[Interruption]*

I am not surprised at this layabout attitude coming from those Benches. The problem with them is that they have narrow minds, and worse than that, they have withered hearts. They have neither the bigness nor the generosity to get on with rebuilding the community and trying to repair its divisions and wounds.

Today we have a report that provides a way forward. It creates institutions of government that are innovative and imaginative. The Department of Social Development, for example, will do much to help a community that suffers from multiple deprivation. The creation of a Department for Regional Development will do likewise, in terms of developing our resources in the community and providing a new infrastructure as we approach the new millennium.

In addition, we will have a Department which will ally Higher Education with Training and Employment. That is innovative and a major step forward. We will also have a Department of Enterprise, Trade and Development that will create a new basis for industry and commerce in the community. And that is what we

need because the public sector here, which employs 40% of the total workforce, is too big. By developing an alternative enterprise-based economy and culture here we can do much to develop our human resources and physical and natural resources.

That is why this is a good day for the people of Northern Ireland. Members who sneer at this report have nothing at all to put in its place. This report provides us with a common way forward. It provides the basis for sufficient trust in the community, and all the major political parties here who are dedicated to rebuilding the community can help to build on that together.

Many Members have talked about time running out, about there being little hope and about people despairing. Between little hope and despair there lies an ocean of opportunity. We have that ocean of opportunity. Let us now embark on that journey of reconciliation, through that ocean of opportunity, and provide for our children in the years to come.

Mr Carrick: I will first pick up on a comment which the Deputy First Minister (Designate) made this morning. I was quite mystified when he referred to the fact that there would be no decommissioning outside of the agreement. I wonder if the thought ever crossed his mind that a straightforward solution would be simply to do the proper and honourable thing: renounce terrorism as a means of obtaining a political objective, dismantle the war machine and disband the terrorist organisations and decommission all the weaponry. Sometimes we are guilty of overlooking the obvious, but I would have thought that that was a fairly obvious solution to the problem.

Comment was also made today in relation to democracy and the core democratic values that we all should be embracing. I remind Members that the graves of the murdered cry out this evening for justice and for equality. No doubt this evening the families of the victims marvel at the hypocrisy of some Members' contributions today.

As elected public representatives, we have a duty to provide stable and credible government for the citizens of Northern Ireland, and the establishment of a local accountable Assembly is an objective that all democrats can identify with. And the machinery for achieving that consists of free and fair elections. The problem is that, as a result of the Belfast Agreement and the subsequent legislation, which the DUP opposed, we have a mongrel form of Administration. This hybrid system of government was of course devised to placate Republican terrorists and other terrorists who want to have their cake and eat it.

To put it another way, those wedded to terrorism succeeded in the talks process in duping the other

negotiators by pretending to follow the democratic path, yet they had no intention of abandoning the terror tactic. Hence, today we have a report brought about by an agreement, the aim of which is to accommodate unrepentant terrorists and which is designed to ensnare Unionism in a web of Irish Nationalism, leading eventually to a united Ireland.

The whole exercise of establishing local accountable democracy, as envisaged in this report, is seriously flawed, operating, as it has to, on the basis of the Belfast Agreement. And it lacks democratic credibility while representatives of terror remain in the Chamber of democracy.

At the weekend I heard Members express fears about a retreat from the agreement and its possible consequences. But I have never heard the same passionate calls for a retreat from terrorism, punishment beatings, the tools of terrorism, or the threat of terrorism. Democracy cannot afford to be polluted by terrorism or the threat of terrorism which this report contains. Those who believe in the purely democratic process have great difficulty with the diluted system incorporating pretend democrats and unrepentant terrorists.

Another element of the Belfast Agreement is the establishment of the consultative Civic Forum. This is another deviation from true democracy. The system of appointees and the concept of quangos are contrary to proper accountable democracy. There is no substitute for democratically elected public representatives. The Belfast Agreement, however reprehensible it is, makes provision for such a Civic Forum, and, with all its intrinsic weaknesses, that will become a reality.

5.45 pm

It must also be said that, as far as consultation with groups and individuals is concerned, the facility is normally afforded to Government committees to access information and expertise by meeting such delegations as and when required.

I must also state that no Member has a monopoly on wisdom, knowledge or ideas. There are valuable contributions to be made by those outside this Chamber from all walks of life.

The Civic Forum, under the Belfast Agreement, is a fait accompli. It is essential, in the interests of fairness, equity and justice, that representation on such a body should reflect the community as much as possible, but it is questionable whether such fair representation can be achieved under these proposals.

First, according to the proposals before us, the health sector, which is vital in Northern Ireland, is not to be represented. As my Colleague Gregory Campbell pointed out, there will be no representation for local government either. Secondly, nominations by the First

Minister (Designate) and the Deputy First Minister (Designate) are a further manifestation of the undemocratic nature of the proposed forum. Thirdly, the appointment of the chairperson to the Civic Forum by the First Minister (Designate) and the Deputy First Minister (Designate) is further evidence of the manipulation and the contrived democratic process that we have to experience. Fourthly, the victims of terrorism are clearly going to be under-represented in the Civic Forum and will once again find themselves victimised and discriminated against.

Hence, we will have, under these proposals, a defective and deficient Civic Forum, a conclusion that is inevitable for all true democrats, especially given the other elements of the report and particularly the absence of any reference to decommissioning or dismantling of the Irish Republican war machine.

I appeal to my Colleagues in all shades of Unionism to vote against this report. This report, if adopted, will be damaging not only to the Unionist position but to the Union itself, and I will be voting against it.

Mr McElduff: Go raibh maith agat, A Chathaoirleach.

Cuirim “fáilte cháilithe” roimh an tuairisc seo. Is é brí mo chuid cainte go gcaithfear leanstan ar aghaidh ar an toirt — gan mhoill — leis na forais atá luaite sa Chomh Aontú.

Ar chlúdach an ChomhAontaithe deir sé “Baineann an doiciméad seo le do thodhchaí. Léigh go cúramach é, le do thoil. Is é do chinneadh féin é.” Thug 85% de mhuintir na h-Éireann a dtacaíocht don ChomhAontú sin.

Ritheann sé liom ó am go h-am nár léigh roinnt Teachtaí Tionóil an ComhAontú fiú féin. Ní thuigeann siad aon chuid den mhéid atá le rá aige faoi dhímhíleatú agus faoin ghéarghá leis an chéad chéim eile a ghlacadh sa phróiseas seo — níor mhaith leo é a thuigbheáil, a ba chóra a rá.

This week will be crucial for the peace process. We will be voting on the report to set up the 10 Assembly Departments and the all-Ireland bodies, which are long-awaited and overdue. There should be no further delay in establishing the shadow Executive and the all-Ireland Ministerial Council in preparation for the devolution of power at the beginning of next month. Towards that end, Sinn Féin will give its support, qualified though that may be, to the report from The First Minister (Designate)/An Chéad Aire and The Deputy First Minister (Designate)/An Leas-Aire.

I look forward to working closely with those in the Culture, Arts and Leisure Department and to ensuring that the provisions of the agreement with respect to Irish language and culture are developed to their full in the spirit of mutual respect and cultural diversity. Similarly,

I look forward to the establishment of the North/South implementation body with the principal function of promoting the Irish language.

Go n-éirí go geal leis na h-iarrachtaí seo, agus guidhim rath agus bláth orthu.

In relation to the system for nominating Members to the Civic Forum, I hope that victims of British state violence will be given a strong voice, because this category of victim has been denied a voice for too long. There must be an equivalency of victim status, an equality of grief, and an equality of memory. There must be no hierarchy of victims, no distinctions drawn between those, on whatever side, who have died because of this conflict.

I expect that when it comes to nominating sporting appointees to the Civic Forum the Gaelic Athletic Association, the largest sporting organisation in this country, will be given due recognition for its contribution and importance in every county the length and breadth of this island, and for its contribution to society generally. If the Sports Council does not see fit to nominate someone from a Gaelic athletic background then I hope that the First and Deputy First Ministers (Designate) will nominate such an appointee.

We should be getting on with our work. Anxious communities are waiting with bated breath for a more considerate, more local, more relevant and understanding policy approach to many issues. This can be done only by politicians who come from this country and not from England, Scotland or Wales.

In relation to hospitals, the Health Service, rural schools and, as we approach the new millennium, the issue of connecting rural homes to a water supply, I look forward to working with the Department for Regional Development. Those are crucial issues on which English, Scottish and Welsh Ministers have never done a proper job. Let us do a proper job on those matters because we understand our own country best. Let us remember that we have to give political and institutional effect to what the people have said. Eighty-five per cent of the people of this country have voted and endorsed the Good Friday Agreement.

Go raibh maith agat.

The Initial Presiding Officer: The sitting is now suspended. We will resume — *[Interruption]*

Mr C Wilson: On a point of order, Mr Initial Presiding Officer. Will you deal tomorrow with an issue under section 10(2) of the Standing Orders on the conduct of Members in the Chamber? It was touched upon earlier, but I should like to return to it tomorrow at your earliest convenience and to ask whether you think that it is proper for a Member to bring into the building, and into the Chamber, a component part of an explosive

device. If it is acceptable and if you think it appropriate, will you refer the matter to the shadow Commission to consider how Members are searched on entering the building? It is a matter for grave concern that any Member could bring into the building and into the Chamber part of an explosive device.

This is not a matter to be dealt with lightly. I said at a meeting of the Committee to Advise the Presiding Officer that I thought that it might be necessary for all Members on entering this building to be searched if a breach of security took place. I believe that this matter should be returned to at some stage in the future, and I would welcome your views on it.

The Initial Presiding Officer: I would like to respond to that point of order, as it may obviate the need to respond to others. If it does not, I will take the other points of order in turn.

As far as the matter raised by Mr C Wilson is concerned, I have asked for, and have already received, a preliminary report, which I will read after the suspension of today's sitting. It is likely that I will wish to return to this matter tomorrow. Does that answer all the points of order?

Mr McElduff: May I ask that the firearms held by other Members be left outside the building?

The Initial Presiding Officer: I am surprised to find that you are unaware that since the first sitting of the Assembly, there has been an armoury at the entrance to the building, and that all those who —

Mr McElduff: That means the Members opposite — all the Unionist Members' weapons.

The Initial Presiding Officer: The Member may wish to be cautious about the comments he is making. As regards this particular matter, all those who work in this building, including civil servants who were not Assembly staff but who were in the building in the early days of the Assembly's life, were asked to place any weapons they held in the armoury. Also, anyone who is not a Member of the Assembly — and that has included some very senior people — must submit themselves to an examination on the way in. This is not the case for Members, and the point that the Member for Strangford is making is that we should consider whether this should also apply to Members. Everyone else has to go through the security devices.

I emphasise that Members bringing firearms into the building are requested, on their honour, to place these in the armoury — a request which has been set out in various documents. Members can then pick up their firearms when they leave the building. I am a little disappointed to see that this is not common knowledge, as it has been pointed out on a number of occasions before.

I appeal to Members to observe this. If there is a general feeling among Members that they should not be excluded from the search procedures, this should be communicated either to party Whips or to members of the Commission. The matter will then be raised at a subsequent meeting of the relevant bodies.

Rev Dr Ian Paisley: Further to that point of order. In previous Assemblies, the procedure you have outlined was operated very successfully, but I feel that it should be put on record that if a person brings an unlicensed

weapon into the building, that will be a different matter. In the past, each Member had to produce his certificate, and that should be the rule today, especially as the Government are prepared to allow people to carry unlicensed weapons.

The Initial Presiding Officer: The regulations are there. To my knowledge, they have been used in the case of a small number of Members.

I will return to the other matter tomorrow.

The sitting was suspended at 5.59 pm

THE NEW NORTHERN IRELAND ASSEMBLY

Tuesday 16 February 1999

*The sitting begun and suspended on Monday
15 February 1999 was resumed at 10.30 am.*

PRESIDING OFFICER'S BUSINESS

The Initial Presiding Officer: Yesterday Mr Gregory Campbell and Mr Cedric Wilson asked me to consider the use by Mr Martin McGuinness of a visual aid during his speech. It appears that the grenade component referred to by Mr McGuinness was the lever from a used grenade. It was therefore an inert piece of metal which was not, and could not of itself be used as, a weapon, although its symbolic significance is quite clear.

Members are not searched on entering the building but are requested to place weapons in the armoury. However, this item was not a weapon, as far as I can ascertain, and so no regulations were breached. If Members feel strongly that they should be searched on entering the building, as others are, I would be grateful if this could be conveyed to me through the usual channels. However, I emphasise that, even if there were a security search, there would not necessarily be any prohibition on the bringing in of any such metal item as a trophy or visual aid.

The Standing Orders Committee may wish to address the question of Members using visual aids to illustrate speeches — that is not dealt with under the current Standing Orders. In addition, the Standing Orders Committee may wish to note that while visitors and members of the press are prohibited under the Initial Standing Orders from bringing various items into the Chamber, including certain recording and other devices and large bags, no such prohibition applies to Members. The Committee might wish to look at this matter.

I was requested by Mr Martin McGuinness to rule on whether the term —

Mr P Robinson: On a point of order, Mr Initial Presiding Officer. You have given a ruling, which I accept, and the Assembly and its Committees need to consider it. However, there is a much more serious matter relating to the same incident. If the component part of a grenade held up by Mr McGuinness is what he claims it to be, then it is

evidence and he should be arrested for withholding evidence from the Royal Ulster Constabulary.

The Initial Presiding Officer: The question —

Mr McElduff: On a point of order.

The Initial Presiding Officer: Perhaps I could rule on this point of order, and then I will take Mr McElduff's point of order. As far as its being an item of evidence is concerned, that may or may not be the case. However, it is not a matter for me or for a ruling from this Chair.

Mr McElduff: On a point of order, Mr Initial Presiding Officer. Perhaps it tells Members that the RUC investigation was less than thorough.

The Initial Presiding Officer: I have made the position regarding the question of evidence clear, as I see it.

I was requested by Mr Martin McGuinness to rule on whether the term "Sinn Féin/IRA", as used in the Chamber, is unparliamentary. He clearly found it unwelcome, but that does not make it unparliamentary. He suggested that its application to his party left all members under an accusation and perhaps even in danger. There is no Standing Order which addresses this issue. There is, however, a parliamentary convention that statements made in respect of a party are not considered to impugn the motives of individual members of that party in various circumstances. The reference — and I know that some Members are keen for references on these matters — is to 'Erskine May', page 387. I can supply that to Members if necessary. There are various contexts in which comments may be made about other parties, but they should not be taken to refer to all members, or even individual members, of a particular party.

Dr Paisley raised the matter of a large number of Members' guests in the coffee room. I asked for an immediate report, but when the Keeper of the House got to the coffee room he found — I was going to say that the cupboard was bare — that the room was empty. The problem Dr Paisley raised, however, is a real one. I will ask the Assembly Commission to examine the regulations about the number of visitors who may at any one time be admitted to certain parts of the building.

The fact that Members had not received some documentation even by yesterday was also raised. It would be helpful if Members who did not have the report delivered to their registered address by Saturday morning would inform the Clerk of Business by the end of today's sitting, since the Assembly delivered the Executive's report to the Royal Mail in sufficient time for it to be delivered by Saturday morning under the special arrangements which the Assembly has negotiated with the Royal Mail. It would be very helpful to know if these arrangements are not working.

Mr Poots: On a point of order, Mr Presiding Officer. Is it not normal parliamentary practice for papers such

as these to be sent out three business days in advance rather than at the weekend?

The Initial Presiding Officer: That is not necessarily the case in respect of the presentation of reports. In other places the practice is emerging whereby they are not even delivered, in the first instance, to the Chamber involved but published at press conferences in advance. It would be regrettable if that were to become the practice here. The procedure that you referred to is not, as I understand it, extant elsewhere.

Mr Maskey: On a point of order, a Chathaoirleach. This debate is topical, and I have no doubt that the reference in Hansard to guns on the table, under the table, outside the door and inside the room will dog us for the next few weeks. Can you tell me whether or not Members have actually breached their honour and the practice of putting their weapons in the armoury? I see from Hansard that you have made reference to this matter already, and I am curious to know whether Members have or have not complied with the practice. It would be good to know whether we do actually have guns in the Chamber during our debates.

The Initial Presiding Officer: I have made enquiries on this matter on a number of occasions over the last months because Members who have not read avidly the minutes of the Assembly Commission may not have noted that the Commission made an early decision to delegate responsibility and authority for security matters to me. I have taken responsibility for that as best I can, and I have made enquiries from time to time about that matter.

It has not come to my attention that any Members have brought in weapons and have not deposited them in the armoury. A very small number of Members have deposited weapons on a regular basis, and others have, to my knowledge, made other arrangements outside the building. My enquiries have not led to anything further in that regard. I cannot say more.

Mr Paisley Jnr: Further to that point of order, Mr Initial Presiding Officer. It is very clear that there are people in the Assembly, in the IRA/Sinn Féin party, who are deliberately fishing to try to ascertain how many Members carry authorised personal protection weapons and how many do not; to find out how many register those weapons at the front door and how many do not. It is highly dangerous for the personal protection of individuals who have made private security arrangements for you to give out details of how many Members are doing what with their weapons. I do not think that this matter should go any further.

The Initial Presiding Officer: I am responding as frankly and as appropriately as I can to the Assembly. I am a servant of the Assembly. You obviously have serious concerns with regard to this matter, and that will

perhaps help the Assembly to understand why the question of Members being searched for weapons and so on on the way into the building is not straightforward in any way. It is a difficult and complex matter about which there are great sensitivities. I do not think that I need to elaborate any further, and I trust that we can proceed, as we have done until now, in reasonable security and with some element of trust.

Rev Dr Ian Paisley: On a point of order, Mr Initial Presiding Officer. You mentioned that some Members left their weapons in the armoury at the door. There are some people who come to this Assembly who are generally called minders of Members. I wonder how many of them leave weapons at the door. Has your attention been drawn to the fact that some of these so-called minders have refused to obey the regulation in respect of being searched at the door which involves passing through the machinery?

The Initial Presiding Officer: I am somewhat hesitant to go very far down the road along which the Member directs me. There are authorised servants of the state who bring weapons into the building, and searches do not apply to them. Nor do they apply to Assembly Members, but they do apply to all other entrants to the building, save — I think I am correct in saying this — President Clinton and the Prime Minister when they visit. Indeed, some very senior members of the judiciary have submitted themselves to a search.

There have been one or two occasions when people entering the building — from all sides, I might add — have chafed a little at the regulations that have been put in place. As far as I am aware, there has been a remarkable degree of co-operation from not only Members but also the staff and others from all parties, given the difficulty and sensitivity of the matter, and I wish to convey to all Members, their staff and officials my appreciation of the fact that the overwhelming majority of people, on an overwhelming number of occasions, have been extremely co-operative.

Rev Dr Ian Paisley: In order to clarify this matter I wish to point out that I was not referring in any way to any member of the Royal Ulster Constabulary.

Mr Campbell: I wish to point out that there is an omission in the Official Report of yesterday's proceedings. In advance of my comments I wish to state that I appreciate the difficulties experienced by the Hansard staff in what can be a noisy Chamber.

On page 30, at the end of Mr David Irvine's speech — some might describe it as a diatribe, but it was a speech — there is no mention whatsoever of the audible signs of approval which came from the Sinn Féin/IRA Benches. Normally it would be appropriate to insert "Hear, hear." While this would not have been attributed to any particular party, the content of the speech would

make it fairly obvious to a reader of the Official Report who was giving their approval. Perhaps you, Sir, could ask the staff to have a look at this.

The Initial Presiding Officer: When Members ask me to review something that appears in Hansard I now have a procedure which involves viewing the tapes. I will, of course, follow that procedure, but I have to say that my immediate response is that this is a rather ingenious point of order.

Mr B Hutchinson: If Gregory Campbell's point of order is to be accepted, I wish to request another addition to the Official Report. Following Sammy Wilson's speech, Jim Wells said that the House should be a debating Chamber and that Members should not read from prepared texts. I asked if he was referring to people on his own Benches and named Jim Shannon. That does not appear in the Official Report either.

10.45 am

The Initial Presiding Officer: There are a number of understandings about how Hansard operates. One of these is that comments off microphone are generally not included unless they are referred to by the Member who is speaking or by the Speaker. That brings them into the property of the debate, and they have to be included. In this case, for example, had your comment triggered some response from the Member, it would have been included in Hansard, but it may have been off microphone and not heard by the reporter. By raising the question at this point you have ensured that it will now be included in Hansard. While that is an ingenious ploy, I might have to rule that such a ploy was an abuse of Standing Orders to ensure that it did not become a habit.

Mr McCartney: On a point of order, Mr Initial Presiding Officer. This is connected not with what has not been included in Hansard, but with what has been. It is the practice in the House of Commons for the Hansard officials to notify Members that a draft of their speech will be available for checking within a specified time. That enables clear errors or misunderstandings to be dealt with. I have just read the Hansard report of my speech, and in at least one substantial and significant way it is completely wrong. At no time was it suggested by the Hansard officials that I should take a look at what they were proposing to print.

The Initial Presiding Officer: I have a couple of comments in regard to this. It is not possible for Hansard always to include things, and always to include them absolutely correctly. That is the case everywhere. As far as I am aware, it is not usually the practice, and certainly

not in the other place where I operate, that every Member is advised of a particular time when he may be able to make corrections. Members may go to the Hansard office to check things. That is also the position here, I think up until two hours after the speech. At that stage things start to get into the system. Perhaps it would be helpful, in reply to the point of order, to advise all Members that if they wish to check that their speeches have been, as they feel, correctly reported, they should go to the Hansard office about two hours after they have spoken. It takes about two hours for a speech to go through the system.

However, even with that arrangement, Members may see in Hansard the following day or subsequently items which, in their view, are not accurate. Those can be drawn, initially, to the attention of the Editor of the Official Report. The substantive text is always the bound volume of Hansard, when it is finalised. I have been making enquiries to ensure that bound copies of our Official Report will be available, and corrections can be included in that. A different printing arrangement is necessary.

In summary, if Members wish to check whether their speech is accurate, from about two hours after they have made the speech they may be able to change or correct it. They may not change matters of substance, however. If they got it wrong on the Floor of the House, then they got it wrong, but if Hansard got it wrong, a change can be made. Subsequently, if that is not satisfactory, they may draw the matter to the attention of the Editor of Debates. If they are still not satisfied they may draw it directly to my attention or to the attention of the Presiding Officer on the Floor of the House. The final version will be the bound volume, and that will be made available when there is sufficient material to justify its production. We are not far away from that.

Rev Dr Ian Paisley: Further to that point of order, Mr Initial Presiding Officer. Is there a time limit? In the House of Commons Members have a week to submit corrections for the bound volume. Will seven days' notice be required?

The Initial Presiding Officer: At this stage there is no regulation in that regard. The reason for the seven days' notice at Westminster is that there is a regular output of Hansards, and every so often they produce the bound copies, for which they have a time limit. We have not had sufficient regular sittings to have reached that stage. There is no time limit on it. This matter will be attended to in the near future so that things can work properly. I am grateful to Dr Paisley for raising the matter.

REPORT OF FIRST MINISTER (DESIGNATE) AND DEPUTY

DETERMINATION OF MINISTERIAL OFFICES

Debate resumed on amendment to motion:

This Assembly takes note of the report prepared by the First Minister (Designate) and the Deputy First Minister (Designate), and approves the proposals in relation to establishing the consultative Civic Forum (as recorded in section 5 of that report). — [*the First Minister (Designate) and the Deputy First Minister (Designate)*]

Which amendment was: Leave out from “Assembly” and add

“, having noted the contents of the report prepared by the First Minister (Designate) and the Deputy First Minister (Designate), requires them to take back the report and reconsider it with a view to ensuring that —

it contains a specific requirement that any North/South body is accountable to the Assembly and does not perform any executive role;

the Civic Forum is properly appointed in order to ensure a balance of community interests and is merely consultative and not publicly deliberative; and

unnatural departmental divisions are corrected.”

The following motion stood on the Order Paper in the names of the First Minister (Designate) and the Deputy First Minister (Designate):

This Assembly approves the determination by the First Minister (Designate) and the Deputy First Minister (Designate) of the number of ministerial offices to be held by Northern Ireland Ministers and the functions which would be exercisable by the holder of each such office after the appointed day (as recorded in Annex 2 of their report to the Assembly).

The following amendment to that motion stood on the Marshalled List in the name of Mr P Robinson: Leave out from “Assembly” and add

“declines to approve the determination by the First Minister (Designate) and the Deputy First Minister (Designate) of the number of ministerial offices to be held by Northern Ireland Ministers and the functions which would be exercisable by the holder of each such office after the appointed day (as recorded in Annex 2 of their report to the Assembly) before Sinn Féin Members are excluded from holding office as Ministers or the IRA has decommissioned its illegal weaponry and dismantled its terror machine.”

Dr Hendron: I welcome the report of the First and Deputy First Ministers (Designate), and I support the motions. The sooner we have devolution, with the setting up of the 10 Departments, the better. Targeting Social Need (TSN) must be at the top of our agenda. TSN is, unfortunately, not a separate spending programme; rather it is a theme which runs through other spending

programmes. Relevant Departments include Social Development, Education, Health, and so on. The best way to deliver TSN is through health action zones. These will focus on improving services for young people so that health and social needs are clearly identified and adequately addressed.

With regard to the North/South implementation bodies and co-operation bodies, the matter of health is of paramount importance. Already great strides have been made in developing cancer research, and I pay tribute to Patrick Johnston, Professor of Oncology at Queen’s University, and to Mr Roy Spence, senior cancer surgeon. I know that Sam Foster of the Ulster Unionists will agree with me. Age Concern has launched the millennium debate to address issues concerning the ever-increasing number of elderly people.

I listened to most of yesterday’s debate. There is very great support for the Good Friday Agreement across the land, from Aughnacloy to Ahoghill, from Dungannon to Dungiven, and in Portadown too. There is powerful support from both communities. In my own constituency of West Belfast it is supported by the people of the Falls Road and the Shankill Road. West Belfast is a microcosm of the problems of Northern Ireland. Yesterday Mr Campbell of the DUP talked about self-destruction within Unionism. The biggest danger to the Union of Northern Ireland with Great Britain is not from paramilitaries but from the abominable no-men of the DUP. They cry “No surrender” —

Rev William McCrea: On a point of order. The Member for West Belfast is getting carried away with his supposed eloquence. However, the clocks are not moving, and Dr Hendron will want extra time.

The Initial Presiding Officer: His eloquence has affected the time machines, but not mine. I have the accurate time here, and he has approximately seven minutes. The clocks will come to heel soon.

Dr Hendron: I have referred to the abominable no-men of the DUP. They cry “No” to compromise; “No” to meaningful dialogue with those with whom they differ; “No surrender”; “Ulster says ‘No’ ”; and “Ulster says ‘Never’ ”. Do they not realise that you make peace with your enemies and not with your friends? The fact that Dr Paisley and his Colleagues are in this Chamber is, indeed, progress. We must keep making progress and building on that. However, it is the Ulster Unionists who are taking the political risks on the other side of the House, while the DUP acquiesce in a state of rolling negativity, suckled in outworn creeds. Politics is the art of the possible. There are many politicians in this Chamber who take great risks.

I know that there are great sensitivities for both Unionism and Republicanism. I agree with the Taoiseach, Bertie Ahern, who has repeated what he has been saying

for some time. We should remember that the agreement in its entirety is sacrosanct. I emphasise the words "in its entirety". We must also remember that there is a pledge of office for those entering the Executive, and that it includes a commitment to non-violence and exclusively peaceful and democratic means. Of course, decommissioning is an extremely important and integral part of the agreement, but Gen de Chastelain and his colleagues will be the judges of that process.

The Good Friday Agreement and the Assembly must work for the future of our children. It is a fundamental principle that the state must support families. Family life is the foundation on which our communities, our society and our country are built. The interests of children must be paramount. We must ensure that the next generation gets the best possible start in life. Families want to see an end to the nightmare of the past 25 years.

The children in our schools, primary or secondary, want to live in peace and to walk our streets without fear of paramilitaries or confrontation with the security forces. I know that because I have asked them. Above all, they want equality of opportunity in education and jobs. They want a future. Therefore it is beholden on every Member to see that they have that future.

The winning post is in sight. Let us not lose our nerve. Unionism has come a long way from being a traditional majority to being a consensual majority — a point that was made in a recent editorial in the 'News Letter'. Equally, Nationalism has come a long way in acknowledging the new Ireland, but especially the new Northern Ireland.

Let us set the example. Let us lead from the front. This is an evolving situation. Be Irish, be British or whatever, but respect diversity and difference. Above all, let us put our children first in the pursuit of peace. We now have the opportunity to do that, and another opportunity will not come this way until well into the new millennium.

Mr Savage: The people of Northern Ireland have suffered grievously over the past 30 years. Few of us have not had personal tragedies to bear because of people who are intent on forcing their views and aspirations on us through the bomb and the bullet. By negotiation and compromise, the Belfast Agreement has given us a form of peace, which we have appreciated. While it is not perfect, as those who have suffered from brutal punishment beatings will testify, we would not want to go back to the bad old days when terrorists and terrorism were rife. Much has happened since the signing of the agreement, and it has given us hope for the future. That hope must grow, and its potential must be realised if we are to keep faith with our people who voted so overwhelmingly for peace.

There is only one way forward, and that is through trust. There must be trust that we will do what we undertook to do when we signed up to the Mitchell principles and the Belfast Agreement. That involves trust at all levels. There must be trust between the parties in the Assembly that they mean what they say; trust between our divided communities to bring about reconciliation; and trust between the Governments who are involved in the agreement that they are not working to a hidden agenda.

This report builds upon the agreement and is the result of long and arduous discussions, negotiations and compromise. While it is not perfect, it is the sound way forward, and it has the support of the great majority of Assembly Members.

11.00 am

Mr Paisley Jnr: While understanding where the Member is coming from, may I ask whether he is seriously telling Unionists that we are now in a position to trust IRA/Sinn Féin Members in a Northern Ireland Government? Have we reached the point at which people who for years have destroyed this country will suddenly be governing it? We cannot place trust in this sort of thing.

Mr Savage: Everyone is entitled to his opinion.

We must support such proposals rather than oppose them. If the report is defeated, I fear for the future of this Province and fear a return to violence. Such fears have existed for far too long.

I have said that the proposals are not perfect, but the Departments, the cross-border bodies, the Civic Forum and the British-Irish Council, with their respective responsibilities as laid out, seem to be the way forward, and we cannot afford to let this opportunity slip. Therefore, I must support the First Minister (Designate) and his deputy on this matter. However, I do not subscribe to peace at all costs. I would not like this report to be as meaningless as Neville Chamberlain's 1938 "peace for our time" remarks that followed his discussions with Hitler.

Sinn Féin/IRA must keep their part of the bargain and decommission their weapons before taking up ministerial appointments; otherwise the agreement will be as meaningless as Chamberlain's piece of paper. We cannot progress to a peaceful co-existence if one side retains an armed wing ready to turn to what it knows best. Without the progress that people wish to see, Northern Ireland will be at the crossroads. We can either accept the principle of democracy and seek to make progress together in a democratic manner, or return to a totally divided community, with each persuasion seeking to dominate by force of weapons. Once again, that would make the Royal Ulster Constabulary a piggy in the middle. We cannot allow that to happen.

I support the report, with the rider that there must be decommissioning as proof that Sinn Féin/IRA wish to make progress in a democratic way like all right-minded people in the Province.

Reference was made yesterday to many important matters, including health and agriculture. An opportunity that is now staring us in the face is for people to take on responsibility. We have shouted for far too long to get peace back into the hands of local people. Now we have the opportunity, and I plead with all Members of the Unionist family to my right to think, and think positively. This is an opportunity we cannot afford to miss. The media are watching every move in the Assembly. A generation of young people out there will never ever forgive us if we make a boob this time.

Mr Dodds: I support the amendment in the name of Dr Paisley and Mr P Robinson. I hope that Ulster Unionist Party Members will take Mr Savage's words to heart and not make a terrible mistake for future generations by voting for the report. I hope that they will secure the future of Northern Ireland within the Union. I reject the report.

An SDLP Member yesterday spoke about where we are today and where we have come from. This report points us in the direction of where we are going to go. It has been described as a staging post, as a blueprint, as laying the foundation — all words that were used in the Chamber yesterday about it. It is true that this is a staging post, not just in terms of the implementation of the Belfast Agreement but, I submit, in terms of moving Northern Ireland from its secure position within the Union further down the road to Irish unity. That is the road that this is a staging post on.

We have to look at the report in the context of everything else that is happening in Northern Ireland today: the release of terrorist prisoners on to our streets, the dismantling of our security apparatus, the withdrawal of security personnel, and the ongoing threat to the Royal Ulster Constabulary.

This report is paving the way for the entry of IRA/Sinn Féin into Government without a substantial handing over of weapons and without a dismantling of the machinery of terror. It will also lead to the creation of all-Ireland bodies, which will have executive authority among their powers. This is not a good day for Unionism; this will be a black day for Unionism if the report goes through.

I want to deal with several aspects that have already been referred to by others, and make a few comments about departmental structures. The First Minister (Designate) admitted in his opening speech yesterday that these were unnatural Departments. How can someone who is to take on the responsibilities of the First Minister in Northern Ireland credibly put before

the House a programme for departmental structures which he himself admits will be unnatural? As Mr S Wilson said yesterday, many of the linkages which were natural between the various Departments have been broken. This has been done for purely political reasons, not in the interests of efficient Government, not in the interests of the people of Northern Ireland, but purely for party political reasons. "Snouts in the trough", the worst aspects of old Fianna Fáilism — and these are not my words but the words of a leading member of the Ulster Unionist Party.

This is going to cost us over £90 million, we are told; and why? Mr Mallon, in the 'Sunday Tribune' on 13 September gave the game away. He said that they had argued for the creation of a larger rather than a smaller number of Departments not because this would make for better Government in Northern Ireland, not because it would make the administration more efficient, not because it would be in the interests of the people of Northern Ireland, but because it would, in his words, "facilitate the inclusion of parties in Government". That is what this is all about: getting as many "jobs for the boys" as possible, in the words of Mr Mallon himself. That is the wrong basis on which to proceed towards setting up a Government for Northern Ireland.

I read in the report that the First Minister (Designate) and the Deputy First Minister (Designate) hope to recoup some of the costs by rationalising the remainder of public administration in Northern Ireland. Good for them. Would this not have been a great opportunity to reap some dividend by getting rid of the quangos and the administrative bureaucracy and thus get more money for public services? Instead of that the money is going to be spent on covering the costs of the political carve-up that will result from this report.

One of the most significant aspects is that the departmental structure means that we have a 50:50 carve-up between Unionists and Nationalists. Is this what the Unionist electorate voted for: those who cannot muster 40% of the votes in this House or 40% of the votes of the electorate actually get 50% of the seats in the Government of Northern Ireland? Is that what the Unionist people voted for at the time of the Assembly elections? I do not believe that it is; I think that it is wrong. This is not a reflection of the democratic make-up of the House or of the electorate's wishes.

I want to deal with the all-Ireland aspect of this, something which, amazingly, the First Minister (Designate) did not deal with in his speech. This is one of the most important aspects, the creation of all-Ireland institutions for the first time with executive powers, and the First Minister did not even deal with it in his opening remarks. For us the crucial issues are the issues of accountability and executive authority, and that is why

we have referred to them in the amendments we have tabled.

We have said very clearly that there must be a specific requirement for any North/South body to be accountable to the Assembly and not have any executive role. There should be no difficulty for the Ulster Unionist Members in siding with that because that is precisely what they said in their manifesto. That is precisely what they promised the people before the election. But that is not what is contained in this report or in the Northern Ireland Act. The Northern Ireland Act does not make any provision for accountability, in any true sense, for the Assembly to ratify anything that is done —

Mr Farren: Will the Member give way?

Mr Dodds: No, I will not give way, because the SDLP was noticeable in not giving way to the DUP.

The reality is that the North/South bodies will have a range of executive powers. That is very clear through the decision-making authority that is given to them in this report, and that goes beyond the agreement. There will be an implementation body on trade and cross-border development and a cross-border, all-Ireland institution on language — things that were never contained in the Belfast Agreement.

Within six or seven months of the agreement's being signed some of us were predicting that the thing would develop; but we never imagined that it would develop as quickly as it has. The Ulster Unionist Members are proposing today to set up bodies which go to the heart of the economic welfare of Northern Ireland.

And then there is the British-Irish Council, something which is made much of by the Ulster Unionist Party, but which the First Minister (Designate) failed to mention in his speech. It was left to Mr Esmond Birnie valiantly — and vainly, in my view — to grapple with the issue. He spoke about the great poet Rabbin Burns and reminded the House that Bertie Ahern had gone to Edinburgh and called him Bobbie Burns. That may have them shaking on the Lisburn Road and in Finaghy, but it does not get to the real issue which, of course, is that there is very little detail and substance about the British-Irish Council in comparison with the detail and substance that we have for the North/South all-Ireland body.

We have a draft programme of work and an agenda for the initial meetings of the North/South bodies but nothing similar for the British-Irish Council — yet this was the body that much was being made of by the Ulster Unionist Party.

I will not deal with the Civic Forum because others have already dealt with it. I want to deal with the crucial issue of decommissioning, an issue which Mr Birnie did not take the opportunity to deal with in his speech. I

question why he did not deal with that issue when he had the opportunity to. There is no mention in the report of decommissioning either.

Members should remember that this is the last opportunity that they will have to put the brake on IRA/Sinn Féin's getting into government without their handing over weaponry or dismantling the terror machine. After this motion is passed, the process — and this was described by Mr P Robinson — becomes automatic and will be in the hands of the Secretary of State. Therefore every Unionist who votes today is voting to hand over control of the process which will lead to the eventual seating of the IRA/Sinn Féin in the Government of Northern Ireland.

People have said time and time again — the Deputy First Minister (Designate) and others said it yesterday — that this is the only vehicle by which to achieve decommissioning, that there is no other way to bring it about. But the crucial issue is this: should those who refuse to decommission get into Government? Is there any sanction to prevent those who refuse to decommission from getting into the Government of Northern Ireland.

The Deputy First Minister (Designate) *rose.*

Mr Dodds: I would give way to the Deputy First Minister (Designate), but he did have time to develop this point, and I am taking the remainder of the time to deal with it.

The crucial point is this: should there be a sanction? The Mitchell Report failed because there was no sanction. Even when some of us tried to raise the issue of breaches of the Mitchell Report, we were swept aside and discounted in the greater interests of the peace process. The reality is that there is no sanction.

Mr Hume who failed to speak in the House said on television last night that there is a sanction, that they can automatically be put out if they breach their pledge of office. This is complete nonsense — there is no automatic sanction. Sinn Féin/IRA can only be voted out through a cross-community vote. That would mean the SDLP's voting to put Sinn Féin out of office, and that is as likely to happen as John Hume's getting a new speech writer or Sammy Wilson's needing one.

Mr McNamee: Go raibh maith agat, a Chathaoirligh

Sinn Féin gives a qualified welcome to the report, and will support it on that basis. We are not entirely happy with the content, the structures of the Departments or, indeed, with the process by which the report was produced.

11.15 am

Sinn Féin welcomes the proposal to set up the consultative Civic Forum, but it has major concerns about the representation on that body, about how

members will be appointed and about the division of the representation under the various headings in section 5.6 of the report. Sinn Féin also questions the range of responsibilities that lie with the office of the First Minister (Designate) and the Deputy First Minister (Designate), which will be a Department. We also question their influence on the control of the Civic Forum and the appointments system for it. In particular, I would like to refer to the representation on the Civic Forum in terms of education.

Sinn Féin proposed 10 Departments, but not structured as they are structured in this report. Other Members have said that it is illogical and impractical to have two education Departments. One cannot draw a line to divide education to say that education stops here or begins there. It would make much more sense for education to be a single Department.

Given that there are to be two Departments dealing with education, it is odd that education will have only two representatives on the Civic Forum.

Employment or unemployment figures are used in many countries as a measure of economic prosperity, or the lack of it. Members know that Governments massage statistics on unemployment to indicate their success in promoting economic prosperity. I hope that the Assembly will not use such measures in presenting unemployment figures. The Assembly should take whatever measures are required to deal with unemployment. Given the developments in technology, there are no permanent jobs — no jobs for life, not even for Assembly Members. Young people need the education and training that will enable them to take up employment and be flexible in the changing world of employment.

The Civic Forum is unbalanced as it has merely two nominees to represent education. The office of the First Minister (Designate) and the Deputy First Minister (Designate) will nominate six people to the Civic Forum. That, in addition to the significant list of responsibilities already added to the office of the First Minister (Designate) and the Deputy First Minister (Designate) since 18 January, brings into question the whole nature of the power and influence of that office.

Members should note that the arithmetic of party representation in the Assembly is not a constant factor. I am not referring to those who were elected while standing for one party and, when in the Assembly, became Members of another party; I am referring to the fact that in the future there will, we hope, be another election to the Assembly, and it is quite possible that the UUP will not be the largest Unionist party in it. It is also possible that the SDLP will not be the largest Nationalist party.

Members should consider the weight of control and responsibility that lies with the office of the First and Deputy First Ministers. They hold those offices because they are members of the two largest parties in the Assembly. They should look to the future when they are carving up Departments and allocating responsibility and control, and they should visualise the possible consequences of their actions.

We are giving our qualified support to the report and accepting it warts and all. In addition, we are supporting the report because we should have been having this debate last October. The public expects the Assembly to provide the new way forward that we hear about so often. So far, the Assembly has provided people with nothing. The public has expectations and is losing patience with the performance of the Assembly.

Since June there has been lethargy and uncertainty in statutory bodies. The Assembly, far from offering a new opportunity, has stagnated the operation and planning of existing Departments. Civil servants and Government Ministers are hesitating and avoiding dealing with issues, waiting until the Assembly is up and running. It is long past time that we got down to business. It is long past time that the Executive was in place and performing its function. The implementation bodies, however limited their responsibilities will be, and the North/South Ministerial Council should be in place.

A friend of mine often says “Long churning makes bad butter.” It is time we were getting down to business and doing what the public expects of us. We will be giving our qualified support to this report, warts and all. We want to get down to the business of government and the implementation of all aspects of the agreement to provide a new way forward.

Go raibh maith agat.

Mr Ford: It has taken a long time to produce this report, yet it clearly has many faults. More important, perhaps, is that there are many areas on which we still require considerable clarification. My Colleagues Sean Neeson and Eileen Bell have already raised some of our concerns about the allocation of functions to Departments and about the operation and membership of the Civic Forum.

I received the report at the weekend — I was luckier than some Members from the DUP. I studied it in some detail on my own, even though my party did not have an opportunity to discuss it at a meeting on Friday. The first thing I looked at was the allocation of the functions that had not been allocated on 18 December. The number of functions in the office of the First Minister (Designate) and the Deputy First Minister (Designate) has increased from 11 to 26. I thought that there was something wrong. However, when I read the list I decided that most of the extra 15 were clearly either part of a central

co-ordination function or relatively minor. It is obvious that my concerns in that respect were brought about by paranoia.

Perhaps, Mr Initial Presiding Officer, you realised that the issues that arose last Friday would lead to that feeling of paranoia. But the mere fact that I am paranoid does not mean that they are not out to get you, me and everyone else who does not fit into the cosy arrangement at the moment.

The real problem with the central Department is not those additional functions. The problem is one which has already been highlighted by some Members, and especially by Members from Sinn Féin — the inclusion of equality and the entire equality function within that Department, rather than having a separate Department for it that could combine equality, community relations and victims' concerns.

I was interested to hear the comments from Mr John Kelly yesterday. He informed the Assembly that the SDLP wanted equality at the centre because Unionists could not be trusted with it. I found that very interesting, but I also remembered informally hearing from members of the SDLP that it had to be at the centre because the DUP or Sinn Féin could not be trusted with it.

Mr Campbell: Can you trust the SDLP with it?

Mr Ford: One might well ask that.

The point was amplified in the maiden speech — an excellent speech — of Danny O'Connor of the SDLP yesterday. He said that if people want to do anything about equality, Nationalists and Unionists have to do it together. If it is done together, everything will be right. As a representative of the Alliance Party, I am not interested in a concept of equality and rights which says that a Prod and a Teague is all that is required to stitch it up and then everything will be well.

There are many divisions in this society, and to suggest that if we get an Ulster Unionist member and an SDLP member together everything will be fixed and perfect is completely wrong. It is a fantasy.

I can remember an early fair-employment case, and I suspect that some DUP members may remember it too. It was one of the first cases to reach the courts. It concerned a public body in which an Ulster Unionist Presbyterian majority was discriminating against a Free Presbyterian DUP activist. I am not sure that Mr O'Connor's concept of equality would cover that kind of thing. I suspect that similar difficulties may arise in Nationalism at some stage in the future. For me, the most important thing is the treatment of those people in Northern Ireland who do not identify themselves primarily as Nationalist or Unionist.

What happens in respect of the various minorities who do not fit into those categories? How do we respect

their rights? I would prefer to see the creation of a powerful Department of equality and community relations. This should have been the sole responsibility of a designated Minister, not a minor function coming under the auspices of the two over-busy Ministers or, indeed, delegated to a junior. Also, a proper scrutiny committee, representing all interests in the House, would have ensured that this important work was done properly.

A few months ago, speaking from the platform at the Liberal Democrat conference, I referred to comments made by the First Minister (Designate) in a speech made in the presence of President Clinton about the need for "a pluralist parliament for a pluralist people". The First Minister (Designate) has quoted other parts of that speech to me since, but he has not referred to that section of it. I said then that I feared that we were going to have not a pluralist society but a dualist system which would be appropriate for mainstream Protestants who vote Ulster Unionist or for orthodox Catholics voting for the SDLP but which would exclude the voices of others. I will be watching to see how the structures work before I decide whether that statement was prescient or merely pessimistic.

There is a raft of related issues — transparency, openness, the operation of scrutiny committees and procedures for review — on which we need to hear much more than the rhetoric we have heard so far.

Members will remember the night of the 17-18 December. On that night the announcement of these new structures was made as if they were matters that related exclusively to the Ulster Unionist Party and the SDLP. I accept that we did ask the First Minister (Designate) and the Deputy First Minister (Designate) to produce a report and that, in the early stages, consultations took place — there were discussions in two different formats — but there was no attempt to keep other parties informed as the negotiations reached a conclusion.

Alliance Party Members were present in the building on that night, as were Members from the Women's Coalition and Sinn Féin, but no attempt was made to keep us informed of the progress of negotiations. The two parties kept all this to themselves. Is this what the Deputy First Minister (Designate) meant yesterday when he spoke about being true to the Good Friday Agreement?

This report, for the first time, sets out detailed proposals for the Civic Forum. Members have already referred to the six appointments to be made on the nomination of the First Minister (Designate) and the Deputy First Minister (Designate). Together, the two Ministers represent 0.00012% of the population of Northern Ireland, yet they will appoint 10% of the Civic Forum's membership. The agreement states that appointments

will be made under arrangements to be established by the First Minister (Designate) and the Deputy First Minister (Designate). It does not state that they will appoint their cronies to the body without further reference to any section of civic society. We need some clarification on this.

A truly imaginative report would have set out arrangements for groups such as young people and the disabled to be represented. If we are to address youth issues seriously, perhaps we should have 16- and 17-year-old members of the Forum. There is a danger that the proposals, as they stand, will make it too easy for all the usual figures to be represented rather than produce a body that is genuinely open.

I was also disappointed to see that there was no reference to the rotation of membership, to allow for the representation of different interests.

I spoke recently to a farmer about the representation of agricultural interests on the Forum. He was concerned about how the new Minister would relate to the whole spectrum of the industry. He represented a small but significant group of farmers. Under current proposals, farmers and fishermen cannot expect more than three representatives on the Forum, but there ought to be a way of establishing a larger group — a special interest sub-committee — which could offer advice to the Forum and to the relevant Assembly Committee.

I am also concerned about the proposal to reserve five seats for the churches. My party suggested in an initial proposal that there should not be specific representation for churches. There are two issues. I am not sure how five church representatives can be expected to represent the entire faith community in Northern Ireland. If we assume that there will be one representative for each of the four largest groups, does that mean that the other person will represent everybody else? Do the Free Presbyterians want to share a representative with the Muslims and Fr Pat Buckley? It would be well-nigh impossible to represent the range of beliefs, but this is an important issue.

11.30 am

The churches do a great deal of community work in Northern Ireland, and they provide a great deal of formal and informal care. They may well do the majority of youth work in Northern Ireland. I have no objection to church representation in that way — indeed that is desirable — but there should not be special rights for some churches over others. I say that in spite of the likelihood that the denomination to which I belong will be directly represented.

On openness, the First and Deputy First Ministers have drawn attention to the issue of the North/South parliamentary body, which has almost been ignored. However, they have not put any flesh on the bones. I

want to see firm proposals, and it would be a good idea if Fianna Fáil TDs and Senators were to meet DUP and Ulster Unionist members face to face. It would be very educational for both sides, and it would be useful to hear the discussions — for example, on agriculture, my particular interest. What Mr Dodds highlighted earlier could be suggested for the British-Irish Council aspect: replace the current interparliamentary body with a body which allowed full representation from both parts of this island and from Scotland and Wales.

It is clear that when the vote is taken Members will be rerunning the Good Friday Agreement and the referendum. Given the format of the debate and the way in which the report has been presented, there is no scope for constructive amendments at this stage. I shall vote, with my Colleagues, in favour of the motions and against the amendments. My party rejects the negative stance of those who are simply coming up with objections and have nothing firm to put in their place. However, I must ask the Ministers to add detail to what they have said to date, to prove that what they have said regarding openness will be realised. Otherwise I can give no assurance that my party will continue to support these proposals when they are discussed in detail in the future.

Mr C Wilson: My party will not be supporting the motion and the report standing in the names of the First and Deputy First Ministers. I seek peace, reconciliation and stability, as I believe the majority of people from both the Unionist and Nationalist communities in Northern Ireland do. I have every reason to do so. I have a family — a wife and children — and a business. My roots are firmly in this community. My future and that of my family lie in Northern Ireland. Therefore I took it ill yesterday when Members from the other side of the Chamber attempted to brand those on this side of the House who are opposed to the seating of Sinn Féin/IRA in Government as “wreckers”. Members had the spectacle of Mr Gerry Adams, the leader of IRA/Sinn Féin, and Mr David Ervine, whom I now see in the Chamber, chiding and pointing the finger at Members on this side of the House and describing them as “wreckers”.

The wreckers in this Chamber are those who have represented and fronted paramilitary, fully armed organisations which have terrorised this community for 30 years. The wreckers are those who have wrecked the lives of a large number of people in the community. They have wrecked families, entire communities, business, commerce and industry, and they are represented on the other side of this House in the faces of Mr Adams and Mr Ervine.

Last evening Mr Hume — I am pleased to see him in the House, although he makes most of his comments and statements outside the Chamber — again chided Members for living in the past. He said that the

Unionists were unfortunately unable to look to the future and that they continued to cast up past misdemeanours and crimes. Mr Hume, may I tell you today that we are not talking about past events; we are talking about current affairs because even as the Assembly has been meeting over the last number of months and weeks —

The Initial Presiding Officer: May I encourage Members to use the normal convention of addressing their comments through the Chair? Yesterday that meant that I was accused of many things, which surprised me a great deal. However, it would be helpful if comments were channelled through the Chair.

Mr C Wilson: Sorry, I will do so.

The things which happened in this community have not come to an end. We are not just talking about crimes that have been committed by the terrorist groups in Northern Ireland in the past. People are still being subjected to punishment shootings and beatings of the most horrendous and horrific description on a daily and nightly basis. They are still terrorising this community, and they will continue to do so.

The reason I am opposed to this agreement is simple. If we look at the history of this process we can see the shape of things to come. At the very foundation of the negotiations — the secret talks initiated by Sir Patrick Mayhew and the last Administration at Westminster — people involved in active terrorism were brought over to London to discuss talks about talks about getting this process initiated. That was given to us courtesy of Sir Patrick Mayhew, who has had some kind of road-to-Damascus experience and who now sheds tears about the very same people being released onto our streets.

In the negotiations which took place in Castle Buildings the armed forces of Republicans and other terrorist groups were brought into the process. That was given to us courtesy of Mr David Trimble. It was the Ulster Unionists who, despite pledges that they had given to fellow Unionists, permitted Sinn Féin/IRA to enter into the negotiations at Castle Buildings and, therefore, to corrupt that process.

We now have a situation where those who front terrorist organisations, fully armed and still involved in acts of terrorism, are sitting in this Chamber. That has been brought to us courtesy of Mr Tony Blair, the Prime Minister, and the Secretary of State, Mo Mowlam.

The situation that faces the Members of the Assembly now is the prospect of fully armed terrorists and those fronting such organisations being brought into a Northern Ireland Government.

I have listed those who sponsored the admission of these people in the past. This is the challenge which faces those on the Ulster Unionists Benches and, indeed,

those in the SDLP. Are they going to admit these people now? In the past we could point the finger of blame at others, but it is now the responsibility of this House. The decision which will be taken today, which will effect the further movement of the process of bringing closer the day when Sinn Féin/IRA is admitted into the Government in Northern Ireland, will be determined by us.

I can state categorically where the Northern Ireland Unionist Party stands on this issue. We will not be supporting that movement, and I appeal to fellow Unionists to deny these people the right to come in. This is not the end of the story. There are those who believe naively that if only we can get past this hurdle — not over it but past it: round the decommissioning issue — and bring these people, fully armed, into government, they will change their colours, and that if they do not we can exclude them. That is not the truth, and they know it in their hearts.

This is not the end of the story for Mr Adams and the Sinn Féin movement. This Assembly and the restoration of democracy in Northern Ireland is not their goal. We know that. They have been very forthright on that. Their goal is a united Ireland. They are not content with coming into the Government of Northern Ireland fully armed and ready to return to war. They will carry on this process — because it is transitional — into a united Ireland, fully armed. That is their stated aim and objective.

It was not Sinn Féin/IRA's aim to come into this process to enhance it or to establish democracy, justice, law and order for all of the people of Northern Ireland. It has spent 30 years with its cohorts in the IRA trying to destabilise and wreck the state. Now it wants in to destroy it from within. We can deny it that today if we vote solidly.

I appeal not only to the Unionists in the Chamber but also to Mr Mallon. He made it clear recently that he did not believe that decommissioning was a precondition of the Unionists alone. It was a demand by those who believe in the democratic process — Nationalist, Unionist, Irish or British. All believe that people cannot be involved in a democratic process, let alone in government, while remaining fully armed and part of a terrorist organisation.

There have been many references to the fact that 71% of the people of Northern Ireland voted for the agreement, and it is said that we should do the decent thing and accept the will of the people. I do not believe that the majority of people who voted for the Belfast Agreement voted for the wholesale release of unreconstructed terrorists onto our streets to become terrorists in government or to destroy the RUC.

We did not need to be told by a 'Belfast Telegraph' opinion poll that large sections of the population — particularly in the Unionist community, though I have no doubt some also in the Nationalist community — who voted for the Belfast Agreement in the belief that it would be the basis for peace, security and reconciliation in Northern Ireland now want their votes back. Those people are saying daily that the agreement does not represent what they believed they were voting for when they placed their X in favour of it.

There has also been meddling by those in G7 who have been used for the second time. They have a notion that they can trade and equate or give up firmly held principles in defence of democracy for the handing in of a few ounces of Semtex or that people, in a barter system proposed by Sir George Quigley, can exchange Semtex for seats: "Hand in some Semtex on Monday, and on Tuesday people can be placed in an executive position over the people of Northern Ireland."

I wish to end by saying that I want to see implemented for the people of Northern Ireland a programme for government that will succeed in delivering efficient, accountable, transparent government that will enable us to achieve economic growth and development, the benefits of which would be shared by the entire community.

The Initial Presiding Officer: I must ask you to bring your remarks to a close.

Mr C Wilson: We want to address the needs of the most vulnerable and disadvantaged, imbue the community with a sense of enterprise and self-reliance and tackle the educational disadvantage —

The Initial Presiding Officer: I am afraid that I must ask you to draw your remarks to a close, Mr Wilson.

Mr C Wilson: I am sorry, Mr Initial Presiding Officer. It is rather sad that when —

The Initial Presiding Officer: I must ask you to draw your remarks to a close. I am not sure that reading into Hansard material which is already printed is entirely necessary.

Mr C Wilson: May I just finish?

The Initial Presiding Officer: I am sorry, but you are now a full half a minute over your allotted time. From the point of view of order in the Chamber, it has been drawn to my attention that in other places when a Member's time is up, the Speaker rises and simply switches off the microphone. I do not want us to get to that because if a Member is in the process of completing a short sentence it is perfectly in order for him to finish. However, with nine seconds to go, to embark upon an attempt to read into the record a reasonable length of script is going beyond what I can permit.

The Deputy First Minister (Designate): On a point of order, Mr Initial Presiding Officer. In this instance, for the information and knowledge of all of us, would you make an exception and allow Mr Wilson to begin again at the reading of the final paragraph so that, once again, we may have the benefit of hearing those words of wisdom from the agreement, have them written into the record, and remind ourselves of the absolute wisdom at their heart? *[Interruption]*.

The Initial Presiding Officer: Order. I am content to ask for leave of the Assembly for that to be done. The requirement is that all must be agreed. Are all Members agreed?

Several Members indicated dissent.

The Initial Presiding Officer: I am afraid that I do not have the leave of the Assembly. There are clearly some objections.

Mr C Wilson: On a point of order, Mr Initial Presiding Officer. The record will show that when I attempted to make a positive contribution outlining what I would like to see — a matter on which I have been chided by Members on the other side — I was denied the opportunity.

The Initial Presiding Officer: I must confess that it was I who denied you that opportunity. However, it was not the quality of your speech, which is undoubted, but its length.

Mr Dodds: On a point of order, Mr Initial Presiding Officer. Seamus Mallon obviously wrote the bit to which the Member refers. That is why he wants it to be repeated. People are prepared to respect the Chair in terms of calling time, but you have to be absolutely fair and apply the same limits to everybody. Yesterday, Mr Mallon was allowed one minute and almost 20 seconds to finish his speech. I have no objection to that. In many cases we in this party have tried to increase speaking time for Members. It is a bit irksome to hear people shouting "Time" when some here have been more generous to those on the other side of the House. Members of the SDLP should take that to heart.

11.45 am

Mr Ervine: Further to that point of order, Mr Initial Presiding Officer. This is not a memory lapse or paranoia. When I was speaking yesterday Members from the Democratic Unionist Party, whom Mr Dodds speaks for, were chiding and shouting "Time" when I was just two or three seconds over the time.

The Initial Presiding Officer: The House must be aware that there are two possibilities. One is that we proceed as they do in another place and as soon as the times comes, whatever is being said, however grave, however substantial, and even if it is only a few words from the end of the sentence, the microphones go off.

We can certainly proceed on that basis. There have been times when the Assembly has taken the view, and I have felt that the Assembly has taken the view, that something was being said which bore completion — so long as it was only the ending of a sentence or so. In this case it was clear to me that, some 10 seconds before the end of time, a script was being embarked upon — I could see the highlighting from here — and I had some idea of how long the speech would be.

We have only two possibilities: either we have that little degree of flexibility to allow something substantial that sneaks over the time to be completed, or we are absolutely rigid, I get to my feet and we stop everything absolutely on the time. I would prefer a little flexibility from Members, but if that is not possible, we will have to regress to the other method.

Mr Irvine: On a point of order, and further to these points of order, Mr Initial Presiding Officer. Is it in order — I am an apprentice here — for you to ask the Assembly now for the flexibility that is required, that being contrary to my suggestion that the DUP was as bad yesterday as others were to Mr C Wilson today? I agree with Mr Dodds that there should be flexibility in this. We are constraining people to prepared scripts, timed scripts, and potentially to prepared-in-front-of-the-mirror scripts. In some ways we are stultifying debate and stultifying the capacity for Members to give way. In one of the meetings I was at, Mr Wells of the DUP made the excellent point that we are discouraging discourse in the Chamber. I ask you to ask the Assembly for leave to have the flexibility required.

Mr Campbell: Further to that point of order, Mr Initial Presiding Officer. I do not often find myself concurring with Mr Irvine, and I do not want to miss the opportunity to do so now. Common sense ought to prevail, together with flexibility and discretion from the Chair, when a Member is coming to the end of a speech and it is quite obvious that a few seconds more would allow him to conclude his remarks. That is the obvious and sensible course to take.

The Initial Presiding Officer: It is not possible for me to make any changes by way of the leave of the Assembly as it is quite clear that the Assembly is not prepared unanimously to give such leave in this matter. I am aware that there have been discussions in the Standing Orders Committee and that it has not been possible to reach agreement, and I have received written propositions this morning which are very different from the ones being put down by Members.

I am trying, perhaps presumptuously, to take it upon myself to give a little flexibility. If that proves impossible, either because I misjudged the matter or because Members press me to the point where it becomes unacceptable to others, my only option is to be rather more rigid about it than I would like to be or

would think proper. The Standing Orders are crystal clear — 10 minutes for speeches that are not opening or winding-up ones. I do not want to be as rigid as that. I do not think that the majority of Members want me to be as rigid as that, so I ask you to bear with me and I will try to do my best.

Mr Dodds has a point of order, then Mr C Wilson and then the Deputy First Minister (Designate).

Mr Dodds: There is a consensus that if we can be flexible, then that is all to the good. One possible solution would be to import Mr Cecil Walker's speaking time from Westminster. Members could then speak all week without any interruptions.

Mr C Wilson: I welcome the comments and endorse the view that a certain flexibility would be helpful. It may be helpful to you, Mr Initial Presiding Officer, in determining what length of time may be needed for that flexibility if I read the paragraph —

The Initial Presiding Officer: You are a mischief, Mr Wilson.

The Deputy First Minister (Designate): I apologise for having raised this matter, but I agree with Nigel Dodds. There is a good case for creative flexibility which should be at the discretion of the Chair. That would be much appreciated.

Having read yesterday's Hansard, I recognise that one of the traits in our debates is to have a series of points of order interlocked with the occasional speech. It seems as if we need time-out during the speeches for some relaxation. If we had more flexibility, Members could give way, leaving much more time to debate and less set-piece speeches, and there might then be more communication in the Chamber. I agree with Nigel Dodds that flexibility by the Chair would be of great benefit.

The Initial Presiding Officer: I am grateful to Members for their guidance. There seems to be a general desire that there ought to be some flexibility. However, I remind Members that if they use that flexibility more than a little way one way or another, that will be unacceptable.

The guidance that I have given is that if a Member is in mid-sentence at the end of his 10 minutes he will be allowed to complete his sentence. I plead with Members not — *[Laughter]*

I am aware of the ingenuity of some Members in respect of the length of their sentences, and if that is what they are doing I will have no option but to cut them off. If Members abuse the flexibility, there will be difficulties. I can see out of the corner of my eye that the First Minister (Designate) is uneasy about the matter.

The First Minister (Designate): More than uneasy.

The Initial Presiding Officer: More than uneasy. That is why I am quite clear that the Assembly is not going to give leave in regard to this matter. I have set the clocks to try to keep speeches to the 10-minutes limit as set out in the Standing Orders. I will try to accommodate the little flexibility that Members have asked for, but it can be only that. Otherwise I will have to rule a Members out of order and move to the next one.

The First Minister (Designate): On a point of order, Mr Initial Presiding Officer. You are gravely mistaken in the ruling that you have made. It is entirely contrary to your function and to the Standing Orders. Your job is to see that the Standing Orders are adhered to. If the Standing Orders impose a 10-minute time limit, then it is your job to enforce that limit — not a 10-minute, 10-second time limit. There is no other way. Otherwise you will be treating Members unequally.

The rules must apply to everybody, without fear or favour. Once flexibility is introduced, inevitably, there will be occasions when a Member feels that he has been treated unfairly by not being given the same flexibility afforded to others. I know we all talk too much, and we would all like to have more time. Perhaps a 10-minute time limit is not the best one to have. It may be that we should have a different one, but that is an entirely separate matter.

Any element of favouritism or flexibility will inevitably result in a loss of respect for the Chair, and that is not in the long-term interest of the Assembly.

The Initial Presiding Officer: I will first give a ruling and then take Mr Robinson's point of order.

I accept that it is quite legitimate to argue that I have been at fault in respect of flexibility. One example of that is my preparedness to allow the First Minister (Designate) and the Deputy First Minister (Designate) to share speaking times in proposition of the motions. That is clearly outside Standing Orders. Of that there is no doubt. Standing Orders make it clear that a Member proposing a motion is permitted 20 minutes.

I have taken the view that we have here a special arrangement, possibly not even fully foreseen by those who wrote the Standing Orders. The First Minister (Designate) and the Deputy First Minister (Designate) ought to be able to make joint propositions with regard to, for example, the current report. They are the joint authors of it, and I think — I may have been wrong to make this judgement, but I have made it — that the Assembly would agree that it was a reasonable judgement.

Further to that, it would not be possible, for example, for the First Minister (Designate) to propose the motion and for the Deputy First Minister (Designate) to wind up. That would be out of order. If one is going to participate in one part he must be able to participate in both parts.

While we are working with Initial Standing Orders, which are a little flimsy at times and do not give us all that we need, let us learn from them to enable us to advise the Committee on Standing Orders on the production of something more substantial and better. If I were to find myself having to be rigid in application, it would, I think, disadvantage the Assembly in not having, for example, the First and Deputy First Ministers (Designate) able to propose and, indeed, wind-up on a report together.

Mr P Robinson: On a point of order. I can see once again that the First Minister (Designate) has caught the mood of the House in his intervention. There are some serious issues that flow from his remarks, one of which is hypocrisy. When he and the Deputy First Minister (Designate) were proposing the motion they went over 21 minutes, and I did not see the First Minister (Designate) get to his feet on a point of order to require that they be stopped after exactly 20 minutes.

The more serious point is that he has challenged your ruling. He should know that Standing Order 2(1) indicates that your rulings are final. He will know that, by procedure, he should never challenge the ruling of a Speaker. That is a particularly bad example from the First Minister (Designate), and he should be chided for doing so.

The Initial Presiding Officer: We are all learning in these matters, and the experience of other places, as I know well, is not necessarily sufficient to help us in this new place with these new ways of going. I think that we should proceed with the debate.

Mr Foster: On a point of order. DUP Members are somewhat inflexible. They appear to have foot-and-mouth problems. Experience shows that they have no control of either.

The Initial Presiding Officer: The questions of flexibility and fault must remain with the Presiding Officer. It is he who decides such matters.

Mr Boyd Douglas has been waiting a some considerable time to make his contribution. I think we should let him get on with it.

Mr Douglas: We have been asked to approve the determination by the First Minister (Designate) and the Deputy First Minister (Designate) of the number of offices to be held by the Northern Ireland Ministers and the functions which would be exercisable by the holder of each office on the appointed day. We have made it quite clear that we cannot support this motion, and I would like to reiterate that point.

When the Deputy First Minister (Designate) spoke yesterday he mentioned normalisation, trust, lasting peace, decommissioning and the problems that the Ulster Unionist Party and Sinn Féin/IRA have in moving

forward. I would like to use those words but to rephrase them. To have normalisation and trust in the Assembly we need decommissioning and IRA/Sinn Féin excluded from ministerial positions. That would allow us to move forward with a process for lasting peace.

12.00

There was an interesting poll in the 'Belfast Telegraph' at the weekend which showed that 84% of people in Northern Ireland want decommissioning now. Many others, such as Bertie Ahern and Seamus Mallon, also want that. We have stated clearly that we could not support this motion without decommissioning, and many others have now joined us.

Sean Farren said yesterday that we needed to compromise. He also said that we needed to have a stable situation in order to get inward investment and that he wanted decommissioning removed from the debate. He went on to attack those of us who, he said, were anti-agreement. I suggest to Mr Farren that they did not compromise in Dunloy and that inward investment will come only when he is prepared to allow others equal rights. Instead of removing decommissioning from the debate, he should help to remove the weapons and the Semtex. That would be better than attacking those of us who have stood on principle, and it might have won more support for the report.

We cannot approve the report because it would allow Sinn Féin/IRA to take up two ministerial positions. Mr McGuinness said yesterday that he had worked tirelessly with many people over the years. I suggest that those who would not work with Sinn Féin were those who were shot or blown to pieces, and they included many from his own Nationalist community. Mr McGuinness said that we need to move forward. The Ulster Unionist Party also said that, and I hope that it realises whom it is moving forward with. This is the person who not long ago spoke about demilitarisation, but I do not see much sign of it from his party. They are not the type of people whom I would like to join with.

We are debating the report because more than 70% of the great and the good — to quote a Member who uses that phrase quite often — voted for the so-called Belfast Agreement. Under that agreement, one can be a thug, a murderer, a gangster or a racketeer and still be able to sit in the Government of Northern Ireland, yet a person who is bankrupt cannot become an elected member of a local council.

Mr McGuinness said that he knew that the report was difficult for some Unionists. I suggest that it is much more difficult for the families and friends of those who have been blown to pieces and for those of us who see Unionist Members supporting this hypocrisy.

A fellow Member from East Londonderry said that we need to be constructive, show leadership and build

bridges. Unless I am mistaken, that was the Member who a few weeks ago accused electors of not being prepared to sell property to some of his party. He caused so much offence that he had to send a letter to the local press apologising for the distress caused to his own community. So much for building bridges.

Brid Rodgers praised David Trimble for taking risks. I never thought I would see the day when the only praise that the Leader of the Ulster Unionist Party received was from the SDLP. She also talked about mutual trust and about building confidence, but she has not built much confidence in Portadown.

We are told that the Civic Forum should comprise 60 members but that there will only be three representatives from agriculture. That is the largest industry, yet it is to have only 5% representation. Surely every party in the Assembly realises that that is unacceptable and needs to be addressed.

Many Members, including Dara O'Hagan, Mary Nelis and Barry McElduff — if we could understand him — would like to have equality in the Civic Forum. So would I. I live in the highlands ward, which is the most deprived in the Limavady Borough Council area. Indeed, the Limavady Borough Council area is the third most deprived area in Northern Ireland. The sooner we get some of the hundreds of millions of pounds that were pumped into Mary Nelis's constituency, the better. I am all for equality too. Could the proposed Civic Forum be a replacement quango made up of professional "quangoites"? The Unionist community has no confidence in such bodies.

As for the report, I find it difficult to understand how members of the Ulster Unionist Party can say that they are protecting the Union when by agreeing with this report they are allowing a foreign country a say in the internal affairs of Northern Ireland. A senior member of the Ulster Unionist Party recently said that Mr Mallon had described the proposed Executive of Northern Ireland as a "curious coalition" — that is to say, it is a permanent and unchanging coalition of parties who are in total opposition to each other on the very existence of the state they govern.

In the light of our permanent coalition arrangements, I invite the Ulster Unionist Party to consider what they would put into any future election manifesto. How would they set out a distinctive Unionist policy for defending the Union and how would they carry it into effect? Would they need the support of Messrs Adams and Mallon to do so?

I urge all Ulster Unionist Party members to vote against this report. They should vote with their conscience and not with their leader.

Mr B Hutchinson: I support this report. I support it because it is the implementation of the Good Friday

Agreement, but I have to say that I have a number of concerns about it. I was going to limit my remarks to the report, but I feel that I have to respond to a number of comments made by Sinn Féin Members yesterday. Cedric Wilson's outburst this morning also requires a response.

It is all very well for Mr Wilson to talk about people who front paramilitary organisations. We have never denied that we are the political confidants of the UVF and the Red Hand, and I make no apology for it. But I have to say to Mr Wilson that, along with me, he must take responsibility for what has happened in this country over the last 30 years. Mr Wilson protested everywhere on his own. He was known as a serial protestor. Like myself, he has been responsible for wrecking this country, for breeding hatred and for everything else.

Mr C Wilson: On a point of order, Mr Initial Presiding Officer. You must intervene when one Member accuses another of wrecking and causing mayhem. My record clearly shows that I have been involved in no such activity.

Mr B Hutchinson: No other Member, including Mr Ervine, had the chance to refute what Mr Wilson said. *[Interruption]*

I know that it is true, Mr Wilson, and I have already said so. If you admit your responsibility for the last 30 years —

The Initial Presiding Officer: Will Members please address their comments through the Chair.

Mr B Hutchinson: This is the problem. Mr Wilson thinks that this is all very easy. He shouts across at these people in Sinn Féin. Where has he been for the last 30 years? I did not see too many dead IRA men or Sinn Féin members from him or anyone else. It is OK to shout at these people, but they shout in the safety of this Chamber.

People had better get real. It is OK to sit in here and talk about this agreement and whether it is working or not working. But the reality is that there are those out there who, because of what people are saying in this Chamber, are prepared to lift up a gun or plant a bomb. Are people prepared to accept that responsibility? Are they prepared to support Loyalists if they have to go back to war with Republicans? I bet they are not.

No matter what happens, my party will stand over this agreement. If people are being killed on the streets, we will be standing up shouting. If Sinn Féin is supporting the IRA or anyone else killing Loyalists, I know where I will be.

It is about time these people on my left got their priorities right. The future of my children and everybody in my constituency rests with the Assembly. We may not all like it, but we had better find a way

forward which is an accommodation for the British and Irish citizens in this society.

I am not interested in religion, Protestant or Catholic. What I am interested in is my British identity on this island, and I will not allow Sinn Féin or anybody else to take that away from me. If I have to die for my Britishness, I will. If it is at the hands of the Republicans, so be it. Yesterday Mr Adams began to lecture us about Unionism. I do not agree with the Unionism that he referred to — the old fur-coat brigade. I am not looking for patronage. He attacked some DUP Members. I remind him that it was Mr Paisley, to his credit, who pointed out the need to do something for the working-class people. He was the first person to raise the issue about the “big house” Unionists.

Do Sinn Féin Members not realise that when they attack any part of Unionism they attack us all? It is about time Mr Adams — I am sorry he is not here — realised that by selling this agreement as part of a united Ireland he damages me, David Ervine and others who are trying to find a way forward. We are here to accommodate. I am quite prepared to accommodate Sinn Féin, the DUP or any other party.

There is no united Ireland. There will never be a united Ireland. The accommodation is in the Chamber. It is a halfway house between our Britishness and our Irishness. It is not on my terms; it is on the Good Friday Agreement terms, and nowhere does it say that there will be a united Ireland.

Mr Martin McGuinness proceeded to tell us about all the hurt — the hurt of “bloody Sunday”, the discrimination, the gerrymandering. I remind Mr McGuinness that I lived in a two-up, two-down on the Shankill Road, with an outside toilet. And, yes, in the winter, I probably had to do my poolies in the yard. So Mr McGuinness was not the only one. My parents did not own property; they had the same rights as any Catholic. There was relative deprivation in this society, and I want Sinn Féin and others to recognise that. My hurts are from the past.

Mr Molloy: I remind Mr Hutchinson that we in the civil-rights campaign encouraged the Unionist community to come out on to the streets and protest to ensure that it got the same standard of living that everyone was entitled to.

Mr B Hutchinson: I recognise what the Member says, but Republicans hijacked the civil-rights campaign. The point that was made by my Colleague from North Belfast was that in 1966 there was a protest on the Upper Falls Road, which was then Protestant. Members of the Republican movement went to prison because they were not allowed to carry a tricolour through a Protestant area. How times have changed. They have short memories.

We are here and are prepared to accommodate, but I will not be lectured by members of Sinn Féin telling me about how bad things are. I ask the DUP Members to understand what Republicanism is about. It is about a blood sacrifice. But Republicans have removed it themselves. So what do Republicans do? They now turn themselves into the victims. We must ensure that we do not allow them to do that. It is about time people started to analyse what Republicans are doing and stopped falling into their traps.

Mr McGuinness spoke yesterday about the British military and Loyalist death squads. It is all right for the IRA to murder a judge coming across the border — a brilliant operation. Who gave it the information that the judge was coming across the border? When Loyalists kill anybody, either it is blatantly sectarian on an innocent Catholic or they have colluded with the RUC. It is about time we got real. We have all got hurts in the past. A friend of mine was murdered by the INLA while I was standing 15 feet from him. He was under surveillance from the RUC, yet no one was caught for it. Is it not amazing that they got away while he was under surveillance? I did not hear Sinn Féin or anybody else complaining about that.

You, Mr Initial Presiding Officer, have dealt with the matter of Mr McGuinness's bringing in a part of a grenade. What was that all about? Are we about who carries arms and who does not carry arms, and about what is happening in Members' constituencies?

12.15 pm

I could have brought in a number of reports from some of my friends who have been told by the police that Republicans are carrying out surveillance on them. Only last night I was warned not to go to a house in my constituency because I was being watched by INLA members. Is that what Members are going to do? Are we to come every day to the Assembly and trail it all out and tell everybody about who is following whom and who is going to shoot whom? That is not what I want.

I am prepared to accept that there are Sinn Féin Members in this Chamber who know that the only way forward is through the political process. I do not necessarily say that I trust Sinn Féin, but I accept that it is trying to find a different way forward. I want to do that too. I do not want to bring bits of grenades into the Assembly and talk about these being thrown in the constituencies. We could all do that. We could all talk about "bloody Sunday", Teebane, "bloody Friday" and the Shankill bomb, but that is not what we are here for. We are here to find a way forward.

Gregory Campbell was very positive yesterday. I honestly believe that what he said about Unionism was very positive. However, it was my Unionism he was

talking about. I do not recognise it in the DUP. I am sorry about that, but I do not. He said

"We want a dynamic, determined, confident, assertive Unionism."

The only thing he did not say was that that was the PUP. But whatever the party label, we want to be able to bring about change for our people. I hope that the Nationalists will listen to what I am saying. We want to bring about change for our people and for the Nationalist community so that we can go towards the future and put the past behind us. I thought that was what the agreement was all about. I accept that Mr Campbell has problems with this view. However, I thought that he summed up Unionism very well.

I do not care what shade of Unionism a Member belongs to — and this is for all the Nationalists to listen to. We may be fractured, as Mr Adams said, but the one thing that binds us all together is our love for the Union. However, it has to change. We cannot have the Union of the past. We have to make sure that we have a confident Union, one that can change.

The Initial Presiding Officer: Before Ms Morrice speaks, may I advise Members that the heating is not working. I know that some Members have not noticed this, though I shall not speculate why. Staff are doing their best to have the heating repaired.

Ms Morrice: I rise in the warmth of this House.

I do not want simply to commend this report but to welcome it with open arms — warts and all. I want to applaud every person who worked to make it possible — not just the architects from every shade of political colour in the Assembly, but everyone in this Province and outside, in Europe, in America, in Britain and in Ireland. These people worked tirelessly over decades to bring about change, reconciliation and, ultimately, peace.

This report represents that change. This debate is history in the making, but I feel no sense of that in the Chamber. The report represents a unique opportunity for the people of Northern Ireland to govern themselves, yet I feel no sense of admiration, of awe or of opportunity in the Chamber. Have Members forgotten how far we have come? Have Members forgotten that we are being watched by people who have lost loved ones and who have suffered terribly over the past 30 years? These people are desperate for change. They are watching us squabbling over speaking times and must be disgusted. We must stop, remember where we were 18 months ago, and realise that not one person in the Chamber or in this Province wants to go back there.

Yes, progress has been slow, but when we walk a tightrope we must take small steps. I listened intently to the debate yesterday and today, and I am deeply disappointed at what I have heard. Only a few have risen above the ritual of bitter, scornful, adversarial

politics that have been the trademark of this country — a trademark that has been our downfall.

Mr Morrow: The Member has asked whether we remember what went on before. Yes, we quite clearly remember. I would like the Member to comment on the Civic Forum, where the victims' voice will be represented by two members. Does she agree that that is a big omission?

Ms Morrice: There is no doubt that the Women's Coalition has been pushing, sometimes against a brick wall, for proper representation of victims. The answer to the Member's question is that we do believe that the role of the victims is paramount for the future of this society. They must play a very constructive role in working out the way forward.

The double-barrelled politics of intransigence and political violence — what I call anger and apathy — have been dominating politics in this land for far too long. We must move forward, and the report represents the right way forward. We must also find a way to rise above the mealy-mouthed squabbles of the public arena and show the people that we are capable of dignified, civilised human interaction. We are capable of that. I have seen it, as have all Members in the House, when the cameras are off. The House is not a stage, with each of us playing a part, depending on our political colour. This is not a Greek tragedy or a Shakespearean farce. This is real life, and we have only one chance at it.

As political leaders, we have a duty to point the way forward and to set an example for our youngsters and others to follow. It is our duty to show our people that the politics of bigotry, hatred, violence and sectarianism are the politics of the past, not the future.

It is incredible that yesterday and again this morning, when we were debating the pros and cons of decommissioning as part of this peace process, Members from all parts started discussing whether firearms should be left in or outside the House. What on earth is going on? Can no one see the double standards?

The Women's Coalition wants what every right-minded person in this Province wants. We want our children to be able to live in a society that is free from guns. We want a society that is free from anger and violence in all its forms. I remind the Assembly that paramilitaries do not have a monopoly on terror. The man accused yesterday of allegedly killing his unborn child in the abdomen of his teenage partner used a brick and a baton, not a gun. We need to change the mindset of the people who carry out these terrible deeds — be it in the name of their country, their culture, their religion, or even their manhood.

What we need to do now is build trust between ourselves and in our communities. We need to show that we can work together for the good of all. We need our

own government. It must be good government, accountable to those who elected us.

The agreement and this report, which brings it into operation, have not been cobbled together at the last minute by people far-removed from the realities of life in Northern Ireland. It has taken years to negotiate this. It has taken blood, sweat and toil. It has taken years to reach agreement. It was written by people who care about this country and, above all, about the future of the people who live here and of our children.

We need to start governing this country, to start making laws. We need to do what we are paid to do, and that is work together for the good of this land. We have now an opportunity to move from dead-end politics to the politics that will take us along the road to peace. I commend this report. My Colleagues and I in the Women's Coalition will support it.

The Initial Presiding Officer: There is one matter which I would like to draw to Members' attention before the sitting is suspended. Members may not be fully aware of all the implications of everything that they say and do in the Chamber. In particular, once we know that we have absolute privilege, Members may feel that there will be a considerable degree of latitude. However, if Members refer here to a matter that is sub judice, they may not be creating problems for themselves but may be creating problems for the courts.

I advise Members to be careful about what they say about particular matters. Although the House itself does not have a sub judice rule, which means that Members will not be creating difficulties for themselves, they may be causing problems for others.

The sitting was, by leave, suspended from 12.28 pm until 2.00 pm.

The Initial Presiding Officer: I am happy to advise Members that the heating has been fixed.

Sir John Gorman: Yesterday Mr Alban Maginness referred to my work on the Messines Tower as a journey of reconciliation — a very proper way of describing it as the tower is much more than just another war memorial. It acknowledges, as the Member pointed out, the wonderful work and sacrifice of Irishmen from every province of Ireland, from north, south, east and west and from both main religious denominations.

In his lively speech he mentioned that the object of the Assembly was reconciliation. I agree. It would be very difficult to see any purpose in having an Assembly other than to get people of goodwill and talent to work together in the interests of all the people of this Province.

Mr Ahern made a statement which, as Mr Trimble mentioned, has since been sugared mildly, but Mr Ahern has not changed the view which he so firmly expressed in 'The Sunday Times' interview. He went on to talk

about some other matters of intense interest to Members — for example, the real possibility of Ireland's rejoining the Commonwealth, and he talked in positive terms about a visit by Her Majesty The Queen to Ireland next year. What good examples of reconciliation these would be.

The Ulster Unionist Party wants an Assembly. Do not believe any nonsense about our hanging about, deferring or trying to avoid joining it. We want to join it, and we want it to be power-sharing. Anyone who does not realise what an advantage it would be to have such arrangements is very much mistaken. We have given a pledge to have a power-sharing Executive with our whole heart and soul. That means what the words suggest: sharing power with all those who have been elected to this Assembly. However, it does not mean that those who have been elected to this Assembly and still have the advantage of weaponry, and who have not just power but killing power, should be allowed to take seats in the Executive.

That is the pledge which the Ulster Unionist Party has given. This will not happen, but if we were to renege on that pledge and take seats in an Executive with Sinn Féin, I wonder what the DUP's position would be. Would it also refuse to take its seats? Would it find it expedient to be in there to represent all Unionists?

The Ulster Unionist Party stands by its pledge, and I would like to believe that the other parties to the agreement, and Members of the Assembly, are totally disabused of the view that there is going to be any change in our pledge. This is about the way the country is going to be governed.

I have spent a lot of my life working on housing issues, and I have been rather disappointed that Members have not had much opportunity in the course of these few months to discuss housing. I am not sure if Members are aware that the programme for new homes in Northern Ireland requires the building of 2,600 houses per annum for the next three years — from April 1999 to March 2002. That will require £1 billion of extra money. Do Members know how many houses the Housing Executive is building in the forthcoming year? Forty-five. I know that housing associations are going to take up some of the load, but they are comparably small and it is unlikely that they will be able to produce 2,600 extra in a year.

I would like to believe that the Department of Social Development will be concerned not just with housing but with planning as well. There is the most appalling powerlessness of planning in this country. Those Members who are aware of what occurred in Bangor last weekend will know that a developer took masked men and bulldozers to knock down a substantial 140-year-old building, cutting off electricity to surrounding people, and setting the place on fire. That is the kind of thing

that our present planning arrangements permit: there was no law to prevent it. He may get into trouble for cutting off electricity and starting a fire, but what will that cost him? One thousand pounds? Here is someone demonstrating the powerlessness of planning in the Province.

During my last speech, Mr Chairman, or Mr Initial Presiding Officer — I am sorry, but I am used to the word "Chairman" from my two years in the Forum — I mentioned the need to address the question of Semtex. This is a ghastly explosive second only to a nuclear explosive in its killing power. I concentrated my efforts then on persuading Gerry Adams and Martin McGuinness, in the wake of the Omagh bombing, to see how appalling this killing power is that they say must be retained in their hands. I was trying to demonstrate how impossible it would be to say with any logic that Semtex was required as a defensive weapon. My plea fell on deaf ears then. I repeat it now.

Every party to this agreement, with the exception of Sinn Féin and the Progressive Unionist Party, has carried out everything required of it. Why should we give Sinn Féin the excuse today by showing a Unionist party divided — making petty points about the various arrangements here and taking up time — when we have an opportunity to show a united front in the Unionist camp by saying that the one thing we must have is decommissioning and disarming?

We hear excuses from Sinn Féin. I have heard Mr McGuinness describe how his great friend Gen de Chastelain loves him dearly and believes everything he tells him. Has anybody heard any words from the general about the promises given or statements made by Martin McGuinness? I suggest not. I heard, and appreciated, what Peter Robinson said yesterday. Sinn Féin and the IRA are the same body. They are not even two sides of the same body but the same body.

Let us isolate Sinn Féin. Actually, it is pretty much isolated already. Listen to the television and radio. Who has any time for these little semantic pieces of nonsense about what the words in the agreement actually mean? Those words were not used and those timings were not needed for the numerous other things that every other party has done. But not Sinn Féin.

I will read to Members the last words of the leader in 'The Irish Times' today:

"Sinn Féin's exclusion is not of David Trimble's making. Securing Sinn Féin's participation in the executive rests within nobody's hands but its own — and those of its affiliates in the IRA."

Mr McGrady: Over the past two days we have listened to many powerful and sincere contributions, some of which I agree with, and some of which I do not. Unfortunately we have also heard many contributions of petty party point-scoring, personal insults, gross discourtesy

and idle — and sometimes dangerous — accusations. There has been little contribution to the debate by way of alternative suggestions — what we will do if today or tomorrow the Assembly does not endorse the report and we do not make today or tomorrow the determination day.

I have heard little by way of alternative constructive propositions to address the problems that will ensure if we fail to endorse the report. There will be a political vacuum, rapid deterioration in our social and economic status, and rejection by the world of Northern Ireland as a place to invest in or, indeed, to holiday in. Many Members do not seem even to recognise these appalling prospects. However, the community that we represent recognises them very well indeed.

Leaving aside the prospect of renewed violence of a nature that we thought had gone for ever, people will say that it is not worth investing time and energy in the political process. The international community, to which I have just referred and which has done so much for us — whether we agree with it or not — would see the rejection of the agreement as a total rejection of their commitment and financial assistance.

We should take heed of the measured political comments in the editorials of our local newspapers whose personnel have their ear to the ground about what our community is saying. The 'News Letter' of 11 February stated

"The people of Northern Ireland are not only capable of self-government — they have demanded it with a resounding referendum vote which supersedes any and all preceding or subsequent opinion polls."

We have all come too far from the depths of anguish to fail now — and we all know the alternative. The 'Irish News', referring to Mr Trimble and Mr Mallon, said

"Both men should take encouragement from the real desire for movement within the community they serve."

Indeed, the much-maligned G7, which seems to be the butt of adverse comments in the Chamber, on behalf of the sector of interest that it represents, speaks about

"the institutions envisaged in the agreement up and running".

It says that they are the only way to provide a future for us, and, of the politicians here, it goes on

"They can provide the leadership to tackle the mass of urgent social and economic issues which are central to the future welfare of the entire community ... For everybody to wait for somebody else to move before moving themselves is a sure recipe for a permanent immobility. Northern Ireland has no future of any quality, except as a stable, inclusive, fair, prosperous and outward looking society."

What clearer signals from this cross-pollination of the opinions of the community do we need than those in newspaper editorials or from the representatives of commerce and industry?

2.15 pm

Much of the debate has been taken up by the issue of decommissioning, notwithstanding the fact that the report deals only with, and should deal only with, the Executive, the Civic Forum and the British-Irish Council. What civilised, right-minded person would not want decommissioning? Those who use the lack of decommissioning as a reason for not approving the report are bereft of real substantive arguments on the matter. They are using decommissioning as an emotive vehicle by which they hope to defeat the purposes of setting up our own government.

Let there be no doubt about this: I want decommissioning, my party wants decommissioning, and the community wants decommissioning. Also, in the fullness of the terms of the agreement on decommissioning, I want weapon destruction. If weapons and explosives are not destroyed, one of three things will happen. Either they will fall into the hands of criminals — that has happened in other societies — or they will fall into the hands of dissident groups (a distinct possibility), or they will be used again by their present owners. That is what will happen with those weapons and explosives if they are not just decommissioned but destroyed as well.

It is through the implementation of this report that we have the best — some would say the only — means of obtaining total disarmament and weapon destruction. I am not simply speaking to put something on the record in Hansard; I am asking Members from all parties to support the report, to take a chance and to take a gamble with me and with others on the way forward.

Apart from the issue of decommissioning, there have been two major areas of debate in the Chamber. Criticisms of the Civic Forum have come mainly from the DUP but from others as well. It puzzles me that the DUP is opposed not to the principle of the Civic Forum, according to Dr Paisley, but to its composition. Only last Saturday I heard Mr Paisley Jnr deny its validity in principle, never mind its composition. Do we have a contradiction there?

I am glad that Mr Paisley is in the Chamber as I would not want to say anything about him, good or bad, if he were not here. Mr Paisley said that the Civic Forum was against his principles and that elected people only should have a role in what is happening in Northern Ireland. He also said in an aside that he would be delighted if the whole process failed. My interpretation of that is that he would be delighted if what the people willed were to fail.

Mr Paisley Jnr: I am surprised at the Member's feigned surprise at my delight if this process is in any way under threat. My party has been open and honest and above board with the electorate. If we are working to undermine the process, why should he be so surprised?

Mr McGrady: I am surprised because the very name of his party is the Democratic Unionist Party, and there is nothing democratic about failing to take cognisance of the democratic decision of 71% or 72% of the people of Northern Ireland — end of story.

The other main theme that has come across, mainly from Sinn Féin and certain others, has been to do with the equality agenda and the establishment of the equality unit in the office of the First Minister (Designate) and the Deputy First Minister (Designate). I cannot understand the rationale behind this attitude. Where better to locate the drive for equality than under the joint First Office where the elected leaders of both communities are working together in this respect?

There is a feeling that if we had a new Ministry of Equality it would somehow be the prerogative of Sinn Féin. Is it not much better for the leaders of the main cross-community parties to have this mandate than have it fall to an individual Minister from any party, be it the UUP, the DUP, Sinn Féin or the Social Democratic and Labour Party? It would take ages to establish the trust for that, but the equality agenda that we all want can be established quite quickly in this way.

Much could be said that I cannot address in the time allotted. I am asking those people to take a step with me and the members of my party into unknown territory.

The Initial Presiding Officer: I must ask you to bring your remarks to a close.

Mr McGrady: The prize is so great. Please give us the one chance that we have today.

Mr Kane: Decommissioning is never mentioned in the report from the First Minister (Designate) and his deputy. I wonder why. Sinn Féin's Mitchel McLaughlin dismissed the opinion poll in the 'Belfast Telegraph'. How convenient for him. If the poll was not indicative of public opinion, he can have had his cake and eat it. The poll must have created as much havoc in his search for a response as decommissioning itself. John Hume, the SDLP Leader, wearied us with his contribution, asking us to allow Members to be appointed to the Executive, regardless of decommissioning and punishment beatings. What other Nobel recipient would have such a disregard for peace?

Much as the sentiments and beliefs of the Continuity IRA are foreign to the rest of us, abductions, punishment beatings and killings should not be the means by which members of that organisation are dealt with. These are indicative of the violence at work in the community. There is no place for these things. What about the Mitchell principles?

We have at last established the reason for the recent spate of punishment beatings. It was so obvious that for a while we overlooked it. It is this: the Provisionals and

Sinn Féin practise zero tolerance of all who differ from them, whether in the Unionist community or among the Nationalists. What sort of reconstitution has taken place in Sinn Féin? What political business can be conducted with its representatives in the Government? Where has violence been abandoned or any progress made towards that much defiled word "peace"? The answer to these questions is that violence has not been abandoned and no progress has been made towards peace.

Hutchinson and Maskey looked a comfortable double act on the television programme 'Hearts and Minds'. They were faced with great difficulty over decommissioning and the punishment beatings, "Hutch" referring to them dismissively as "a few punishment beatings". If he had been the recipient of one of these beatings, would he have felt so able to trivialise or dismiss the agony, the excruciating pain and the long-term scars? But what can we expect from these two men with such a violent history?

The upshot of the interview was that neither man could agree with the vast majority of Northern Ireland's residents that there should be an immediate call for decommissioning, and neither man possessed enough integrity to concede that there was no place for them in constitutional politics or in a future coalition Government. This clearly demonstrates that, in paramilitary circles, rank-and-file spokespersons are the most objectionable and the most obstructive element to peace. We do not need them at Stormont or in the greater community.

Sinn Féin and PUP can play clever word games if they wish, but "Mr General Public" is not fooled by any of it. The onus is on them to deliver on decommissioning and allow progress. It is unlikely that this will occur since the role they have invented for themselves would no longer exist.

Come off it, boys. The solution lies with you. Either you are politically too fragile in the respective Nationalist and Loyalist communities to deliver on decommissioning or you have become comfortable with the benefits terror has brought you. Those who find difficulty with constitutional politics should be firmly warned that they are becoming marginalised in all sections of the community and that the facade of peace is fitting to no one. The 'Belfast Telegraph' poll bears this out. The claim by Hutchinson and Maskey on 'Hearts and Minds' that terrorists cannot be ignored is fast diminishing.

The Initial Presiding Officer: May I raise an order point with you? You have several times referred to Members by their surname only. It has been the practice — and I think that it is a proper practice — to refer to Members by both their surname and title.

Mr Kane: Thank you, Mr Initial Presiding Officer, for bringing that to my attention.

Mrs Nelis: On a further point of order, Mr Initial Presiding Officer. The Member has not addressed one line of the report either. He is making a political speech.

The Initial Presiding Officer: I have to say in all honesty that if I were to rule political speeches out of order I might be on my feet a good deal. We must continue for the present.

Mr Kane: The whole community is sick of the implied threat. Even 58% of Sinn Féin supporters want to see paramilitaries hand their weapons over now, and the SDLP is becoming less at ease with its alliance with Sinn Féin. Decommissioning is easier to sideline than the consequences of guns in the hands of terrorists. The SDLP is risking getting its hands dirty. Sinn Féin is less of a certainty, politically, which leaves the SDLP alone in its chorus of "No" to decommissioning.

If constitutional politics were to overtake this misguided pandering to terrorists, as they seem to be doing, how would the SDLP progress without its comrades in Sinn Féin? After all, a cross-community vote would not be so instantly available, and there would be likely to be a normalising of the SDLP's role in the Assembly in the absence of Sinn Féin's military wing. A better suggestion for future policy in both parties would be for them both to decide between the Armalite and the ballot box. Public opinion requires a decision. The ship of politics is now being seen to be seaworthy by the Northern Ireland public, and it cannot sail without those who are reluctant to conduct politics without violence. Constitutional Unionism is poised to progress with politics proper.

The glitch in our history which has allowed terrorism to become involved and then debar itself through its lack of ability to change or make the transition from Mafia-like practices into the open scrutiny of democratic politics seems to be reaching a conclusion. In the conduct of normal, peaceful and democratic matters of state, opinion is growing that there is no place for violent agitators or for those who argue for their existence.

Mrs Ramsey: May I first of all welcome the fact that the report was finally presented to us by the First Minister (Designate) and the Deputy First Minister (Designate). I hope that we can get on now with the important things that we were all elected to do.

My concern about the report is that it contains no reference to the safeguarding of the rights of children.

2.30 pm

Parties in the Assembly agree that it is important to take the most effective steps possible to safeguard and promote the chances of all children. At the 1996 World Summit, the British Government stated that the well-being of children requires political action at the highest level. It

will be the Assembly's responsibility to ensure that children's well-being is at the centre of all decisions and that it is not just empty rhetoric.

We must implement fully the values of the United Nations Convention on the Rights of the Child. As the Assembly will be aware, Save the Children and the Children's Law Centre have been campaigning long and hard for the appointment of a Minister for children. My party and others have been campaigning for the most practical ways of securing the rights of children.

Children across this state have been severely disadvantaged by the effect of policies in such diverse areas as health, education, social security and housing. Let me offer a few examples to support this argument. More than 500,000 people here are under the age of 18, and of that number over 35% are children who are directly affected by poverty.

In 1997, 833 children presented themselves to the Housing Executive as homeless. There is the impact of having the highest birth rate in the European Union — 40% above the EU average — along with the highest teenage birth rate. This means that we have to deal with the implications of children looking after children, never mind the effects on family life of long-term unemployment and the impact of New Deal. The recent failure to implement Sure Start has also caused concern.

One early-years organisation said that children have no voice. This is really saying that children do not matter. In 1996, more than 31% of three-year-olds and 12% of four-year-olds were in nursery education.

In the area of health, we are faced with a growth in the drugs culture among young people, along with an increase in mental health problems affecting children and young people. There is also the alarming increase in suicides.

Perhaps one of the greatest concerns is the crisis affecting those services that we have traditionally relied upon to protect children. It is a damning indictment that children in the care of the state can be more at risk than those in the care of the community. So what is being done to address these issues? Who is trying to ensure that the policies and decisions are child-friendly?

At present all British Government Departments are required to assess the impact of their policies on the environment, but not on children. Children and young people are more important than the environment. Both are our future and without either we have no future. Let us protect our future. Our children will do a better job of protecting the environment than we have done.

Current structures have failed, and we need a radical new approach to deal with these failures — failures which were highlighted by the Gilbertson Foundation Enquiry in 1996. For example, there has been the failure

to give children political priority; there has been a lack of political commitment to children; and there has been a failure to promote children's participation.

The report cites evidence that children and young people's alienation from politics is growing. Children are invisible; they have no annual report; and there is no systematic collection or publication of statistics. There is no requirement to assess and publish information on the impact of legislation and Government policies on children. There is no analysis of overall departmental budgets to assess the amount and proportion of funding spent on children.

The report also found that there is inadequate co-ordination between Government Departments, inefficient use of resources and a tendency towards inflexibility of funding. The Department of Health and Social Services, health and social service boards, trusts, the Department of Education, education and library boards, the Department of the Environment, local councils, the Northern Ireland Office, criminal justice, juvenile justice and probation boards — these are just some of the bodies that affect children.

However, there is very little, if any, departmental co-ordination on policy development. The Assembly will be responsible for implementing the rights of the child under the UN Convention. It is an issue which affects all of us — or perhaps not, as they do not have a vote. All policies should be assessed to ascertain their impact on children and to ensure that the rights of the child are paramount. After careful consideration, I and my party are convinced that the best way to tackle this issue is to seek the appointment of a junior Minister with a cross-departmental remit to promote child- and, therefore, family-friendly politics and policies in all Departments.

This should not become a party political issue. I appeal to all Members to urge their parties to adopt this approach rather than empty promises or statements on the rights of children and to support groups, like Save the Children and the Children's Law Centre, that have been campaigning long and hard for a Minister.

Mr Armstrong: I was elected by the people in Mid Ulster who supported the Belfast Agreement and also by those in the "No" camp who gave me their second-preference votes. Despite being against the agreement they saw the need for a Government at Stormont. However, such a Government will be doomed to destruction if politicians who have private armies are allowed into the Executive. Decommissioning has to take place or the Assembly will be a complete farce. I am here to represent Unionists in Mid Ulster, and I do not intend my voice to be muffled by fellow Unionists who have no faith or confidence in themselves and have a blurred vision of the way forward.

This vote today is not about decommissioning — it is about setting up structures. I will vote for the report because I see it as a way of achieving better government for the people of Northern Ireland. However, I will not allow the Unionist Party to sit in or support an Executive with unreformed terrorists. In my eyes there must be proof. Without credible and verifiable decommissioning, Sinn Féin/IRA cannot be allowed into ministerial posts. It is not reasonable to have an armed terrorist in government.

Fellow Unionists must have confidence in themselves and in their ability to govern Northern Ireland. The Unionist parties need to unite to take this Assembly forward and to show the people that we intend to govern this Province, leaving Sinn Féin/IRA behind unless they decommission and admit that the war is over.

We cannot allow Republicans to wriggle out of their responsibilities. If Sinn Féin members believe that they are real democrats, they must agree that it is only fair that they should decommission straight away. In fact, it should have been done 10 months ago, if not earlier. If they do not decommission now, this will simply prove that they are just a bunch of terrorists. And terrorist organisations have no credibility in the Assembly or anywhere else. With the support of other Unionist parties the peace process can go on with increased strength and a more determined voice. Our young people deserve this leadership. We cannot be a divided Unionist community.

Sinn Féin/IRA's objective is a united Ireland. A united Ireland is an Irishman's dream, but it is only a dream. We are here in the Assembly to govern the people of Northern Ireland. In voting for this report I am pushing the process forward to the very limits. We in the Ulster Unionist Party have fulfilled our obligations and have nothing left to give.

I support the motion.

Mrs Lewsley: I welcome the chance to support the report before us today.

I wish to concentrate on one vital issue that underpins the entire basis of how we create our future in Northern Ireland — equality. Many Members addressed the matter at length in the debate on this report last month. I was incensed particularly by the remarks of Sinn Féin Members, who tried to distort the SDLP's position on this matter. Surprisingly for me, it was Mitchel McLaughlin who missed the point completely in his speech of 18 January when he asserted, quite incorrectly, that equality would be treated with less urgency than other matters if the proposed arrangements went ahead and equality resided under the remit of the office of the First Minister and Deputy First Minister. Nothing could be further from the truth.

Because of the importance of and priority given to equality it is best dealt with centrally to ensure that it is not put into a cul-de-sac or used in a partisan shoot-out. My Colleague Sean Farren in his speech here on 18 January assured us that a special committee would be set up to scrutinise equality matters, and that is by far the best way to ensure that this matter remains at the forefront of our deliberations and decisions in the future.

The best way to monitor departmental actions on equality is to bring to book, and before this House, any Minister who is not pulling his weight in this matter. If any Member from Sinn Féin does not believe me, then I refer that Member to the report from the Community Relations Council, which recently backed the proposal to place equality centrally in the office of the First and Deputy First Ministers (Designate).

The Human Rights Commission is being given a key role in the new process, and the Equality Commission has just as important a role to play to guarantee that the voices of the under-represented are heard. For this reason it is important that the Equality Unit be based centrally and do the job that it is set.

I welcome Sinn Féin's conversion to the equality issue. For many years it was not very high on the party's agenda. When we talk about equality in Northern Ireland we, as a House or, indeed, as individual parties, should not get hung up on the equality of identity or of nationality alone. Equality has many manifestations in society — not least for people of wider ethnic groups, gender and disability. I can assure Members that I will return to these issues time and time again during my term of office here. With equality it does not matter whether you are Catholic or Protestant, Nationalist or Unionist. Discrimination existed long before the troubles and, sadly, persists today.

It is time that people with disabilities received fair treatment. I intend to make sure that the Assembly takes on responsibility for setting up a commission against discrimination, as promised in the Disability Discrimination Act, and as will happen throughout the rest of the United Kingdom. It is insulting to people with disabilities in Northern Ireland that the Government have sufficient cause to act elsewhere in the UK to stamp out inequality where it exists when there is no similar mechanism here, especially considering that 17 out of every 100 people in Northern Ireland have a disability — the highest level in the UK.

There is a lack of initiative with regard to allowing children with disabilities the right to be part of mainstream education, the preference being to segregate them in special schools. That is a matter that the Equality Commission can address.

Ethnic minorities in Northern Ireland have little or no representation in our community. For example, it was

well documented in a recent survey that the Chinese community is facing ongoing and increasing levels of racism. This is unacceptable. A new Equality Commission must give all minorities a voice.

There is tremendous ground to be made up in Northern Ireland on the equality of gender. Indeed, judging by the contributions and asides on occasions from some Members in the House, we have a long road to travel. Women face inequality on a daily basis, whether they are mothers in need of training or entrepreneurs who need grant aid to kick-start their businesses, many of which are in the service sector. Even when in business they are ignored in trade delegations and refused funding and support because they are not in industry or in the export trade.

The very fact of these problems discriminates against woman. Last week we saw the targeting of single parents on benefit and the abandonment of a £15 million child-care programme, the money for which is now being redirected to other areas. These are not matters for debate today, but I assure Members and future Ministers that I shall return to them many times in the future.

2.45 pm

Mr Poots: We have heard many speeches attacking the Democratic Unionist Party and, in particular, the stance that it takes in the Assembly. I should make it abundantly clear to those Members who think that the DUP should not act as it does that while 71% of the people in Northern Ireland voted for the agreement, 29% of them voted against it. I have no doubt that the latter figure would be higher if the referendum were to take place today, for at the time of the agreement promises were made that were not honoured.

The DUP and the other parties that opposed the agreement at the election have a duty to represent the views of those people in Northern Ireland who also opposed the agreement. I resent the SDLP's telling Members from the DUP that they should not represent the views of the people who voted for them. This is a democracy, and the DUP is entitled to make its case in the Chamber.

Others have made a different case from the one which the SDLP has made. They put explosives underneath its members' cars. It was not the DUP who did that. The DUP has always fought and argued its case, with the SDLP and others, through democratic means.

Dr Hendron has called the Members from the DUP the abominable "No" men. The abominable people in the Assembly are the people who have committed murders, planted explosives and, on entering the Assembly, claimed some sort of democratic credentials. These are the abominable people — not the people who have operated in accordance with democratic means.

Last night I listened to John Hume on the radio. He said that we should leave the past behind and look to the future. I apologise for criticising the venerable John Hume. The SDLP may not appreciate such criticism, but I am going to give it anyway. John Hume says that people have to leave the past behind. This means that victims are to forget all that has happened in the past — it has all to be brushed under the carpet. Perhaps the SDLP will now join the Police Authority; perhaps it will allow its members to participate in police liaison committees; and perhaps it will support the Royal Ulster Constabulary.

Only in the past was the RUC a problem to members in the Nationalist community; it should not be a problem now. Perhaps the SDLP will recognise the Orange culture and Orange traditions; perhaps it will support the right to free procession for Orangemen to their places of worship. These problems were all in the past; we are living in the future now.

Yesterday Mr Mallon told us to trust the terrorists. He said that we would not get decommissioning unless we left it in the hands of the terrorists. That was the basic content of his speech. Let me say that there are more effective ways of taking weapons from terrorists than allowing terrorists to do it themselves. That has been proved in the past.

The so-called expert, Gen de Chastelain, has had 10 months to deliver a beginning of decommissioning, but he has not done so. The only guns that have been handed in were from the Loyalist Volunteer Force — and Members may draw their own conclusions about why these guns were handed in. No guns have been handed in by the mainstream paramilitaries. Gen de Chastelain has failed in his duty. He should be bringing forward a report to the Assembly on the progress of decommissioning. It is all right for him to sit in an office in Belfast with people saying that he is doing his job well. He should tell the public what is happening with decommissioning, what the prospect for decommissioning is, and whether there is going to be any handing over of weapons. This information should be made public now.

I now turn to this concoction of a report that trades the number of Departments required for political expediency and tries to slot different areas of responsibility into each Department. More than 40 articles left out of the first report are included in this one. Mr Trimble said that some of the changes were straightforward and that others were more substantial. These include road safety, the Child Support Agency, education and library boards and industrial and fair-employment tribunals. I am surprised that Mr Mallon left the Armagh Planetarium out — I thought he was a representative for the Newry and Armagh constituency. The Ulster Unionists have doubled Sinn Féin's strength

in the Cabinet by allowing, through this report, 10 Cabinet posts.

I have a document of John Taylor's in which he and Mr Savage talked about the young people of the Province. I will touch on this document later.

I am opposed to an institutionalised link between Ulster and the Republic. I do not agree that anti-partitionists must be members of any future Stormont Cabinet.

Not only are we having anti-partitionists as members of the Stormont Government, but we are going to have anti-partitionists who engaged in terrorism to achieve their aims in that same Stormont Cabinet. I am sure that Mr Taylor will have the opportunity later to answer that.

The Initial Presiding Officer: It might be wise for the Member to review some of the remarks that he has made. He has made some rather precise remarks about which I advise him to think again.

Mr Poots: Mr Initial Presiding Officer, I am quoting from a document that John Taylor published for the people of North Down.

The Initial Presiding Officer: It was not those precise remarks that I was thinking about.

Mr Poots: I am not aware of what those might be. However, I will seek to continue.

There are some absolutely ludicrous decisions in this report. Education has been split over three Departments — Education, Higher and Further Education, and Culture, Arts and Leisure, where libraries and museums have been put. Under the Department of Culture, Arts and Leisure they have also managed to include Ordnance Survey and visitor amenities. Under the Enterprise, Trade and Investment Department they have included tourism. Surely tourism and visitor amenities go hand in hand and should not be situated in different Departments.

Let us look at the Environment Department. I have sat in council meetings and heard the Ulster Unionists talk about the problems of the Department of the Environment digging up a road, then tarring it, and when it is nicely finished, the Water Service coming along and digging it up and making a complete hash of it again. What have the SDLP and the Ulster Unionists concocted on that? They have put planning control in the Environment Department, and transport planning, roads and water into the Regional Development Department.

This is creating extra Departments to create jobs for the boys or jobs for the girls, as the case may be. Of course, we know about the snouts in the troughs. There may be some female Members who wish to put their snouts in the troughs. Perhaps that is what was pressing some of the parties so badly.

Mr Kennedy: In the improbable event of the Member's being invited to head a Department dealing with such inconsistent matters, would he be prepared to serve?

Mr Poots: There is no doubt that I will not be invited to head any Department. The simple fact is — *[Interruption]*

The Initial Presiding Officer: Order.

Mr Poots: There are more experienced Members in the DUP, and a young man like me would not have the opportunity to do that just yet. Mr Kennedy would have a much better chance of being called to serve in the Ulster Unionist Party, given the depths of talent there.

With regard to the Civic Forum, the victims have been annihilated. They are getting two seats, and the community groups are getting 18 seats. These groups have been infiltrated in many areas by paramilitaries. We will have more paramilitaries represented in the Civic Forum than we will have victims. Those who decided on these numbers should hang their heads in shame today. They have trampled on the victims and their feelings.

Agriculture is not to be adequately represented in the Civic Forum either. I express concern as to how the church nominations will be filled. We have the great and the good church leaders who have always said what the Government have desired. I would like to see the evangelical churches, which are not recognised properly by the BBC and other television and radio companies, also get seats.

Mr Boyd: I reject this report. In it, there are several concessions made to Nationalism by the Ulster Unionists. The proposal to increase the number of Government Departments from the current six to 10, thereby creating a 50:50 carve-up between Unionists and Nationalists — although the current make-up of the Assembly is 60:40 in favour of Unionists — is clearly a concession by the Ulster Unionist Party. That this is an act of political expediency is confirmed by paragraph 2.6 of the report:

“we recognise that increasing the number of Departments inevitably involves some dislocation and diseconomies.”

The report acknowledges the extra expense incurred by the decision of the Ulster Unionists and their bedfellows to capitulate on the issue of the number of Departments in order to ensure that the SDLP and Sinn Féin receive the maximum number of ministerial appointments. The report also states

“the additional costs should be offset by rationalising the remainder of public administration in Northern Ireland.”

But it gives no specific details about this rationalisation or about how the additional £90 million required will be found. Clearly, the decision on the number of Departments has nothing to do with efficient government but has been

made for reasons of political expediency. The Executive will not be accountable to the Assembly, and it will be virtually impossible to remove any Minister from office.

The Northern Ireland Unionist Party's position is that by focusing on the issue of departmental structures, we are marginalising the core issue of the decommissioning of terrorist arsenals. The proposals on departmental structures should explicitly exclude parties linked to terrorist organisations which refuse to decommission their arsenals and dismantle their paramilitary structures.

Throughout 30 years of terror the SDLP has consistently condemned violence while not hesitating to profit politically from it. The SDLP tells us that we should forget the past. Will John Hume and his party now state publicly that “bloody Sunday” is a thing of the past and best left there? The SDLP now faces a clear choice between support for democracy and the rule of law and support for Sinn Féin/IRA in its demand to participate in the Executive while retaining its arsenal and its terrorist structures. If the SDLP supports Sinn Féin/IRA in its refusal to decommission, this renders the party indistinguishable from Sinn Féin/IRA. The alternative for the SDLP is to align itself with the democratic demand that Sinn Féin/IRA must decommission its terrorist arsenal and dismantle its terrorist structures.

Yesterday we heard a Member talk about the importance of the equality agenda and demand tolerance for her community. Where is the tolerance towards the Orange Order, which simply wants its civil and religious liberty to return from a church service in a dignified and peaceful manner along a route which it has used for 150 years? The truth is that many Nationalists move freely in Portadown town centre, some wearing Glasgow Celtic and Republic of Ireland soccer tops. These are hardly the actions of a community which feels intimidated. As someone who worked in Portadown town centre for six years, I can confirm that this is true.

I also remind the House that a van bomb containing 1,600 pounds of explosive was placed directly outside my place of employment, wrecking the entire town centre, which it took nearly two years to rebuild. I call such an act directed towards business owners and workers, both Protestant and Roman Catholic, intimidation of the worst kind. Without the prompt actions of a passing RUC patrol, there would have been horrendous consequences too awful to contemplate. It ill behoves any Member to talk about intolerance and intimidation in Portadown.

Decommissioning is a fundamental requirement of democracy. The Leader of the Alliance Party held up a newspaper article yesterday. I would like to quote from an article in last night's ‘Belfast Telegraph’:

"In the summer of 1996 an 18-day-old baby was thrown from its chair during an horrific attack on a young west Belfast family.

Two other children in the house at the time were doused with paint.

Just one month later a nine-year-old girl from Lisburn was attacked by three masked men as she played with friends.

The thugs, armed with cudgels and sticks, beat the child about the head repeatedly."

Yet we are told by Sinn Féin that it is interested in the rights of children.

"The list of locations for attacks in the past year reads like a twisted tourist guide to the province".

Dr Hendron referred to Aughnacloy and other places. The list of places where paramilitary punishment attacks have taken place in recent times is endless — Antrim, Armagh, Ballymena, Ballynahinch, Bangor, Belfast, Markethill, Newry, and so on.

3.00 pm

The newspaper article continues

"The instruments of torture in the armoury of the gangs are many and varied — baseball bats, golf clubs, nail studded clubs, pick-axe handles, hammers, sledgehammers, hurley-sticks, axes, hatchets, drills, industrial staplers and American style police batons.

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The image that the paramilitaries are reluctantly drawn into the attacks is also undermined by the fact that they have been repeatedly shown to be the result of personal vendettas. An IRA leader in north Belfast ordered the attack that killed Andrew Kearney last summer because Kearney had beaten him in a bar fight. Mr Kearney was shot in the legs and left to bleed to death after his killers ripped out telephone lines, putting an ambulance out of reach. The same IRA man has done it before. In 1995, when his new car was stolen, the man he believed to be the culprit had his legs spiked onto a metal fence. And last year, a senior UDA leader on the Shankill was implicated in a shooting that left the victim crippled."

There is no peace. The pro-Union community rightly will not tolerate government by an Executive which includes the architects of the terrorism that has been directed against it for 30 years and while the IRA retains its terrorist arsenal and structures for use at its discretion. Such a situation is totally unthinkable and unacceptable.

The Alliance Leader, Sean Neeson, stated yesterday that Gen de Chastelain has a key political role to play. Let me categorically state that the general's role is a technical one — that of the destruction of weapons and explosives.

The obligation on the Government of the United Kingdom to back the demand for decommissioning is reinforced by the clear impression, which was conveyed by the Prime Minister, and was a crucial part of the referendum campaign, that decommissioning would be a condition of Sinn Féin/IRA's taking seats in the Executive. That impression was conveyed on at least the

following occasions: speeches at Balmoral and the University of Ulster, the handwritten pledges, the letter of 10 April 1998 to Mr Trimble, and statements by the Prime Minister to Parliament. The vast majority of the law-abiding citizens of Northern Ireland want a stable society in which they can go about their lives in peace. It goes without saying that a minority has no interest in a stable society in Northern Ireland — it is interested only in instability.

Sinn Féin/IRA must not be allowed to hold executive positions in the Northern Ireland Assembly. That matter cannot be fudged or compromised on. Sinn Féin should not be recognised as a legitimate political party. Let me quote from a speech by Martin McGuinness:

"I apologise to no one for saying we support and admire the freedom fighters of the IRA. In the whole of Western Europe there is not a revolutionary socialist organisation that enjoys as much popular support as we do. The British know that the IRA is out to win. Republicans will not be satisfied with another glorious failure. Resistance has deepened, and so has our absolute commitment to victory."

That is the Martin McGuinness who could be placed in the Government of Northern Ireland unless this report is rejected. For any Unionist to acquiesce to the enrolment of Sinn Féin/IRA in an Assembly Executive would be a gross betrayal of the loyal people of Northern Ireland, who have had to endure 30 years of murder and mayhem from the Republican movement.

The innocent victims of Republican terrorism deserve — indeed, demand — that their voices be heard. That voice is calling on all Unionists to prevent Sinn Féin/IRA's being placed in government in Northern Ireland. I am appalled that the Ulster Unionist Party negotiator, Mr Michael McGimpsey, stated in the 'Belfast Telegraph' last night that decommissioning did not necessarily have to occur before Sinn Féin entered the Executive. I call on the Ulster Unionist Party Assembly Members —

Mr McGimpsey: On a point of order, Mr Initial Presiding Officer. The report to which Mr Boyd refers is incorrect. I have spoken to the publication and pointed that out. It is not what I said. It is a false report, and Mr Boyd can take comfort from the fact that I have said over and over again in public that we require a verifiable and credible start to decommissioning before we form the Executive.

The Initial Presiding Officer: That was a point of information — perhaps a very valid point of information since the Member's name was mentioned. However, it was not a point of order.

Mr McCartney: May I make what I hope is a valid point of order? There is no point whatever, Mr Initial Presiding Officer, in permitting what is clearly not a point of order to be made and then ruling that it is not a point of order, because that allows the person who is

making the false point of order to make a totally inappropriate interjection. There is no such thing as a point of information in the House of Commons, and there ought not to be one here.

The Initial Presiding Officer: If I had been severe enough to rule out every point of order which was not truly a point of order I would have found myself in some considerable difficulty here. Having discussed the matter with the Speaker in another place, I have discovered that it is not such an easy matter there either.

Mr Boyd: I call on Ulster Unionist Party Assembly Members to join with many of that party's Members of Parliament and grass-roots members to reject this report. Listen to the young people in the Ulster Unionist Party. I call on each Ulster Unionist to reject the SDLP and Sinn Féin, whose common goal is Irish unity, and join their Unionist Colleagues in rejecting this report.

Let me turn to the Civic Forum. In a society which already has an abundance of unelected quangos, it is wholly unnecessary to create what would, in effect, be a further unelected body whose main political purpose would be to endorse the outworking of the Belfast Agreement. No wonder Sir George Quigley and his G7 cohorts are keen to have the Belfast Agreement implemented without decommissioning. The business sector has been given seven places, as has the Irish Congress of Trade Unions (ICTU). The voluntary community sector has been allocated 18 places. That will enable those residents' groups fronted by Sinn Féin/IRA activists such as Gerard Rice, Breandan MacCionnaith and Donncha Mac Niallais to attain another public platform to oppose the Loyal Orders.

I reject this report, and I have to say that this is not the end of the process. It is clear that the all-Ireland institutions and bodies set up under this agreement are capable of further development.

Mr Taylor: I rise to support the report presented by the First Minister (Designate) and the Deputy First Minister (Designate). I want to refer to some of the matters in the report before going on to a general issue.

Mr Dodds and Mr Boyd referred to the additional costs arising from the creation of the 10 Departments. Of course, they are correct. It is acknowledged that there will be additional costs, but what they failed to point out is that this is going to be addressed. Paragraph 2.6 of the report says that these additional costs

"should be offset by rationalising the remainder of public administration in Northern Ireland."

What that means is that if we get a devolved system of government in Northern Ireland, and if the elected representatives of the people of Northern Ireland begin to administer the Province, the quangos will have been given notice. Many of them will be abolished.

Area health boards will come under reconsideration, and I trust that savings can be made very quickly from area health councils, which are costing £0.75 million a year with no positive results whatsoever.

Paragraphs 3.4 and 3.5, which relate to the North/South Council, refer to a decision to have the inaugural meeting of that body in the city of Armagh. As a resident of that city, I commend that decision to the House. Armagh is a very attractive city. It has the misfortune, perhaps, to be misrepresented in Parliament at Westminster at the moment, but it is fairly represented in this House. It is a city of architectural interest and great heritage; it is the former seat of the kings of Ulster; it has the planetarium, the observatory, cathedrals, and museums. I commend that decision, and I am glad that the First Minister (Designate) and Deputy First Minister (Designate) have supported it.

Paragraph 3.10 of the report deals with procedural arrangements. Mr Dodds — and maybe he is listening — again misrepresented the facts. He said that the North/South Council would not be accountable to the Northern Ireland Assembly. If he looks at paragraph 3.10 he will see that it specifically refers to its accountability to the Northern Ireland Assembly. It makes reference to the strand-two section of the agreement. *[Interruption]*

The Initial Presiding Officer: Order.

Mr Taylor: As far as the North/South Council is concerned, let us not forget that all decisions there have to be agreed. There will always be a Unionist in the Northern Ireland delegation, so the Unionists will have a veto on all decisions made by the North/South Council. It is time the Democratic Unionist Party stopped running away from these facts. It has no confidence in its ability to speak up for Ulster. All it can do is say "No" and run away.

The British-Irish Council, as detailed in paragraph 4.1 of this report, will meet in London at much the same time as the inaugural meeting of the North/South Council. I am disappointed that we are not making more progress with the British-Irish Council. The two Governments must move more speedily to bring forward their reports on how they see the British-Irish Council functioning.

The venue for the secretariat of the British-Irish Council is something which is up for discussion. Douglas in the Isle of Man is canvassing to be the location. It is a neutral state — not part of the Republic of Ireland and not part of the United Kingdom. Glasgow also has a strong claim. It has an appeal to many people in this island, both North and South — not only those who support various football teams but also those who support various institutions. And in Glasgow there are

people from both traditions who originally lived in the Province of Ulster. So it too has a strong claim.

And indeed we in the Ulster Unionist Party are trying to give further enthusiasm to the whole idea of the British-Irish Council. We believe that it is as important to the solution as is the North/South Council. *[Interruption]* Do not snigger at the idea of the totality of relationships on these islands being addressed.

The Initial Presiding Officer: Order.

Mr Taylor: On Thursday I will be taking a delegation to Edinburgh, where the Ulster Unionist Party will begin developing relations with politicians in Scotland — with the SNP, the Conservatives, the Liberal Democrats and, of course, the Minister of the Scottish Office, Mr McLeish, who is responsible for devolution.

The Civic Forum has been a matter of concern to many Members, and quite rightly so. We do not want to see it becoming a rival institution to the elected Assembly for Northern Ireland.

There are several paragraphs upon which I would like to pass comment. Paragraph 5.8 states that there will be seven members representing the business community in Northern Ireland. I would like to think that the chambers of trade, which are not mentioned, will also be involved. With regard to tourism, I would like to think that the Ulster Tourist Development Association will have some input on who will represent the industry.

Paragraph 5.9 deals with agriculture and fisheries, which are allocated only three seats. I assume that two will go to agriculture and one to fisheries, which, of course, has a special interest for me in my constituency of Strangford. There are three major ports — Portavogie, Ardglass and Kilkeel — and it would be unfortunate if we got someone from the fishing industry who spoke on behalf of only one of those ports. We need someone who can speak for all three ports so that the entire fishing industry is represented.

Paragraph 5.10 is concerned with trade unions. Of course, the Northern Ireland Committee of the Irish Congress of Trade Unions is the representative body, but there are unions and professional bodies in Northern Ireland that are not members of that body. It is important that they also become involved in the Civic Forum and that they are not ignored just simply because they are not members of that Committee.

Paragraph 5.12 deals with churches. I am disappointed to hear that Mr Ford, speaking on behalf of the Alliance Party, is against the churches being represented. The churches have played a valuable role in the last 30 years in holding this community together at a time when more and more people could have become extreme. It may well be that the four main churches will take up four of these places, but I do stress the point made earlier that

there are more than 100,000 people who belong to smaller evangelical churches in Northern Ireland. They too should have a voice on this body.

Paragraph 5.20 states that members will serve for three years and should retire on a staggered basis. I do not know what “staggered” means, but presumably it means that a third will go every year. Does that mean that one third will retire after one year, another third will just serve two years, and a lucky third will serve three years? We have to have that more fully explained to us.

3.15 pm

I want now to refer to the Belfast Agreement. It is important that it is implemented in its entirety, and that involves the Republic of Ireland as well. The agreement, on page 18, requires the Republic of Ireland to do certain things. It failed to submit its proposals for the North/South Council until 30 October, even though the 31st was the deadline — that did not give us much time to consider them.

I want to see Dublin implementing what the agreement requires: establishing a Human Rights Commission; proceeding with arrangements, as quickly as possible, to ratify the Council of Europe Conventions; implementing enhanced employment-equality legislation; introducing equal-status legislation and continuing to take further steps to demonstrate its respect for the different traditions on the island of Ireland. There has been very little movement in Dublin on those requirements in the agreement, and it is time to start pointing the finger at Dublin.

On page 20 of the agreement — decommissioning has a chapter to itself — there is a cross-reference in the first paragraph to paragraph 25 in Strand 1, where it says that people who are not totally committed to peaceful and democratic means can be not just thrown out of the Executive but actually excluded from it. And the important word is “excluded”. That is where the Ulster Unionists stand. Sinn Féin/IRA is one and the same. Unionists throughout Northern Ireland see Sinn Féin as being the IRA. Even the Irish Prime Minister says that they are inextricably linked. Because of that there is a requirement for decommissioning, and we will not serve on any Executive until there is decommissioning by the terrorists.

Mr Durkan: I want to concentrate on the report which is what we are meant to be debating. In speaking in favour of it and against the amendments I want to deal with some of the criticisms that have been expressed so far about the proposals set out.

In relation to the Departments, an allegation has been made about unnatural divisions. People have been highlighting different units or different policy sectors that are being distributed among different Departments and saying that they are unnatural. When we were

putting these proposals together we were not just talking about creating Departments on the old model of the Ministries that we have had for the past generation. We were creating Departments which will not just come under their Ministers but will relate directly to the departmental Committees of the Assembly.

Many parties were adamant in the talks that they wanted these Committees to have a real, active and meaningful life and a very real input. These Committees will have a legislative role as well as the Select Committee scrutiny role and a policy-development role. They will be different in style from committees that exist in other places.

That being the case, we must be realistic about the burden of work and the range of issues that can usefully be given to individual Departments and, in turn, be meaningfully dealt with or processed through the departmental Committees. People talk of unnatural divisions with regard to education. One can see the range of education issues when one looks at the comprehensive spending review, and various issues need to be addressed: the provision of pre-school education; what needs to take place in primary school; and the funding and structure of secondary education.

These are huge issues that have already been identified and reflected on by several Members in relation to special needs, and there are huge issues of reform, challenge and change to be undertaken there alone. If we are to deal with those matters in a meaningful way, it makes sense to have a Department and a Committee dedicated to taking them forward along with youth services.

Another question was raised in relation to children. When the SDLP advocated a Department of Education it consistently made the point that such a Department should be more child-focused. This clearly became the lead Department on child strategy, and in some of our proposals we had actually styled it as the Department of Education and Child Strategy. Some people are criticising this report and saying that there is no department for children, yet they opposed us on that in the working groups that looked into the matter of education and training. The party that is criticising the report for having no provision for a children's Department put no proposal to my party or, I believe, to anyone at any other level in any of the round-table discussions for such a Department. I will return to that matter.

I turn to the proposed new Department for higher and further education, training and employment in terms of the agenda for life-long learning and the serious undertakings that need to be made in relation to the university for industry. The matters that need to be resolved relating to training and further education have already been the subject of a review. There are huge issues, and programmes in that area will grow. It is

important to take those issues along with the other issues of adult opportunity for employment, employment regulations and so on, and put them together in one Department, which will have a human resources role.

In the economic area, the Department of Enterprise, Trade and Investment will concentrate on business support and enterprise development. A department, essentially for human resources, will take in all the issues relating to employment and applied learning right through the different sectors of tertiary education and training. Also in the economic area, the key strategic Department of Regional Development will look after infrastructure and strategic planning.

In terms of the distribution of departmental responsibilities and, in particular, of the setting up of suitable departmental committees that can attract and involve the interests of different Members, these structures make sense. Many of the Members who are criticising and questioning these Departments will prove to be very good Ministers in some of them and will serve effectively with everybody else on effective committees.

It would be bizarre to do what the critics seem to be saying we should do, which is take the hand-me-down Departments as they are. That would be to go through the process of serving notice about what we intend to do with devolved powers and the changes that the Assembly proposes to make yet not making those changes.

Mr Poots: Would Mr Durkan be happy if the extra money that will be allocated to run these Departments were taken from the Foyle Constituency?

Mr Durkan: I shall deal with the allocation of costs. First, the figure of £90 million was plucked out of the air for the convenience some time ago of a UUP press release. No one has costed that, and I do not accept that figure. Secondly, as the First and Deputy First Ministers (Designate) point out in their report, the understanding that was shared in the round-table discussion, which some people opted out of, was that over the life of the first Assembly, we would recover from elsewhere the additional costs that can be identified for the new arrangements. The Assembly costs money too, so it is not just the new Departments. We do not hear many people expressing worries about the cost of the Assembly.

As I understand it in relation to the new Departments, it has been decided not to set up separate, independent central service units within each Department. However, where central services are currently provided for a range of functions and services, they should stay together. For example, the central services function in the Department of the Environment will continue there, and will serve the IT and other central services needs of other

Departments, such as regional and social development. This will again minimise the cost.

In putting together these proposals, people were conscious of the need to try to constrain the potential cost factors for the new Departments. That should be remembered and acknowledged. We will probably find in the operation of some of the Departments that some of those who have criticised us for putting in constraints and locating central services in a way that will enable them to be reviewed and more properly costed by the various Departments and committees will probably want to remove the constraints in the future.

An allegation has been made against the Social Democratic and Labour Party in relation to the equality issue. People say equality is buried at the centre. The Community Relations Council does not regard the fact that community relations is at its centre as an act of burial. It clearly sees that as an element of promotion and an underlining of the centrality with which community relations is viewed. The same should apply to equality. It should be remembered as well that the argument about whether —

A Member: Will the Member give way?

Mr Durkan: I have already given way once. I did not intervene during the Member's speech even though I was tempted to a couple of times.

It should be remembered that the big issue with equality is not about whether it should be at the centre of an independent Department. People should not forget the role and the very important statutory scope given to the Equality Commission, and it is the Equality Commission that is going to be at the cutting edge. If the Equality Commission is going to work, it has to know that when it relates directly to the Government and, in particular, to its parent Department, it is going to be taken seriously and have some effect.

I do not believe that people in the Equality Commission would have confidence in a free-standing Department of Equality, which would be bumping into it. A Department for equality would be the parent Department of the Equality Commission. That would be just about it, and that would be the only thing that it would be the parent Department of.

We do not want to have people playing ducks and drakes, recognising the Equality Commission but not the equality Department. The Equality Commission derives its statutory basis from the Northern Ireland Act. We want it to work and enjoy proper funding and due priority. We do not want it to be compared unfavourably with the Human Rights Commission, and that was a genuine concern, but we have taken care of it.

I return to the issue that was raised by Sinn Féin about children. No proposal about a children's Department

came from Sinn Féin to the SDLP. It opposed our proposals and further opposed our education ideas. It wanted a Department for training —

The Initial Presiding Officer: I have to ask you to bring your remarks to a close.

Mr Durkan: It wanted a Department in the image and ethos of the New Deal, justified on the basis of the British Government's Welfare to Work policies, policies which we have heard it attack here and everywhere else.

Rev William McCrea: We have been listening to the debate for the past two days, and some interesting remarks have been made to us. We have been told that the winning post is in sight; that this is a staging post; and that the blueprint is about to be signed up to. Famous words of Shakespeare come to mind:

"To be, or not to be: that is the question".

I would like to turn that around a little:

"To 'D', or not to 'D': that is the question".

I would like to expound on that a little further for Mr Mallon's help and consideration. First of all, the 'D' would stand for decadence or self-indulgence. The report that is before us leads me to that consideration. Under the agreement the Ulster Unionists and the SDLP have concocted 10 Departments rather than the seven which would be quite sufficient for good government in Northern Ireland. "Decadence" is the word to cover that.

Yesterday's 'Guardian' contained a photograph which I thought was pertinent to the situation. This photograph — and I shall let my Friends see it as well — reminds me of the words of Ken Maginnis, that famous member of the Ulster Unionist Party, who in speaking about the 10 Departments referred to "pigs with their snouts in the trough". I know that his purpose was different, but I thought that he was making reference to the 10 Departments which Mr Nicholson, another member of the Ulster Unionist Party, who, I must confess, is not a mathematics genius —

The Initial Presiding Officer: Mr McCrea, I understand that you are being asked if you will give way.

Rev William McCrea: I am certainly not giving way. No, not at all. It amazes me how certain Members who do not seem to be allowed to speak in this place are always asking a Member to give way.

Mr Nicholson, who is not a genius in mathematics, has referred to the 10 Departments as a waste of about £90 million or as "jobs for the boys". And that is the truth of the situation. There is no justification for 10 Departments other than to give certain "jobs to the boys". I am sure Brigid would like a post so it is "jobs for the girls" as well.

3.30 pm

I turn now to the Civic Forum and think of those Members who are from rural constituencies. In view of the plight of Ulster farmers, how can they agree to only three farming representatives on the Civic Forum? There are to be 18 representatives for voluntary organisations, some of which are in the most active and politically ambitious sector in society. Many who have failed to get elected are trying to get in some other way. As the Bible says "he that climbeth up some other way" is a thief and a robber.

Ulster Unionist Members, many of whom come from farming constituencies and are aware of the plight that farmers are facing, say that they need only three representatives. *[Interruption]* The Member should sit down. He gave an exhibition yesterday when he talked a load of drivel. It ill becomes him to try to intervene in the middle of my speech. Even on 'Good Morning Ulster' this morning, the CBI and the unions called into question the balance of the Forum with its 18 representatives for voluntary organisations and three for farming.

What about the victims who have suffered during 30 years of terror? Mr Hume's famous saying is that we should forget the past and draw a line in the sand. As one Member rightly said, of course he wants to forget the past and draw a line in the sand, but do not forget "bloody Sunday" so-called in Londonderry. At all costs we must not forget that, but we are told to forget the victims of 30 years of violence and the two representatives of those who have suffered.

I found an interesting article in 'the Irish News' this morning. I am led to believe that it was not in the 'News Letter', though I could not understand why. In the article the families acting for innocent relatives stated that they were "completely dejected". Their spokesman said

"the Ulster Unionist Party, which purported to understanding our suffering, are allowing Sinn Féin/IRA and other terrorists into government. This is a very hard pill to swallow. We can't understand how these people can do this given the overwhelming support of people against it."

They said that if this is accepted today, it will cause the victims more pain and grief. It is a case of "jobs for the boys". Get your snout in the trough and everybody will be happy, especially those who get the jobs.

Secondly, D stands for deception. Many Ulster Unionists know in their heart that the whole process was built upon deception. During the referendum we had the famous act from the actor himself, Prime Minister Tony Blair, who went to the big board and put his signature to the promises. Prisoner releases go on while the terror campaign of beatings and intimidation continues. Not one weapon has been handed over, but today Unionists are asked to vote in favour of a process

which continues to permit the release of terrorists on to the street and jets those who represent them into high office.

It seems that election pledges are empty rhetoric trotted out during the election campaign to deceive the electorate and not for acting upon. Members may mock and scoff at the DUP. The Member for West Belfast said that we were the abominable "No" men. I am proud to be able to say here that I honoured the election manifesto and promises that I made to the people.

I am proud that my hon Friends can go back to that electorate and say that they stood up for what they pledged themselves to do. Can other Unionists in the Chamber say, with their hands on their hearts before God and man, that they have honoured the election manifesto pledges that they made to the people? Can they say that they honoured their election pledge when terrorists walk the streets and the enemies of Ulster are to get into government? The agreement is built upon the sinking sand of deception, and will finally and inevitably crumble into the pit of corruption from which it has emanated.

Another 'D' word is decommissioning. It is a famous word and a fancy term because, in my book, we are talking about the surrender of weapons. We live in an age when people are touchy about terminology. I had to laugh yesterday when the so-called Member of the Army Council, Chief Martin McGuinness, seemed to be rather nervous and touchy about the term IRA/Sinn Féin. I was reading a book today about Gerry Adams and Martin McGuinness, and I did not find that same touchiness or reserve about terrorism. I saw no desire to disown the boys behind the wire, or even the boys behind the machine-guns.

Let us make no mistake about it, when we talk about IRA decommissioning we are not talking about a gimmick or a token. We are talking about the surrender of the weaponry of war that has reaped a bloody harvest of innocent victims for the Provos. I heard rich statements from Sinn Féin today about a Ministry for children. What about the woman who gave birth to her child in Magherafelt's Mid-Ulster Hospital? What about her husband who drove from Upperlands to visit his wife in that hospital when she gave birth to her child? He walked out of that hospital and was shot dead in the car park. A Ministry for children!

What about the Fergusons? In that case the father of the home was shot down in front of the children and a child tried to stop the blood coming out of the body with a finger. Sheer hypocrisy. No party has contributed more to the robbing of children of their fathers and wives of their husbands than IRA/Sinn Féin. *[Interruption]* I was always told that when a stone is thrown among a pack of dogs, the one that yaps the most is the one that

is hurt the most. IRA/Sinn Féin does not deserve to sit in a democratic chamber.

Some people say that there can be no winners, but there must be winners, and they are those that have withstood 30 years of terror and violence, those who have withstood the campaign of terror. They must be the winners. Let us get back to democracy.

The Initial Presiding Officer: I must ask you to bring your remarks to a close.

Rev William McCrea: Let us lay aside the shackles of this unholy alliance and let the Unionist family join together and move forward to a peaceful Ulster, towards peace, stability and reconciliation.

Mr McLaughlin: Mark Durkan totally misrepresented our party's position. We made very considered and legitimate objections to the proposal to fragment the education Department. It is a matter of record that we put forward sensible alternatives. At the same time, we presented our proposals for a Department of equality. I want to correct the record. We never asked for a children's Department, and for Mark Durkan to make such an issue of that is to quite flagrantly and deliberately muddy the waters. We sought and put in a written proposition for a junior Ministry to deal with the children's portfolio. That is on record.

Mr Durkan: Will the Member give way?

Mr McLaughlin: No. You had your say.

Our position is quite clearly as I have stated it, and it is a matter of record. There is no point in Members attempting to misrepresent the positions of other parties. We can criticise, but let us do it on the record and in a factual manner.

The economic policy unit, the equality unit, women's issues and EU issues are all allocated within a very powerful office — the office of the First Minister (Designate) and the Deputy First Minister (Designate). The SDLP and the Unionists must be very wary and careful, and they should listen to the concerns of the other parties and their suspicions, which I agree with. We need to know if there are any secret trade-offs on junior Ministries or if there is a linkage with the speculation about the Presiding Officer's job. Location at the centre does not and must not detract from the potential inherent in democratic structures.

I heard what Patricia Lewsley and Mark Durkan had to say, but the report gives no indication that there is to be a scrutiny committee on equality. I wonder why not. Sean Farren flagged this up on January 18, and there has been no progress on it since. We have two men in charge of the important matter of women's issues. It would be useful if they were to give us their thoughts on how they —

Mr Farren: Would the Member give way?

Mr McLaughlin: No, I will not give way. It would be useful if they were to give us their thoughts on how they are going to address that matter.

It is critical that the provisions are spelt out — and I regret that they have not been spelt out in this report — that will enable the parties to have an input into and to scrutinise the office of the First Minister (Designate) and the Deputy First Minister (Designate). They must not be an unaccountable kitchen cabinet. Members should say no to back-door arrangements; to crude power plays; and to new forms of majority rule.

We have heard many contributions from the range of Unionist parties in the Chamber, some very considered, some very intemperate. Since the late 1960s the rising expectations of the Nationalist community have forced the British State into renegotiating its relationship with Nationalism and Unionism. This has brought into sharp focus the role of the British State in Ireland which, in turn — and Sinn Féin recognises this — has had the effect of destabilising large sections of the Unionist community.

This restructuring of the power relationship between Unionism, Nationalism and the British State revolves around a dynamic which seeks to create a political equilibrium between the Nationalist and Unionist communities. But this process is by its very nature unstable, because it has not yet reached that required political equilibrium. We have made a good beginning. The peace process and its product, the Good Friday Agreement, mark a solid beginning of which we all can be proud.

Beginning in the 1980s an analysis of the political mechanisms needed to resolve the conflict has been the basis for a narrow strategic consensus between the SDLP and Sinn Féin. As is obvious from the debates in this Chamber, there are many issues that divide us. But other issues have also formed the basis of this consensus, which was the first building block of the Irish peace process. The appeal of the Hume-Adams initiative was sufficient to bring other major political forces into the frame. Since the cessations of 1994 it has become clear that many within political Unionism cannot handle the absence of conflict or the negotiation process itself.

Today Unionism fights a rearguard action as a way of slowing down its loss of power. Its political stance on decommissioning, the release of prisoners and the segregation even of victims, allied to attacks on Catholics, all represent a strategy to undermine the Good Friday Agreement and to minimise Nationalist political advances.

But Unionism cannot turn back the clock. It can delay the process of change, but it cannot stop the

momentum pushing all of us towards a new political dispensation.

These delaying tactics are symptomatic of Unionism's inability to negotiate change. At their core, many Unionists are deeply uncertain about their future. The past is the only reference point around which they measure present political realities, and, unable to shape the change, they retreat into a form of political and moral limbo, while insisting that "Norn Ireland was a great wee place" and that political crisis and instability only began with the formation of the Civil Rights Movement.

They remain blind to their role during the long Stormont years and their part in creating the conflict. They refuse to recognise their role, and therefore they display no sense of responsibility for finding a resolution to the conflict. And this form of political denial, to quote the First Minister (Designate) is "the anchor thought process that forms the basis of the Unionist rearguard strategy."

Where Unionist intransigence meets Nationalists' expectations, Nationalists have had to drag Unionists into the process for change. For many Unionists this creates the perception of a continuous political humiliation, and their only response is to retreat further into the comfort of their own limbo. Unable to shape the future, they paralyse themselves inside a loop of constant political humiliation and defeat.

I acknowledge readily that Unionism is no longer monolithic and that there are Unionists who embrace change. But today Unionism is a volatile entity: on the surface its delaying tactics may appear to be working, yet there is no sense of a confident or victorious Unionism emerging. Indeed, closer inspection of Unionist opinions reveals highly volatile undercurrents.

3.45 pm

The hopeless rant from the anti-agreement lobby; the attitude of the Orange Order in Portadown; the developing mixture of evangelical Protestantism and Loyalism, with the formation of new Loyalist groupings, gives us some indication of the working-out of such undercurrents.

Unionism is now giving the clear impression of being on the retreat. It is in a state of internal turmoil. Its constituency is split between those who support the Good Friday Agreement and those who are opposed to it. There are substantial numbers of Unionists without a political voice in this Assembly who accept the inevitability and the necessity of change. But, instead, we hear from those who seek to minimise the extent of that change.

The peace process, the Good Friday Agreement and today's report have all been necessary because the

Unionist relationship with the British Government and the British state has been fractured. It now competes with a strong Nationalist community for the political and economic leadership of the Six Counties, and it is mesmerised by the prospect of changing demographics. The ability of its social organisations, such as the Orange Order, to intimidate Nationalists has been diminished and is being constantly challenged. Its armed wing, the RUC, is a major issue of contention in the wider community and will have to be replaced. The links with its church base and business community continue to be weakened, and it exists on an island where the thrust of the economics is that there should be an island infrastructure. Members should remember that politics and economics are two sides of the one coin, and they tend to follow one another.

Last but not least, Unionism has signed up to a political agreement, and, by doing so, it has conceded equality of political power with Northern Nationalists which strengthens — *[Interruption]*.

Mr Foster: Will the Member give way?

Mr McLaughlin: No thank you, I am running out of time.

That strengthens the role of Dublin in the Northern political state. What can we do about this situation? Sinn Féin — I want to be heard when I say this — *[Interruption]*

The Initial Presiding Officer: Order.

Mr McLaughlin: A Chathaoirleach. Sinn Féin is completely and unequivocally committed to contributing in an entirely peaceful and democratic process of discourse with all shades of political opinion towards building the essential and necessary levels of trust referred to by Seamus Mallon yesterday.

We state clearly — and Nationalists have stated clearly — that we see no advantage whatsoever in consigning the Unionist community to the dismal space from which our community is seeking to escape. We seek equality between our communities and within our community. We seek the new political dispensation that was promised in the Good Friday Agreement, and that involves partnership between Unionism, Nationalism and Republicanism.

May I raise as a point of order the fact that Mr Edwin Poots's remarks were very serious and very dangerous? He has, by his comments, clearly endangered many community workers who could now face the same fate that was suffered by Terry Enright and other community workers. The Initial Presiding Officer should address these irresponsible remarks.

The Initial Presiding Officer: I recall that I cautioned Mr Poots about one particular section of his remarks. I will be scrutinising these remarks more closely. Mr

Poots's remarks were fairly expansive, and I am not sure that what I was referring to is precisely what the Member is referring to. Mr McLaughlin may wish to acquaint me afterwards with the precise area of Mr Poots's speech to which he refers, and I will take a look at it.

The Deputy First Minister (Designate) *rose*.

Mr Poots: On a point of order, Mr Initial Presiding Officer. I should be quite happy to meet you at any time to discuss any of the remarks that I have made. *[Interruption]*

The Initial Presiding Officer: I am grateful to the Member.

The Deputy First Minister (Designate): I note that three minutes have gone on that point of order. I make that point because of the remarks made by Dr Paisley earlier. He stated that "in no other Assembly would the party leaders be given only 10 minutes to speak on a motion of this kind". I agree with him. I also agree that seven and a half minutes each for summing up is not adequate, but then I know the extent of this, for at the last meeting of the Assembly a guillotine motion was imposed on me by the very same party that is now making this point. *[Interruption]*. I accept it in the spirit that it was given.

I have time to make just four points. First, in relation to the Civic Forum, it is very difficult — those of us who were in the round-table discussions know this — to get the right type of approach and, indeed, to get consensus. But there was a consensus that the Civic Forum was something worth doing, that it was worthwhile.

I want to mention three things that were said about it — and they are on record — which, I think, reflect attitudes which are, to put it mildly, unbecoming.

"If we are to put up with this necessary nonsense"

said Mr Peter Weir — the "necessary nonsense", of course, being the Civic Forum —

"the proposals are quite reasonable, though not ideal."

Necessary nonsense.

Then Mr Paisley Jnr treated us to this:

"The Forum will be a waste of space and a waste of resources. The voluntary/community sector — that sector of failed or aspiring politicians".

That is about groups of people who have given their time, their efforts and their lives to care for people in the community who would not otherwise have been cared for. I leave it to other Members to make a judgement about that.

The third comment came from Mrs Mary Nelis. She described it as a sort of Mallon and Trimble fan club.

My mind boggles at that; I can imagine the type of body that might be. *[Interruption]*

The Initial Presiding Officer: Order.

The Deputy First Minister (Designate): That ignores the fact that during discussions we were at pains to make sure that we would not have to make a choice from the nominations that would be put forward by the various groupings. Each of us said that we did not want to do that. We ended up with six, and those six will probably be necessary to redress imbalances. To call that a fan club or describe it as something in which we would have a personal interest is, I think, offensive to the notion of a Civic Forum. It is also offensive to me.

I refer to paragraph 5.19 of the report:

"All nominations to the Civic Forum should adhere to the principles of public appointments being based on equality of opportunity, merit, openness and transparency of process."

That is what is on paper, and that is what we will turn into a reality. There can be no set of circumstances when procedures will not reflect those principles.

Other Members were critical of the numbers, and I can accept that. Some would like more representation for agriculture, others more for education or trade unions. But having heard it said that there should be a reduction in the number representing the voluntary organisations, I have to ask which group of people that those organisations are representing should be dropped? Older people, youth, people with disabilities, women's groups, ethnic groups, carers, families and children? Not one person who made that criticism gave any indication as to what grouping should be dropped. To drop any of them would be to drop the interests of sections of the community who need to have their views represented.

There has also been criticism about the number of representatives for victims. I wish to make the point that every single person in the Civic Forum, like every single person in the Assembly, has had the experiences of the last 30 years and will be able to represent that trauma within the Forum. Is it not fair to say that one of the first things the Civic Forum might do, and one of the things that the Assembly might ask it to do, is consider the whole question of victims and their position? Carmel Hanna, in her very fine speech, said

"The Civic Forum can broaden and deepen the political and public process by bringing a rich diversity of viewpoints to discussions about matters of public policy."

That is what it should and must do.

The question of equality was raised and has been dealt with. Equality does not belong to any one party in the Assembly. It does not belong to any one section of the community represented here. It belongs to the entire Assembly and to the entire political process. That is one of the reasons it makes more sense to have it in the

centre. In that way the views of the two communities can be brought to bear on its application, rather than just one, which would be the case if it were working as an isolated unit among the other Departments. There would not be the same opportunity for the cross-fertilisation between Departments which is required.

“Jobs for the boys” is a terrible phrase. “Snouts in the trough” is even worse. But I make no apology on behalf of those whom I represent for trying to ensure maximum representation in the Executive. “Jobs for the boys” would have been very easy in the circumstances in which we found ourselves. It would have been very easy to try to cut our losses and work with the existing structures for the first five years. Then you might have been justified in saying “Jobs for the boys”. But where are these “boys”? Some of them are on the Benches opposite. Surely that represents inclusivity, and we should not be quibbling about that.

My next point relates to the £90 million cost. I asked for expert advice from the Civil Service on this, and I was told that a ballpark figure for each new Department would be around £2 million plus set-up costs. That means £8 million for four Government Departments. I was given those figures today. According to Civil Service figures, the Assembly costs £14 million a year. The real benefit of the additional Departments, irrespective of cost or numbers, will be that areas of work formerly subsumed into existing Departments will be able to be dealt with separately. Is that not a worthwhile achievement? Is that not something that the Assembly should be calling for rather than quibbling about?

My final point relates to all the statements I have heard about the weakening of the Union and how this day could be an end to the Union. I leave Members with one last thought about that — and I am no great fan of the Union, as Members may know. The very essence of this agreement is that, for the first time since partition, the representatives of Unionism and Nationalism have agreed on how they will settle constitutional, political, social and economic issues — the first time in 80 years. If we jeopardise that, it will be difficult to see when such a consensus would ever be reached again.

The First Minister (Designate): May I just pick up some of the points made by my Colleague towards the conclusion of his remarks. There are costs involved in setting up additional Departments, although some of the figures suggested have been exaggerated. I draw attention to paragraph 2.6 of this report, in which we say

“We share the firm view expressed during our consultations with Parties that the additional costs should be offset by rationalising the remainder of public administration in Northern Ireland.”

We shall endeavour to ensure that those additional costs are recovered.

Also, it is important that we focus our minds on the positive aspects. We have heard a lot about the negative aspects, the problems and the difficulties. Let us recall some of the positive aspects of what we are doing. Let us recall that all shades of elected opinion in Northern Ireland are gathered here in this Assembly for the first time ever. That never happened until this institution came into existence. That is the first time that we have had all shades of opinion present in a Northern Ireland body. While there have been disagreements, which may have been expressed sharply, we have seen debate conducted in a civilised manner — and that is what representative institutions of this nature are for.

4.00 pm

We are now nearing the end of the transition period after a lot of hard work. This is a staging post towards that, with a crucial point to come in March. I recall that at the first session of this body on 1 July Mr McCrea made the point that there were people present in the Assembly who, in the past, had done terrible things. But they were not all in one corner of the room, and I think that we should acknowledge that.

I said on 1 July that we had never said that those with a past could not have a future. It is because of that future that Members are here, and it is that future that we are constructing. However, when we say that those with a past can have a future, that implies change, not just in terms of this institution’s bringing together all shades of opinion, but on the parts of those who have had a past of a particular character. It is that change that we want to see. We want to see people progressing. The whole point behind this agreement and this process is to give people who have been involved in paramilitary activity and violence the opportunity to leave that behind and come into the political process.

It specifically gives to those who have talked about the joint strategy of the Armalite and the ballot-paper the opportunity to leave the Armalite behind, with Gen de Chastelain, and rely purely on the ballot-paper. That is how we want to see things progressing, and it is because we want to see things progressing that we have carried this process so far and look forward to the remaining stages that we shall all have to go through. We want to see the process develop and power transferred to this institution.

I look forward, as I am sure all Assembly Members do, to the point where decision making on Northern Ireland issues comes to this Chamber, when Members will play a part through the Executive and all the Committees. But let there be no doubt that the transfer of power to this Chamber must be on a basis which maintains integrity. As the Deputy First Minister said in the House of Commons, this agreement must be implemented in its entirety and in its integrity. That integrity must be maintained.

I hope to see serious progress on the decommissioning issue by 10 March with a credible beginning to that process. I also want to see progress in other ways. I recognise that there has been some progress in the last fortnight, that there appears to have been an end to paramilitary beatings and shootings by Republicans. I hope that that is not just a temporary response to our call, but something more substantial. I recognise that there appears to have been some reduction in UVF beatings and shootings — I hope that that becomes total and that it follows the example set by the Republicans. I welcome the call by John White to the UDA to do likewise. I want to see all organisations of that nature ending those attacks, just as I want to see decommissioning in order to bring power to this body.

The Initial Presiding Officer: Members will recall that I asked for, and gained, the leave of the House to have one debate to deal with item 4 on the Order Paper, the amendment to item 4, item 5 and the amendment to item 5. We will now take the four votes in serial fashion. We come therefore to the amendment to item 4 — the amendment standing in the name of the Rev Dr Ian Paisley. I remind the Assembly that if amendment 1 is carried, it will supersede the substantive motion, and no further vote will be necessary. The vote on this, and the next two votes, will require a simple majority, but the final vote will require cross-community support.

The amendment to the first motion: moved or not moved?

Rev Dr Ian Paisley: Moved.

Question put: That the amendment be made.

The Assembly divided: Ayes 28; Noes 78.

AYES

Fraser Agnew, Paul Berry, Norman Boyd, Gregory Campbell, Mervyn Carrick, Wilson Clyde, Nigel Dodds, Boyd Douglas, Oliver Gibson, William Hay, David Hilditch, Roger Hutchinson, Gardiner Kane, Robert McCartney, Rev William McCrea, Maurice Morrow, Rev Dr Ian Paisley, Ian Paisley Jnr, Edwin Poots, Mrs Iris Robinson, Mark Robinson, Peter Robinson, Patrick Roche, Jim Shannon, Denis Watson, Jim Wells, Cedric Wilson, Sammy Wilson.

NOES

Dr Ian Adamson, Ms Pauline Armitage, Billy Armstrong, Alex Attwood, Roy Beggs, Billy Bell, Mrs Eileen Bell, Tom Benson, Esmond Birnie, P J Bradley, Joe Byrne, Mrs Joan Carson, Seamus Close, Fred Cobain, Rev Robert Coulter, John Dallat, Duncan Shipley Dalton, Ivan Davis, Ms Bairbre de Brún, Arthur Doherty, Pat Doherty, Mark Durkan, Sir Reg Empey, David Ervine, Sean Farren, John Fee, David Ford, Sam Foster, Tommy Gallagher,

Ms Michelle Gildernew, Sir John Gorman, Ms Carmel Hanna, Denis Haughey, Dr Joe Hendron, John Hume, Derek Hussey, Billy Hutchinson, Gerry Kelly, John Kelly, Danny Kennedy, James Leslie, Mrs Patricia Lewsley, Alban Maginness, Seamus Mallon, Alex Maskey, Kieran McCarthy, David McClarty, Donovan McClelland, Dr Alasdair McDonnell, Barry McElduff, Alan McFarland, Michael McGimpsey, Eddie McGrady, Martin McGuinness, Gerry McHugh, Mitchel McLaughlin, Eugene McMenamin, Pat McNamee, Ms Monica McWilliams, Francie Molloy, Ms Jane Morrice, Conor Murphy, Mick Murphy, Sean Neeson, Mrs Mary Nelis, Dermot Nesbitt, Danny O'Connor, Ms Dara O'Hagan, Eamon O'Neill, Mrs Sue Ramsey, Ken Robinson, Ms Brid Rodgers, George Savage, Rt Hon John Taylor, John Tierney, Rt Hon David Trimble, Peter Weir, Jim Wilson.

Question accordingly negated.

4.15 pm

Main Question put.

The Assembly divided: Ayes 78; Noes 28.

AYES

Dr Ian Adamson, Ms Pauline Armitage, Billy Armstrong, Alex Attwood, Roy Beggs, Billy Bell, Mrs Eileen Bell, Tom Benson, Esmond Birnie, P J Bradley, Joe Byrne, Mrs Joan Carson, Seamus Close, Fred Cobain, Rev Robert Coulter, John Dallat, Duncan Shipley Dalton, Ivan Davis, Ms Bairbre de Brún, Arthur Doherty, Pat Doherty, Mark Durkan, Sir Reg Empey, David Ervine, Sean Farren, John Fee, David Ford, Sam Foster, Tommy Gallagher, Ms Michelle Gildernew, Sir John Gorman, Ms Carmel Hanna, Denis Haughey, Dr Joe Hendron, John Hume, Derek Hussey, Billy Hutchinson, Gerry Kelly, John Kelly, Danny Kennedy, James Leslie, Mrs Patricia Lewsley, Alban Maginness, Seamus Mallon, Alex Maskey, Kieran McCarthy, David McClarty, Donovan McClelland, Dr Alasdair McDonnell, Barry McElduff, Alan McFarland, Michael McGimpsey, Eddie McGrady, Martin McGuinness, Gerry McHugh, Mitchel McLaughlin, Eugene McMenamin, Pat McNamee, Ms Monica McWilliams, Francie Molloy, Ms Jane Morrice, Conor Murphy, Mick Murphy, , Sean Neeson, Mrs Mary Nelis, Dermot Nesbitt, Danny O'Connor, Ms Dara O'Hagan, Eamon O'Neill, Mrs Sue Ramsey, Ken Robinson, Ms Brid Rodgers, George Savage, Rt Hon John Taylor, John Tierney, Rt Hon David Trimble, Peter Weir, Jim Wilson.

NOES

Fraser Agnew, Paul Berry, Norman Boyd, Gregory Campbell, Mervyn Carrick, Wilson Clyde, Nigel Dodds, Boyd Douglas, Oliver Gibson, William Hay, David Hilditch, Roger Hutchinson, Gardiner Kane, Robert McCartney, Rev William McCrea, Maurice Morrow, Rev Dr Ian Paisley, Ian Paisley Jnr, Edwin Poots, Mrs Iris Robinson,

Mark Robinson, Peter Robinson, Patrick Roche, Jim Shannon, Denis Watson, Jim Wells, Cedric Wilson, Sammy Wilson.

Main Question accordingly agreed to.

Resolved:

This Assembly takes note of the report prepared by the First Minister (Designate) and the Deputy First Minister (Designate), and approves the proposals in relation to establishing the consultative Civic Forum (as recorded in Section 5 of that report).

The Initial Presiding Officer: The business motion at item 5 on the Order Paper is for a determination, and so, as I said earlier, it requires cross-community support, as defined in the Standing Orders.

Mr P Robinson: On a point of order, Mr Initial Presiding Officer. The amendment to the business motion does not require cross-community support even though the business motion itself does.

4.30 pm

The Initial Presiding Officer: Had the Member been a little more patient he would have found me coming precisely to that matter. As he says, the business motion requires cross-community support as defined in the Standing Order. But I remind the Assembly that if the amendment is carried, it will supersede the substantive motion, and no further vote will be necessary. Also, since the amendment is not a determination — on the contrary, it is to negative the determination — according to Standing Orders it requires only a simple majority.

Motion made:

This Assembly approves the determination by the First Minister (Designate) and the Deputy First Minister (Designate) of the number of ministerial offices to be held by Northern Ireland Ministers and the functions which would be exercisable by the holder of each office after the appointed day (as recorded in Annex 2 of the report to the Assembly). — [*The First Minister (Designate) and the Deputy First Minister (Designate)*]

Amendment proposed: Leave out from “Assembly” and add

“declines to approve the determination by the First Minister (Designate) and the Deputy First Minister (Designate) of the number of ministerial offices to be held by Northern Ireland Ministers and the functions which would be exercisable by the holder of each such office after the appointed day (as recorded in Annex 2 of their report to the Assembly) before Sinn Féin Members are excluded from holding office as Ministers or the IRA has decommissioned its illegal weaponry and dismantled its terror machine.” — [*Mr P Robinson*]

Question put: That the amendment be made.

The Assembly divided: Ayes 29; Noes 77.

AYES

Fraser Agnew, Paul Berry, Norman Boyd, Gregory Campbell, Mervyn Carrick, Wilson Clyde, Nigel Dodds,

Boyd Douglas, Oliver Gibson, William Hay, David Hilditch, Roger Hutchinson, Gardiner Kane, Robert McCartney, Rev William McCrea, Maurice Morrow, Rev Dr Ian Paisley, Ian Paisley Jnr, Edwin Poots, Mrs Iris Robinson, Mark Robinson, Peter Robinson, Patrick Roche, Jim Shannon, Denis Watson, Peter Weir, Jim Wells, Cedric Wilson, Sammy Wilson.

NOES

Dr Ian Adamson, Ms Pauline Armitage, Billy Armstrong, Alex Attwood, Roy Beggs, Billy Bell, Mrs Eileen Bell, Tom Benson, Esmond Birnie, P J Bradley, Joe Byrne, Mrs Joan Carson, Seamus Close, Fred Cobain, Rev Robert Coulter, John Dallat, Duncan Shipley Dalton, Ivan Davis, Ms Bairbre de Brún, Arthur Doherty, Pat Doherty, Mark Durkan, Sir Reg Empey, David Ervine, Sean Farren, John Fee, David Ford, Sam Foster, Tommy Gallagher, Ms Michelle Gildernew, Sir John Gorman, Ms Carmel Hanna, Denis Haughey, Dr Joe Hendron, John Hume, Derek Hussey, Billy Hutchinson, Gerry Kelly, John Kelly, Danny Kennedy, James Leslie, Mrs Patricia Lewsley, Alban Maginness, Seamus Mallon, Alex Maskey, Kieran McCarthy, David McClarty, Donovan McClelland, Dr Alasdair McDonnell, Barry McElduff, Alan McFarland, Michael McGimpsey, Eddie McGrady, Martin McGuinness, Gerry McHugh, Mitchel McLaughlin, Eugene McMenamin, Pat McNamee, Ms Monica McWilliams, Francie Molloy, Ms Jane Morrice, Conor Murphy, Mick Murphy, Sean Neeson, Mrs Mary Nelis, Dermot Nesbitt, Danny O'Connor, Ms Dara O'Hagan, Eamon O'Neill, Mrs Sue Ramsey, Ken Robinson, Ms Brid Rodgers, George Savage, Rt Hon John Taylor, John Tierney, Rt Hon David Trimble, Jim Wilson.

Question accordingly negated.

The Initial Presiding Officer: We come now to the vote on the business motion for the determination. I ask the House to recall the correction to Annex 2, to which the motion refers. The correction, which was brought to Members' attention by the First Minister (Designate), is that “Enterprise, Trade and Development” in respect of a Minister and Department should read “Enterprise, Trade and Investment”.

4.45 pm

Main Question put.

The Assembly divided: Ayes 77 (Nationalists 41; Unionists 29; Other 7); Noes 29.

AYES

Nationalist

Alex Attwood, P J Bradley, Joe Byrne, John Dallat, Ms Bairbre de Brún, Arthur Doherty, Pat Doherty, Mark Durkan, Sean Farren, John Fee, Tommy Gallagher, Ms Michelle Gildernew, Ms Carmel Hanna, Denis Haughey, Dr Joe Hendron, John Hume, Gerry Kelly, John

Kelly, Mrs Patricia Lewsley, Alban Maginness, Seamus Mallon, Alex Maskey, Donovan McClelland, Dr Alasdair McDonnell, Barry McElduff, Eddie McGrady, Martin McGuinness, Gerry McHugh, Mitchel McLaughlin, Eugene McMenamin, Pat McNamee, Francie Molloy, Conor Murphy, Mick Murphy, Mrs Mary Nelis, Danny O'Connor, Ms Dara O'Hagan, Eamon O'Neill, Mrs Sue Ramsey, Ms Brid Rodgers, John Tierney.

Unionist

Dr Ian Adamson, Ms Pauline Armitage, Billy Armstrong, Roy Beggs, Billy Bell, Tom Benson, Esmond Birnie, Mrs Joan Carson, Fred Cobain, Rev Robert Coulter, Duncan Shipley Dalton, Ivan Davis, Sir Reg Empey, David Ervine, Sam Foster, Sir John Gorman, Derek Hussey, Billy Hutchinson, Danny Kennedy, James Leslie, David McClarty, Alan McFarland, Michael McGimpsey, Dermot Nesbitt, Ken Robinson, George Savage, Rt Hon John Taylor, Rt Hon David Trimble, Jim Wilson.

Other

Mrs Eileen Bell, Seamus Close, David Ford, Kieran McCarthy, Ms Monica McWilliams, Ms Jane Morrice, Sean Neeson.

NOES

Unionist

Fraser Agnew, Paul Berry, Norman Boyd, Gregory Campbell, Mervyn Carrick, Wilson Clyde, Nigel Dodds, Boyd Douglas, Oliver Gibson, William Hay, David Hilditch, Roger Hutchinson, Gardiner Kane, Robert McCartney, Rev William McCrea, Maurice Morrow, Rev Dr Ian Paisley, Ian Paisley Jnr, Edwin Poots, Mrs Iris Robinson, Mark Robinson, Peter Robinson, Patrick Roche, Jim Shannon, Denis Watson, Peter Weir, Jim Wells, Cedric Wilson, Sammy Wilson.

The Initial Presiding Officer: The percentages are as follows:

For the motion: Nationalists 100%; Unionists 50%; overall 72.64%. Therefore under Initial Standing Order 12(4)(b) — the 40:40:60 rule — the motion is agreed.

Main Question accordingly agreed to.

Resolved:

This Assembly approves the determination by the First Minister (Designate) and the Deputy First Minister (Designate) of the number of Ministerial offices to be held by Northern Ireland Ministers and the functions which would be exercisable by the holder of each such office after the appointed day (as recorded in Annex 2 of their report to the Assembly).

The Initial Presiding Officer: Under the revised arrangements for the handling of Adjournment debates, it is my responsibility to select a subject for debate from the topics submitted by Members. I have selected "Problems with the Domestic Supply of Water and Electricity". I stress that Members who have been selected to speak in the debate must address only the selected topic.

Motion made:

That the Assembly do now adjourn. — [*The Initial Presiding Officer*]

WATER AND ELECTRICITY SUPPLIES

Mr Byrne: A debate on the problems that are encountered by many people in the North of Ireland with the domestic supply of water and electricity is timely. I welcome the opportunity to discuss this extremely important issue, which directly affects the quality of everyday life for many citizens. As Members are aware, the standard of service provided by the public utilities — [*Interruption*]

The Initial Presiding Officer: Order. Members who wish to engage in conversation should do so outside the Chamber. Other Members should take their seats.

Mr Byrne: I think that there is more entertainment outside.

In the past few months, the standard of service that is provided by the public utilities in the North of Ireland has become the focus of substantial criticism, and the services that are provided by Northern Ireland Electricity (NIE) and the Department of the Environment's Water Executive have been found to be lacking in many respects.

In this debate I will focus primarily on the inadequacies of the electricity, water and sewerage services to people living in rural areas. Approximately 42% of the population live in rural areas, which account for 96% of the land area. In spite of this, many rural inhabitants have to tolerate a much lower quality of service than the proportion of the population which lives in urban dwellings.

Many rural people perceive themselves to be treated as second-class citizens and believe that they are not being afforded the same right of access to these essential social services as everyone else in the North of Ireland. Surely if we in the Assembly are to promote social inclusion and equality successfully, there must be a greater awareness of the needs of rural communities. I

am sure that everyone would agree that a public water supply and electricity are essential for everyday existence.

The recent storms which swept across Ireland over the Christmas period demonstrated acutely the inadequacy of the provision of electricity to many rural areas. Many rural dwellers suffered considerably, with some families having to go without power for up to five days.

Mr Hussey: I am sure that Mr Byrne will agree that the fact that the rural community is supplied by overhead lines in the main, as opposed to underground lines, is a major contributory factor to the problems that we face.

Mr Byrne: I agree with Mr Hussey. I will address the issue of the rural lines in a moment. The frustration of rural inhabitants was compounded further by the severe lack of proper communication between NIE and its customers. Many tried desperately — in vain, I must add — over the Christmas period to get information about when their electricity supplies would be reconnected.

In my constituency of West Tyrone there are many power lines throughout the Omagh and Strabane districts which have not been upgraded for more than 20 years. NIE needs to hire more full-time manual engineers to speed up its current programme of capital investment and the upgrading of the rural network.

There should be some degree of decentralisation of NIE's management structures so that customers throughout the rural areas can have better access to local management and engineering crews when faults arise. It is simply unacceptable that all complaints must be processed centrally in Belfast, and there must be a re-appraisal of the regulatory framework for the provision of this basic utility.

We need to ensure that NIE directs a fair share of its surplus funds into upgrading its network to provide an efficient service for all householders no matter where they happen to live. There seems to me to be confusion between NIE's investment plans and the areas in which the regulator says that it can re-invest.

As we approach the end of the twentieth century and begin to create a new society in the North of Ireland based on the principles of equality and fair treatment, there are many people who are still not being afforded a public water supply, and that is a basic right.

According to the Department of the Environment's Water Executive's consultation paper published late last year, approximately 98% of the North's population is connected to a public water main. The remaining 2% are not connected, and while that may seem to be an insignificant figure, that percentage translates into almost 30,000 people who do not enjoy the modest provision of running water.

Many of their homes are in rural areas, and the people who happen to live in such areas are being made

to suffer unnecessary hardship. There are more than 600 properties which do not have this basic amenity in West Tyrone. These householders have to get water for cooking and drinking from nearby wells and springs, which is a constant source of irritation and particularly difficult when the weather is poor.

Furthermore, there is the added risk of poisoning, as some of these wells and springs can contain high levels of ammonia and pathogenic organisms. This situation is absolutely unacceptable as these people — and they pay rates just like everyone else — are being forced to live under conditions which one would expect to find in deprived, developing nations. These people are being treated like second-class citizens under the Water and Sewerage Services (NI) Order 1973 which states that the Department of the Environment's Water Executive is not required to do anything which "is not practicable at a reasonable cost".

In this modern era we have the technological expertise to build faster, more powerful computers and to send spacecrafts to the furthest reaches of the solar system. Yet, at the end of the twentieth century, the Water Executive regards the connection of thousands of rural households to a public water supply as not practicable. Surely this flies totally in the face of the objectives of TSN (targeting social need) and PAFT (policy appraisal and fair treatment). The Department of the Environment's officials point out that they are prevented from spending any more than £2,900 on connecting a household to a public water mains, but this threshold has been in existence since 1986 and is totally inadequate for rural areas which are less densely populated and have more scattered housing patterns.

In my opinion — and I am sure that the House will agree with this — we need different thresholds for urban and rural dwellings which take into consideration the different patterns of urban and rural life and the costs of connecting a water supply. The Chief Executive of the Water Executive said in his Charter statement that his aim is to ensure that Northern Ireland is provided with a rising standard of water and sewerage services which will meet the needs of its customers and that he is committed to improving the quality of services to all his customers. The Charter statement outlines the range of services offered by the Water Executive and the standards which it is aiming for, but nowhere is it stated that one of the objectives is the connection of those 7,000 properties, an approximate figure, to a public water supply.

The quality of service clearly falls well below the Water Executive's own parameters in relation not only to water but to the sewerage infrastructure as well. The Water Executive has conceded that the sewerage infrastructure is seriously underfunded and has admitted

that this cannot remain the situation if it is to meet the European Union's objectives on effluent treatment.

In Omagh we have an outdated sewage-treatment works and we want this to be upgraded; in fact, we are looking for a brand new sewerage system downstream from the town's current system. Omagh District Council has lobbied, and will continue to lobby, strongly for this. Omagh is a town which has been earmarked as a major growth centre in the Department of the Environment's new strategy for development.

This example serves to illustrate the problem in other main towns throughout Northern Ireland. The Water Executive's consultation paper discusses a range of ways of improving the standards of service as we move into the new millennium and accepts that in the past there has been an underinvestment in the water and sewerage infrastructure.

Almost everyone in the House will agree that the days of relying totally upon public-sector funding are becoming more difficult for major capital investment projects, and alternative funding arrangements will have to be looked at. This may mean bringing in more private-sector finance.

The consultation document does explore constructively some alternative capital funding arrangements, such as public/private partnerships, which could include franchising and private-finance initiatives. These alternative funding arrangements need to be examined in depth. However, while this consultation document assesses the merits of different charging arrangements and discusses the very real possibility of significant increases in the amounts presently collected from ratepayers, nowhere does it address the needs of the many households, the thousands of households, throughout the North which are occupied by ratepayers whose homes are not even connected to a public water supply or, indeed, to public sewerage systems.

I call upon the Water Executive to ensure that those homes which are not connected to a public water supply are connected by the year 2000. That should be the Water Executive's immediate objective.

Surely by any normal standards of fairness and social equity, the conditions which many people who live in rural areas have to tolerate is in contradiction to both Northern Ireland Electricity's and the Water Executive's Charter statements. I call upon both Northern Ireland Electricity and the Water Executive to fulfil the terms of their Charters and reflect upon whether they are providing the same quality of service to all of their customers, urban and rural. And fundamental to this objective, in my opinion, is the extension of these basic rights to rural dwellers who are an integral part of this region and who deserve to be treated as equal citizens.

5.15 pm

Mrs E Bell: Thank you, Mr Initial Presiding Officer. I agree with Mr Byrne. I shall concentrate on electricity as Mr Byrne has dealt sufficiently with the water problems.

After the Christmas period, there was much comment on the electricity service. All Assembly parties have had meetings with Northern Ireland Electricity and have voiced their concerns about the long power cuts and the lack of information about the restoration of power. All representatives were inundated with calls from terrified elderly people living on their own, young mothers and members of large families. All were distraught about the devastation caused by cookers and lights not working and freezers being useless — in some cases for more than 48 hours.

The breakdown in communication between electricity offices, consumers and representatives made a dreadful situation worse. We have been told that there will be a complete overhaul of communications technology and that Assembly and local government representatives will be given a direct line for emergency use. That is welcome, but I hope that more lines will be made available to enable the public to get up-to-date information. At the meeting between the Alliance Party and NIE officers, we asked about the possibility of spokesmen using local radio to give on-the-spot reports. That was done successfully in Donegal where consumers experienced power cuts at the same time. The media did their best to give up-to-date reports as accurately as possible, but at times accuracy gave way to mild sensationalism, which did not help.

We could all quote horror stories, of people who were stranded with young babies and of accidents in dark homes and in stormy weather. North Down was badly hit, but one of the stories has a humorous side. A woman whose husband was in bed with flu asked me if I could come and milk the cows. Although I was born in the country, I do not have that ability. She could not get the cows milked because she did not have the proper machinery. The outcome was that an RUC officer was able to contact the electricity service and go to her aid. I mention that because, although I thought it funny at the time, dairy farmers were badly hit by the power cuts. They are already under great pressure, and their livelihoods were even further endangered.

As we know, there were many interviews with NIE management who spoke of the unprecedented storm damage and the perilous state of the rural power network. Enormous improvements to power lines throughout the countryside were promised and they are still being promised in the report that Mr Byrne mentioned. Regret was expressed at the disruption to people's holiday breaks at best and the danger to their livelihoods at worst. It was said that most power lines in

rural areas were overhead and that it would be far too expensive to put them underground. We asked NIE, as did other people, to ensure that it would look at that again during the overhaul and upgrading of the machinery.

My concern was, and still is, that in spite of promises at that time of compensation and power restoration, the management stated frequently that although it had an obligation to consumers, its priority was to the shareholders. That it is quite disgusting, and that state of affairs constitutes my main argument against the privatisation of public utilities. I hope that that objective will be examined within the overall review and looked at by the Assembly.

The NIE report accepts responsibility for poor communication and states that the company has already started the overhaul of the IT and telephone system. It has acknowledged breakdowns and the inability of customers to get through to electricity offices and has pledged that that will not recur. The setting up of a designated number for representatives should help matters. The compensation system for people who have freezers, with businesses and so on, has been welcomed and appreciated. However, agriculture must be looked at as a special case.

The state of the Province's electricity system, especially in rural areas, will have to be completely updated so that it can withstand the storms and provide an improved service to those in outlying areas who are more vulnerable than others.

NIE has promised an examination of the devastation of trees during the high winds, and I hope it will do that. Such work would be welcomed. I hope that it also undertakes the re-seeding programme that is promised. Our green spaces are being undermined to a great extent, not just by nature, but by developers. NIE should be a responsible, accountable organisation and ensure that its representatives carry out its promises to eradicate these serious problems. The Assembly parties have pledged to monitor the implementation of the report, and I am sure that they will honour that. We all saw at first hand the havoc, distress and danger that our citizens endured at what should have been a happy, carefree time of year.

I should like to highlight some priority issues. Resources are a priority and need to be increased for the programmes within the report. I think that it was Nuala O'Connor of OFREG who said the moneys that it is said will be used for compensation programmes are not additional but are already included in NIE's budget. If that is true, it is not good enough. I hope that NIE shareholders will accept the fact that extra moneys are necessary to repair damage, improve services and ensure that when nature strikes we are as ready as we can be.

People's lives and livelihoods and, yes, even their holidays, should not be put in jeopardy while shareholders' dividends increase. Staffing and emergency procedures need to be reviewed so that customers can be assured of prompt telephone attention and updated reports and are aware of the true situation whatever the weather.

I should like to express my appreciation and that of my Colleagues of the work that was carried out by the workmen on the ground at the time. On a number of occasions over those 48 hours, lives, businesses and homes across the Province were saved by the prompt attention of those who came out in all weathers and at all hours to do the necessary work.

Public utilities must be efficiently and effectively run, and NIE's apparent complacency needs changing. It does not inspire confidence but seems to have impersonal management teams that are more concerned with their shareholders than their consumers. NIE must prove itself to us. If it does not, the Assembly must take the problems on board and confront the electricity providers to ensure that they give the best service to all consumers. Members, few as they are for this debate, must take that on board.

I make no apology, nor, I am sure, does Mr Byrne, for reiterating our concern. Like the Water Service, NIE is a public utility and it must operate properly and efficiently so that people can have confidence in it.

Ms Gildernew: A Chathaoirligh, in a debate about amenities in the North, it would be impossible for me not to make the connection between services and geography. It is no coincidence that rural parts of Tyrone, Fermanagh and Derry were worst hit by the electricity blackouts as a result of the storms that raged in the Christmas and new year periods. It is no coincidence either that there are homes in these counties that still have no running water almost 2000 years after the Romans had sewers, heating systems and clean running water in homes.

Why is this type of discrimination still being meted out to householders? Because — and make no mistake about it — this is discrimination. The same discrimination is allowing our hospitals to be downgraded, forcing our rural schools to close their doors and making driving conditions on sub-standard roads hazardous and dangerous at times. Discrimination in every form, be it in religious belief, political allegiance and geographical location, was built into the institutions of the Six County statelet and continues to flourish.

Neither the old Stormont regime nor direct British rule gave any consideration to Fermanagh and Tyrone. Priority has always been given to Belfast and its environs. The recent announcement of an £87 million investment package, welcome as it was, has been earmarked for east of the Bann. The A4 which runs

from the end of the motorway to the Ballygawley roundabout has one of the highest accident rates in the North, yet we are told that it would cost too much to upgrade it to dual carriageway status at least.

Mr Hussey: On a point of order, Mr Initial Presiding Officer. We are discussing water and electricity.

The Initial Presiding Officer: I do not see too many disputing the matter, but I think that we need to keep to the Adjournment motion.

Ms Gildernew: I am getting to that. Other examples include the Derry to Toomebridge Road, the A32 through Dromore to Enniskillen and the A5 between Omagh and Derry. It is inconceivable that these most urgent programmes are subject to the sale of Belfast Harbour.

The same discrimination exists in the provision of the most basic human right of all — a clean water supply. Is it too much to ask that every home be connected to a water supply as we go into the millennium? We do not have a water shortage. The fact that in 1999 people in rural areas still have to rely on water from springs and wells cannot be justified. Parts of Tyrone, including homes in the Clogher valley area, are still without supply, and in West Tyrone hundreds of homes are without water.

When local councils advise water authorities to extend the mains supply to a house, there is no obligation on the Department of the Environment's Water Executive to comply with that request. Lack of finance is the reason cited most often, yet the allowance allocated has remained the same for the past 15 years. Given the lack of will to provide water to everyone now when the service belongs to the public, privatisation should not be considered at all. We talked yesterday about equality. We need to prove in deeds, not words, our intention to right the wrongs of the past.

It is encouraging that most people now enjoy electricity in their homes. The work that was carried out in Fermanagh to supply homes there is commendable, and I hope that the Department of the Environment's Water Executive can follow that example. However, we need to give serious consideration to the hardship being faced by thousands of families, the vast majority of them in rural parts of the country, whose electricity

supply was cut off during the winter. We have to learn from our experiences this year and use the next 12 months to take every step necessary to avoid this happening again.

The trauma and distress caused could and should have been avoided. Weather projections are available to us, and this will not be the last time that we will have to endure storms like this. The *El Niño* phenomenon and global warming have resulted in freak weather conditions such as tidal waves, droughts and storms. We will not avoid our share. Therefore, we must take precautions now to ensure that energy supplies are never affected again in the way they were this year.

5.30 pm

NIE is undertaking lengthy consultations with Assembly Members and councils — a move that I welcome. However, it is essential that recommendations are implemented immediately. I welcome the goodwill payments made by NIE for its failure to get supplies reinstated within 24 hours, but, compared to the colossal profits which that company enjoyed last year, such payments are trivial. Money raised by NIE should be spent on ensuring an interruption-free supply in the future. Higher payments could also have been given to those who are reliant on their power supply to run medical equipment, such as ventilators for asthma sufferers.

The fact that so many lines were brought down meant that homes in isolated areas were without heat, light and cooking facilities, some of them for four or five days. This inconvenience in the holiday period, which many of us look forward to as a chance to spend time with family and friends, was very distressing. While I understand that NIE was taken unawares by the extent of the storm and was completely understaffed, I hope that a contingency plan for the future is now in place and that an interruption of supply on this scale never happens again. I encourage the parties in the Assembly to unite to achieve parity of esteem by redressing the balance now. We should use this period to bring spending into line in all parts of the North. Members from rural areas should now be using their influence for the benefit of their constituencies, and the needs of the electorate should be our priority. Go raibh maith agat.

Adjourned at 5.31 pm.

THE NEW NORTHERN IRELAND ASSEMBLY

Monday 22 February 1999

The Assembly met at 10.30 am (the Initial Presiding Officer (The Lord Alderdice of Knock) in the Chair).

Members observed two minutes' silence.

PRESIDING OFFICER'S BUSINESS

The Initial Presiding Officer: At the last sitting, one Member referred to a matter which was currently before the courts. To protect the due process of law, other legislatures routinely resolve not to refer to such matters in the course of their proceedings. Though it has not yet been agreed by the Committee on Standing Orders, I expect that the Assembly will, in due course, find that there is a proposal for a Standing Order on sub judice matters which addresses this. Until then I seek the co-operation of Members to avoid any action or statement which is likely to bring the Assembly into disrepute.

In this case I have spoken to the Member involved, and I am content that there was no intention whatsoever to undermine the work of the court.

Mr McCartney (page 67, Volume 2 of Hansard) and Dr Ian Paisley (page 68) raised the question of corrections to Hansard, and I undertook to address the matter. I have discussed this with the Editor of the Official Report, and the following advice has been issued.

With a view to having the preparations for the Hansard bound volumes completed as early as possible, Members are asked, by way of an amended corrections note on the inside of the front cover of the daily part, to submit future corrections within two weeks of a sitting. This means, for example, that corrections in respect of the last sitting — 15 and 16 February — should be received by 1 and 2 March respectively.

Corrections for Volume 1, of which the book of 1 February 1999 was the last daily part, should be received by the Editor no later than 5 March 1999. In other words, any corrections relating to any editions of Hansard dating from the first sitting through until the sitting on 1 February should be submitted by 5 March, as that volume is now complete and will shortly be going for binding.

In the future, there will be a two-week period during which Members will be able to submit corrections. In addition, as I mentioned before, it will be possible for Members to make corrections to their speeches after a period of two hours, by which time their speeches should be well into the Hansard system. So there is a period from two hours after a speech is made until two weeks after it is made for corrections to be submitted.

During the last sitting Mr McLaughlin asked me to give a ruling on comments made earlier in the debate by Mr Poots. I asked him to clarify exactly which comments he meant, as I myself had earlier made reference to comments made by Mr Poots. Mr McLaughlin said that the comments to which he referred had been made in relation to groups which might be represented on the Civic Forum. Specifically, he asked if it was an abuse of privilege for a Member to raise questions about whether representatives on the Civic Forum might have paramilitary connections — the word used was “infiltrated”.

I have looked into the matter. Comments of this kind have been made outside the House on a number of occasions, and this has not led to legal action. We can have little doubt that the remarks used were disparaging, but the question is whether the Member was abusing the privilege of the House by making them. It does not seem to me that the protection of privilege was required, as similar statements have been made outside the House without their leading to legal proceedings. In any case, it seems unlikely that legal action would be taken in that regard.

Members will recall, however, that, at the time, I made reference to some other comments made by Mr Poots. As I have before, I always study Hansard to check that it is a satisfactory record. I would like to return to this matter. I refer to page 94 of the Official Report — specifically to Mr Poots's comments:

“Not only are we having anti-partitionists as members of the Stormont Government, but we are going to have anti-partitionists who engaged in terrorism to achieve their aims in that same Stormont Cabinet.”

These are very specific remarks, and I have met Mr Poots to discuss them. We know that there will be a certain number of members from each party on any Executive that is set up. It is clear that this was a reference to Sinn Féin, which is likely to have two members on such an Executive under the d'Hondt system. I do not think that I am breaching any confidences by saying that. Therefore the remarks referred to a very small number of people, and there has been sufficient debate — I cannot say whether it has been informed debate or not — about who those two Members might be.

This changes the issue, and means that reference is being made to specific people, as opposed to a party as a whole. I have no doubt that if the arithmetic were

slightly different, if the d'Hondt process were going to allocate only one place to that party, and if the name of the person likely to take that place were widely publicly known, these comments would have been unparliamentary. They would have constituted an accusation of criminal activity.

In such a case there might be clear evidence of criminal activity, including charges and convictions. That would be a different matter. However, to my knowledge, at least some of the Members from Sinn Féin whose names have been mentioned in this context have neither charges nor convictions against them. Therefore it seems to me that the Member was at least at the edge of what is reasonable in the context of parliamentary speech.

I have to advise that Member — indeed, all Members — that were remarks to be made with this degree of definiteness in the future, I would have to intervene. I would, I suppose, be intervening on two questions, the first of which is whether the Member had evidence for his accusations. If he did not have evidence of criminal behaviour, but accusations of criminal activity were being made against another Member — and it might be on completely different matters in the future — such an allegation would be an abuse of the privilege of the House if it were specific to a Member, or very closely identified with a very small number of Members, as in this case.

On the other hand, if the Member had evidence of criminal activity, that would not be a matter for me, but, had he not brought it to the attention of the RUC, it might be that jeopardy had come from another quarter. Therefore I would caution Members. I suppose that many Members have found that they have been able to speak freely politically in the past, and that their comments have not gone on the record with quite the definiteness that is the case in Hansard. They must now become aware that when they make comments in the House, or indeed in Committees where Hansard is present, their remarks go on the record, and that there is a gravity to that that perhaps they were less acquainted with in their previous political life.

Rev Dr Ian Paisley: Further to that ruling, Sir. I find some of the things that you have said to be quite amazing and, of course, I will study them in Hansard. It points to the fact that the Assembly should have a Committee of Privileges, to which these matters should be put, and then there could be a full and free debate among Members on the particular matters.

There was an exchange in the House at the last sitting between my Colleague Mr Robinson and Mr McGuinness. Mr Robinson quoted from a responsible Nationalist and Republican broadsheet, namely 'the Irish News', in which there was an admission by that Member that he was associated. For any Member to stand up in the

House and say that people from the other side have not been associated with, active in, and holding office in the IRA is absolutely ridiculous. I will submit to no gag in this House from you or anyone else occupying the Chair, that would not allow me to state what is in evidence in the country.

I think that there is now an attempt by IRA/Sinn Féin to cloak over this matter. Every Member must be free, and if the Chair wants to throw Members out of this House because they state the facts, then let the Chair do it and take the responsibility. The Assembly should appoint a Committee on Privileges so that matters could be handled in the proper way, as happens in another place.

In another place I have heard these remarks concerning the Member for West Belfast. He is a Member of the House although he has not taken his seat, and there has been no ruling whatever from the Chair about what has been said concerning him. Why should Members here now adopt this attitude in trying to cover over what is absolute fact — that these people have been engaged in, and with, violence?

The Initial Presiding Officer: First of all, in respect of the proposition for a Committee on Standards and Privileges, I wholly agree with what the Member says. The sooner that that Committee is established and has the backing of Standing Orders, the better — not just for matters of this kind, but also for other important matters, such as the Register of Members' Interests.

Members should be quite clear about what I am ruling on. It is not on any comments by Mr Robinson. I did not raise questions about them at the time, because Mr Robinson is an experienced parliamentarian and is well acquainted, as is Dr Paisley, with what is possible and proper. I am referring specifically to the speech of another of his Colleagues, Mr Poots, where he — Mr Poots — could not have been referring only to the matters to which the Member refers.

10.45 am

My point is that in relation to some of the Members to whom he could only have been regarded as making reference, given the publicity about the question of the formation of the Executive in previous times, he would undoubtedly be seen in the public mind as making reference to Members who not only had no convictions but had not been arraigned on any charge, and had made no such comments as the ones that you ascribed to Mr McGuinness.

It is on that specific issue that I was raising the question, making the point and giving a ruling. It was not on the position that had been taken by Mr Robinson, but on the speech by Mr Poots — not in respect of the speech by Mr Poots on the things that he thought I was talking about (that is to say, the other Member's election literature

of the past) but on the specific references he made. I have given guidance that that is right on the edge of what is acceptable, and if the matter were to be repeated I would have to intervene in the way that I have described.

Mr P Robinson: Further to that ruling, Mr Initial Presiding Officer. I should like to make two points. First, perhaps there is confusion in some people's minds in relation to privilege. Privilege covers Members of the Assembly in relation to what they may say about people outside. References to people inside this Assembly are a different issue. Even though one might know that someone in the Assembly is a murderer, one would not be entitled to say it in here because that would be a breach of another rule.

However, the issue in question in relation to Mr Poots's comments was not about any specific Member who is known. If Mr Poots had indicated that two specific Members of Sinn Féin had convictions, or were terrorists, you, Mr Initial Presiding Officer, would be entitled to make the remarks that you have.

You have made some assumptions about what might be in the public mind about what Sinn Féin might do when they come to a point some time in the future. I do not think that you are entitled to make all those assumptions. The public mind may have many things in it, some of which might be in line with what you are suggesting, but unless a Member makes a specific accusation against specific Members he is not out of order.

The Initial Presiding Officer: In many ways, you are simply reiterating, though with a somewhat different spin, what I have already said, which is that had Mr Poots been even slightly more specific in what he said, he would undoubtedly have fallen foul. That is why I said that he was on the very edge of what was acceptable. It is not mere idle speculation out of no knowledge on the question of who may or may not come forward.

There are clear implications. That is why I said — I repeat it, and it is my ruling — that it was on the very edge of privilege. However, the Member's other comments on the question of privilege, with which he is familiar but with which many other Members understandably may not be, are helpful and illuminating for Members.

Mr Paisley Jnr: Is it not the case that if the Members that you are speculating about, who may or may not be in the Cabinet, want to fully distance themselves from such accusations they can do so by simply agreeing to a test? Do they condemn violence emanating from the Republican IRA? If they are not prepared to condemn such violence is it not fair for a Member to draw a conclusion that their links with the IRA are inextricable?

The Initial Presiding Officer: It is a fundamental tenet of the law in this country that people are innocent until demonstrated to be guilty. The Member is coming

dangerously close to suggesting that Members should have to defend themselves against accusations even if there is no evidence of guilt. I believe that it would be an abuse of the privilege of the House, or of any other such place, for accusations to be made without evidence, so that Members would be put in the position of having to justify themselves. That would be flying in the face of a fundamental tenet of law.

Mr Roche: In general terms, the problem with your ruling is that it is contributing to an issue that has been absolutely crucial to this so-called peace process — the use of language to obscure political reality. The reality —

The Initial Presiding Officer: Order. I must intervene — and this is not for myself. Members must understand that when a ruling is given, it is not susceptible to challenge on the Floor of the House. I believe that is why the proposition from Dr Paisley — that if such matters are to be considered, it should be by a Committee on Standards and Privileges away from the Floor of the House, where it can be done properly — is such a wise one.

However, I must make it clear — and this is not a question of wanting to defend myself — that for the propriety of the House and the dignity of the Chair challenges to the Speaker's ruling are out of order on the Floor of the House. I have been more than generous in allowing such questions to be raised — perhaps more generous than I ought to have been.

Mr Dodds: On a point of order, Mr Initial Presiding Officer. Further to your rulings, I refer you to page 105 of Hansard of 16 February and ask you to pursue, with the same vigour, comments by Mr McLaughlin about the Orange Order and the Royal Ulster Constabulary. The Member referred to the Royal Ulster Constabulary as the armed wing of the Orange Order, engaged in the intimidation of Nationalists. I ask you to investigate evidence of criminal activity. Some Members are in the Orange Order, and in the public mind this could be seen to be directed at them.

They are very serious allegations of criminal activity, not only against Members of the House but also against members of the Royal Ulster Constabulary. These are scurrilous and dangerous remarks, and I ask you to investigate them thoroughly.

The Initial Presiding Officer: I have always made it clear that when Members ask me to look at matters I will look at them. However, my immediate response is that Members from the Gentleman's own side of the House were recently accused of using unparliamentary language when they, by implication, made certain links between Sinn Féin and IRA. I made it clear that whatever one thought about such remarks, they were not unparliamentary and not a breach of privilege. The remarks referred to a group of people and not to

individuals. The burden of my earlier ruling was that the precision that was created by the small number of people referred to made it almost specific.

I shall look at the matter that has been raised by the Member, but it seems to me that if we apply the rule that was applied in my previous ruling, it is likely that it was not an abuse of privilege or a breach of parliamentary language. One may disparage or agree with the remarks, but that is not the point at issue for me.

Mr Roche: Further to your ruling, Mr Initial Presiding Officer. Is it appropriate for me to comment on it as distinct from challenging it?

The Initial Presiding Officer: If you are raising a point of order, that is what it is. To comment on my ruling is not acceptable because it is not a point of order.

The Committee to Advise the Presiding Officer has agreed that the Easter recess will be from the close of business on 1 April until 19 April, when the Assembly will resume. The summer recess will be from the close of business on 9 July until 13 September, on which date Committees will begin. Sittings of the House will resume on 20 September.

ASSEMBLY: SHADOW COMMISSION REPORT

The Initial Presiding Officer: We shall now proceed to the report from the Shadow Assembly Commission.

The Commission has had several meetings and has produced a report which has been circulated to Members. The Commission has asked one of its members, Mr Peter Robinson, to present the report by way of a statement similar to those that were made by Minister McFall and Minister Murphy. Mr Robinson will then answer questions.

Members who have questions in respect of the report should give their names to the Clerks in the usual way. Mr Robinson will respond to four or five questions at a time. There will then be a motion to approve the report. As Members will see from the Order Paper, the motion is jointly proposed by Mr John Fee and Mrs Eileen Bell, who are also members of the Commission. There will be an opportunity to debate it in the usual way. The winding-up speeches will be followed by a vote. Thereafter there will be a debate on a proposition that the Senior Salaries Review Body report — not just the upcoming one but future SSRB reports — be accepted by the Assembly. This will be jointly proposed by Mr Robert Coulter and Mr Francie Molloy. Again, the matter may be debated if the Assembly so wishes. After the winding-up speeches there will be a decision, and we will proceed with the rest of the business on the Order Paper.

For the sake of clarity I repeat that questions may be put to Mr Robinson and that that will be followed by a debate on the report in the usual fashion. There is also the possibility of a debate on the acceptance of the upcoming and future SSRB reports.

Mr P Robinson: My task is to present to the Assembly the first report of the Shadow Commission covering the progress that has been made on its terms of reference. At the end of my statement, there will be an opportunity for questions. Members are under no compulsion to ask questions — I am not issuing a challenge. Two business motions will be moved later by other Commission members.

The presentation of this report establishes a precedent, as the Northern Ireland Act confers on the Commission, as a body corporate, the legal competence to make determinations on pensions, salaries and other matters. However, the Shadow Commission has resolved that it would not want to operate outside the will of the Assembly and sees this debate as part of an ongoing dialogue with the Assembly on substantial matters.

Members have had sight of the report, which was issued on time on Thursday. It is important to reflect on the work that has already been done and to alert Members

to the many challenges that still need to be addressed in preparation for devolution. I should like to speak about the Shadow Commission's background, how it has operated over the past five months, the context in which it has operated and on specific progress on its remit as tasked by the Assembly. This will lead me to the estimates for the next financial year, the work that is still to be progressed and the key recommendations that the Assembly is being asked to endorse.

The Northern Ireland Act makes provision for the establishment of a Commission that will be the corporate body responsible for the property, staff and services of the Assembly. On 18 September, the Assembly established the Shadow Commission to assist, during the transitional period leading to devolution, in preparations for the effective functioning of the Assembly.

The Shadow Commission has met 17 times, sometimes for all-day meetings. It has also had meetings with the Assembly's Board of Management, and all that represents a substantial personal investment in time by Commission members. In the past 10 days, the Shadow Commission spent two days at Westminster and afterwards had four separate meetings to progress the major issues that are contained in the report.

The Shadow Commission is not about individual Commissioners advancing party agendas; it is about representing and meeting the needs of this institution and its 108 Members. I am pleased to report that the Shadow Commission has been faithful to that objective.

Early in the Shadow Commission's deliberations, it became evident that the task of providing the necessary property, staff, and resources could be effectively achieved only by the staff of the Commission and Assembly working in close partnership. For that reason the Shadow Commission decided to restructure the Assembly Secretariat and establish a Board of Management comprising the heads of the five Assembly Directorates: Clerk Assistant, Editor of Debates, Keeper of the House, Director of Research and Information, and Director of Finance and Personnel.

11.00 am

Individual commissioners are linked to each of the Board of Management directors, and that has provided Members with a direct knowledge and insight into the development of the Assembly infrastructure.

I should like to pay a personal tribute to Nigel Carson, the Deputy Clerk, who has made a massive contribution to the establishment of the Shadow Assembly. He was previously head of the Secretariat to the Northern Ireland Forum. As head of the team, Nigel carried the burden of responsibility for the arrangements to establish the Shadow Assembly and has continued to

support the Commission in developing the facilities and resources that will be required for the appointed day.

Many weeks ago Nigel asked to return to the Northern Ireland Civil Service to take on a new challenge, and he is in the process of moving to do so. I am sure that I can speak for everyone in this Chamber in wishing him every success in his new post and wishing him well in his career in the public service. I know that he will invest the same level of commitment, enthusiasm and skill that was so evident during his time in Parliament Buildings.

Assembly Members often take decisions, both here and in Committees, and expect them to be implemented. We spend little time thinking of the effort that is expended in meeting our demands. Nigel, the Board of Management and the entire Assembly staff often have to work late into the evenings, early in the mornings and at weekends, to meet our timetable. Therefore it would be remiss of me not to mention all the Assembly staff who have worked tirelessly since July to ensure that Members have the right level and standard of support.

I hope that I speak on behalf of the Assembly when I say that we are grateful to our staff for their professionalism, willingness and patience. I also express our appreciation of the efforts of the Commission Clerk, Tom Evans. The heavy burden that he has to endure is made easier only by virtue of the kindly disposition, tolerance and patience of Commission members.

The Shadow Commission has now set up regular meetings with the Board of Management, and we are working closely with its members. We have been impressed by the commitment of the Assembly department heads, and I hope that they find the new arrangements beneficial.

One of the key challenges for the Shadow Commission is to understand the full extent of the requirements of the Assembly. To that end, we visited Westminster, and it proved to be a watershed in developing the Commission's thinking on what needs to be put in place in readiness for devolution. The Shadow Commission also met members of the Scottish Consultative Steering Group on the Scottish Parliament, which was helpful in assuring the Commission that we have most of the building blocks in place. We also encouraged Assembly staff to visit the Dáil, Westminster and the Scottish and Welsh Offices, and such visits have provided further insights into the resources and structures that will be required.

No one in the Chamber needs to be reminded that we are participating in a Shadow Assembly, but Members may not be aware of the limitation that this places on the Shadow Commission. To illustrate the point, it may be helpful to reflect on the powers that will pass to the Commission on the appointed day. The Commission will be able to appoint staff and determine terms and

conditions, including pension arrangements. It will be able to hold property, enter into contracts, and charge for goods and services. However, while we continue in shadow form we must depend upon the Department of Finance and Personnel to be our agent on financial, staffing and contractual issues, and upon the Department of the Environment for accommodation and other matters relating to this building.

Our transitional phase has been further complicated by the political uncertainty that has been an ever-present factor throughout the life of the Assembly. I shall give some examples of how the Shadow Commission has been constrained. The Clerk to the Assembly post, as Members will know, has never been filled. The Commission has agreed the job description, assessment criteria and recruitment methodology but has stopped short of going out to public advertisement. The same can be said for the Deputy Clerk, the Head of Administration and other Assembly posts. There is no political edge to my comments on this matter. It is for the Shadow Commission a straightforward practical consideration as to when it should advertise such posts.

Another area in which we have experienced difficulty is that of capital expenditure. The Shadow Commission has advanced plans to refurbish the press conference facilities and the basement area, but given the prevailing political uncertainty, it did not feel disposed to initiate a tendering process.

Probably the most frustrating aspect of operating in shadow form is that the Commission does not have its own dedicated budget and is constantly going cap in hand to the Department of Finance and Personnel for additional resources to fund priorities that were not included in the original estimates.

The Assembly should not conclude from my remarks that the Commission's relationship with the Department of Finance and Personnel and the Department of the Environment has been anything other than agreeable. My purpose in setting out the context is only to ensure that Members are clear about the environment in which the Assembly Commission has been operating.

Before moving to next year's estimate, I should like to set out the progress that the Shadow Commission has made in meeting its terms of reference. On 14 September 1998 the Assembly asked the Shadow Commission to consider matters relevant to providing the Assembly with the property, staff and resources that are required for the Assembly's purposes. We believed that the Assembly intended that we should accord a liberal interpretation to that remit. Accordingly, the Shadow Commission has performed a dual role, first in meeting the growing needs of the Shadow Assembly and secondly, projecting what would be required post-devolution.

The report goes into some detail on the work that the Shadow Commission has taken forward. Members can read that at their leisure but perhaps not for their leisure.

By the time the Shadow Commission first met, more than 130 staff were employed. These are civil servants, seconded to the Assembly. The Shadow Commission set about finding out how many staff would be required to support a fully functioning Assembly. By visiting Westminster and talking to people in the Dáil, the Scottish and the Welsh offices, the Shadow Commission soon realised that the early staffing projections could never cope with the demands of a fully and professionally functioning parliamentary legislative Assembly.

The Shadow Commission asked the members of the Board of Management to reconsider their staffing requirements based on assumptions that we had arrived at following our contacts with other bodies. This identified major deficiencies in the original assessment.

No provision had been made for research. The original staffing assessment was based on 10 departmental Committees and did not take account of the need for other Assembly Committees, the Commission itself or the House Committees. The procedural side of the Assembly was not even recognised in the original estimates.

A second but equally important issue for the Commission was how the additional staff should be recruited and what their status would be. After a great deal of deliberation, the Shadow Commission unanimously agreed that all recruitment would be based on the following principle:

"promotion of commitment to equality of opportunity and fair treatment in all its recruitment procedures;"

and

"a commitment to public advertisement for all its vacancies."

The Shadow Commission intends to establish a cadre of Assembly staff who feel part of the Assembly and are not seen as simply an offshoot of the Civil Service. The creation of the post of Doorkeepers, who fulfil such an important role, is a case in point. They were originally employed as Civil Service messengers, and the change of role has certainly increased their self-esteem and acknowledged their valuable service. The Shadow Commission is fully committed to going out to public advertisement for every post. However, during the transitional period, it will be necessary to fill some posts very quickly, and the Shadow Commission proposes to continue using temporary secondments from the Northern Ireland Civil Service as a fall-back arrangement.

The Assembly will become the most public body in Northern Ireland, and to ensure it is above reproach the Shadow Commission is putting in place a code of practice for equal opportunities and appropriate monitoring

arrangements to ensure compliance with equality legislation. We do not yet have responsibility in this area, but we are already informing ourselves of the present complexion of our staff in equality terms in order to be the best placed to take the issue forward when devolution occurs.

The matter of the management of Parliament Buildings and the Stormont Estate has featured in every meeting of the Shadow Commission. At early meetings we were conscious that Members were crowded into limited accommodation. We have made good progress on that front, expediting the Department of Finance and Personnel's move out of Parliament Buildings and putting in train the necessary refurbishment of the building. All Members should now be adequately accommodated.

The Shadow Commission continues to plan for devolution. Offices have been set aside for Ministers and Chairmen, and two Committee Rooms have been wired for recording purposes. The Commission is presently considering how the procedural side of the Assembly can best be accommodated. We are looking into the creation of a Bills Office and a Business Office, recognising the need for those offices to be close to the Chamber.

The Shadow Commission has taken over the management of Parliament Buildings, and we now have a dedicated events co-ordination unit. The Commission has also spent a great deal of time in negotiation with the Secretary of State about the use of the Stormont Estate. Legally, the Secretary of State can decide how the Estate is used, but she has agreed to consult the Commission on any proposals, and this arrangement is working well.

Last Friday the Commission met the local Stormont residents' group to take the views of its members on the development of the Estate, including its use as a concert venue. It was a useful meeting, and we expect to maintain contact with our neighbours and with other users of the Estate.

The Shadow Commission has been conscious of the need to develop services to address the Assembly's requirements when it is fully operational. I shall refer briefly to three services in which the Commission has taken a particular interest. The first is the catering and hospitality services provided by Mount Charles. The original contract was negotiated by the Department of Finance and Personnel to meet its needs as a Government Department. The Shadow Commission has been working closely with Mount Charles to ensure that the requirements of the Assembly are being met, and I believe that the service has developed positively.

One of the Commission members, Mr Bob Coulter, although not specifically tasked to perform this onerous

duty, has felt a personal obligation to do so. Frequently and in great measure, he satisfies himself on the standards of cuisine offered in each restaurant. In his spare time he checks the Coffee Lounge. He has set about this task with great energy, diligence and enthusiasm, and the Assembly is indebted to him for this selfless sacrifice.

Secondly, the provision of information technology will continue to be a high priority for the Shadow Commission. To date, Members have been provided with standard IT hardware and consumables, access to the Internet and modular based training. The Commission intends to provide a fully networked system offering access to the range of information systems that are currently available at Westminster.

Members will be pleased to know that we shall soon have POLIS in the Assembly. Before any Members rush to a safe house, I should explain that POLIS is the Parliamentary On-Line Information System, rather than a Belfast pronunciation of "police". This is a valuable asset at the fingertips of elected representatives. We hope also to have access to the European network.

The original estimates did not mention research services. The Shadow Commission realised that the Assembly could never function without access to high quality research, and Stephen Donnelly was seconded from the Northern Ireland Statistical Research Agency. He has examined the services that are available at Westminster and the proposals for Scotland and Wales and has recommended the establishment of a dedicated research unit in Parliament Buildings. That will require a significant number of staff, but the benefits of this type of facility have already been demonstrated. Mr Donnelly recently produced some excellent research on the Port of Belfast for the Ad Hoc Committee, and he has been since been inundated with requests for other research.

Access to information and expert research are fundamental requirements for the professional operation of the Assembly. If Members are to do their jobs well, all the necessary advice and information must be at hand. Our output will suffer if we do not have quality material available, and it would be a false economy to skimp in this area.

11.15 am

The 1999-2000 estimate of £36 million has attracted some public attention and it is important that the Assembly understands the basis for this figure, particularly since the figure of £14.3 million was placed in the public domain by the Secretary of State when the Bill was going through the House of Commons. Indeed, that figure was mentioned here last week by the Deputy First Minister (Designate).

The £14.3 million estimate was prepared by the Department of Finance and Personnel in August 1998

when it was difficult to project with any accuracy what the Assembly might require. The original estimate was devised by officials following the false scent of the deliberative Northern Ireland Forum, and it made little or no provision for the key functions of a legislative assembly.

Some of the additional elements that make up the £36 million estimate for 1999-2000 arise from the transfer of items of expenditure from other Government Departments to our own. Those additions are not therefore a net increase in the Northern Ireland block. Obvious examples of these transferred elements are the improvements, maintenance and repairs to this building and to part of the grounds for which we shall take responsibility.

Other additional elements are non-recurring and arise either as start-up costs or as part of the Assembly's transitional programme, while others are at a higher level this year than may be expected in subsequent years. Training is a good example, but in the provision of IT equipment and furnishings, for instance, it is clear that much reduced demands may be expected in later years.

Moreover, we have costed the Assembly on the basis of its operating at full steam for the complete financial year. If that does not come about, or if it goes up through the gears gradually, there will be savings on the 12-month figures that we have produced.

I stress again that the Commission is not charged to make judgements on the framework of the Assembly. It is required clinically to cost the structure that has been designed. The Shadow Commission has urged the Assembly to commit itself to accepting the recommendation of the Senior Salaries Review Body on Members' salaries and other costs. This would be a commitment to accept the SSRB recommendation unseen not just for the report that we expect to be published within the next week, but for the remainder of the lifetime of the Assembly. Subsequent Assemblies can, of course, decide whether to follow this practice.

I have had 20 years' experience at Westminster, and I have watched Colleagues there grapple with this issue and I strongly urge Members not to indulge in the profanity of setting their own wages. We have the power to do so, but rectitude and probity suggest a different direction. At the commencement of the life of the Assembly we have an opportunity to leave it to an expert and qualified body to make a judgement on these matters.

The business motion would make acceptance of SSRB recommendations on salaries and office costs almost automatic. If Members have views on the level of their salaries, they can meet the SSRB to express them. If members of the public believe that Members are getting too much, they can contact the SSRB and

make their case. Equally, but less likely, if members of the public feel that Members are not receiving sufficient return for their efforts, they can petition the SSRB, and if they present a convincing argument that sways the SSRB, I am sure that Members will obediently and reluctantly accept the outcome.

The Shadow Commission feels that it has made significant progress while recognising that there is much work yet to be done. Paragraph 33 of our report sets out the future priorities for that. I should like to flag up four that I feel are central to the development of the Assembly. First, we must secure the Assembly Vote from the Northern Ireland block. Secondly, we need to prepare a Pensions Bill and submit a formal motion on Members' salaries. Thirdly, we have to appoint the Clerk to the Assembly, the Deputy Clerk and the Head of Administration. Fourthly, and urgently, we need to establish printing, publication and distribution arrangements that will meet the needs of the Assembly post-devolution.

I commend the report to the Assembly, and I am happy to take questions.

The Initial Presiding Officer: I have not received any applications for questions. However, I have been asked to draw two points to Members' attention. There are typographical errors in the Commission's report. The first one is on page three, paragraph six, line six: "contacts" should read "contracts". The second is on page six, paragraph 11, the last line: "recurring costs" should read "non-recurring costs". The Clerk to the Commission is arranging for a corrigendum to be issued.

Mr Morrow: On a point of order, Mr Initial Presiding Officer. You said that no names had been submitted. I have already submitted names.

The Initial Presiding Officer: May I clarify that. The list of names that was submitted was headed "Report", indicating that they were the names of Members who wanted to speak in the debate on the report. If there has been some misunderstanding regarding that, it is simple to resolve, and I will proceed to accept those names as the names of Members who want to ask questions. Is that fair enough?

Mr Morrow: Yes.

Mr S Wilson: I have two questions. The first is on the use of Parliament Buildings and its surroundings, and the second is on the future of the building itself. I refer to paragraphs 20 to 22. Mr Robinson said that considerable concern had been expressed by residents around the Stormont Estate about past events.

The Commission has now established consultation with the Department of the Environment and the Secretary of State about the use of the Estate. An amendment was tabled to have responsibility for the

Estate conferred on the Commission. Has that been withdrawn? Is Mr Robinson happy that the consultation is working? Will the final say rest with the Commission if a controversial application is made for the use of the grounds? If not, are there plans for these powers to be given to the Commission?

I am perturbed by the last sentence in paragraph 22 of the report, which refers to accommodation in Parliament Buildings:

“Ultimately the facilities at Parliament Buildings may not be able to accommodate the needs of the Assembly.”

As a Member for East Belfast, I hope that it will be confirmed that the Commission has no intention of removing the function of the seat of government from this building.

The Initial Presiding Officer: I propose, as when other statements have been made, to take four to five questions and then to ask for a response. Whips may have given me the names of those Members who wish to raise a matter. If they wish to ask questions at this point, they should advise me now.

Ms O’Hagan: Go raibh maith agat.

I welcome the consensus in the report. It is a positive development and shows that all parties can work together when required. The Commission’s report is about housekeeping matters in the Assembly and represents further movement towards transfer of powers.

Sinn Féin welcomes the placing of decisions on the rates of salary with the SSRB. We believe it makes for a more transparent and accountable system of government, and it is preferable to Assembly Members deciding their own pay.

Paragraph 17 of the report states

“The Shadow Commission will also be developing its own code of practice on equality of opportunity, similar to the arrangements operated by the ... Civil Service and other public sector organisations.”

It is widely recognised that the make-up of the Civil Service in the North of Ireland has presented its own problems. A 1997 report by the Fair Employment Commission, which profiled senior staff in that body, highlighted the unsatisfactory nature, ethos and policies of the Civil Service. Rather than develop a code of practice similar to that which is operated by the Civil Service, a code of practice should be developed in conjunction with the new and more independent Equality Commission that is to be created.

A necessary first step is the putting in place of monitoring arrangements that will ensure compliance with the equality legislation. Such evaluations must be strictly complied with, and all the equality constituents, as set out in the PAFT guidelines, must benefit from their implementation. Inequality in all its forms has been

a source of contention, and only by complying strictly with the equality legislation, which ensures both equality of opportunity and equality of outcome, will the endemic inequalities which have existed be eradicated.

The new dispensation, which the political process and the Assembly represents, gives each Member an opportunity to ensure that non-discriminatory employment practices are adopted. The Assembly, through this report, has the potential — *[Interruption]*

Mr Paisley Jnr: On a point of order, Mr Initial Presiding Officer. This is not a question but a statement of IRA/Sinn Féin’s intent. It is not for Mr P Robinson to give an opinion on the Member’s statement. The Member should either ask a question or allow other Members to do so.

The Initial Presiding Officer: The Member may have misunderstood the situation. This is an opportunity to ask questions for clarification of the report. If a Member wishes to make a wider comment on the report — and I think that Ms O’Hagan was taking up a number of issues for comment — that is more properly done in the debate on the motion.

Sir Reg Empey: We are all indebted to the Commission for its work over the past few months. I am somewhat shocked at the scale of the estimate, considering that the figure that was in the public domain was substantially different. The scale of the discrepancy has surprised a number of Members. Mr Robinson said that some costs that were included in the estimate are being incurred by other parts of the public service. For instance, Parliament Buildings, its upkeep and so on are costs that have to be borne by some Government Department in any event.

Can we have some indication of the total cost of the other recurring costs so we can find out the net additional estimate that has to be provided for? In pure arithmetical terms it seems to be in the region of £18 million or £19 million. That figure does not take into account the non-recurring costs and costs that are currently met through the Northern Ireland block, but under different hats. I should be very interested to know the current estimate of the net additional cost, and I should also like to be able to assess the impact of this expenditure on the Northern Ireland block. What has to be taken from the other services in order to provide for this expenditure?

Provision was made in the old Assembly for the library service, for instance, to provide a research facility for the wider Government service. I presume that such costs have already been provided for in other estimates. If so, have any other costs relating to the remnants of the old Assembly been built into the budget for the next financial year so that they can be recycled when the estimates are finally approved?

11.30 am

Mr Haughey: Paragraphs 28 and 29 deal with the information and research resources that would be available to the Assembly. There is no mention of our gaining access to the vast research resources of the European Parliament and European Commission. Therefore I was pleased to hear Mr Robinson refer to our gaining access to the European network, and I presume that that was what he meant. Have approaches been made to the European Commission and to the authorities of the European Parliament, and when is the Assembly likely to gain access to those resources?

Mr P Robinson: First, I shall respond to the questions relating to the use of the grounds at Parliament Buildings. The Initial Presiding Officer, in another capacity, tabled an amendment in the House of Lords which he would have been prepared to put to the vote had it not been for the fact that the Government were prepared to speak to him and to give certain undertakings. To date, those undertakings have been fulfilled. In every instance the Northern Ireland Office consults with the Assembly in the true sense of that word, allowing it, in effect, to determine issues relating to the grounds. I have found the working relationship very satisfactory, and I hope that it continues to be so.

After devolution the operation of the grounds of Parliament Buildings, outside its immediate curtilage, will be the responsibility of the Department of the Environment, so it comes closer to us. The Minister for the Environment will be answerable to the Assembly if there is any breakdown in that relationship.

Mr Sammy Wilson's second question concerned the ability of these buildings to cope with future accommodation needs. Members will see from the report that we expect to need to increase the current staffing of 130 to about 400. That is a massive increase and would cause some accommodation difficulties within these premises. There would also be further staffing requirements for a functional Executive. There are already pressures in relation to the staff of the First Minister (Designate) and the Deputy First Minister (Designate) because they cannot currently be housed elsewhere. There are considerable pressures on this building.

Nothing in the report was intended to convey the impression that the Commission recommended a move from Stormont. That would be a matter entirely for the Assembly. Again I emphasise that the Commission does not have any political axe to grind. It clinically provides simply for what the Assembly determines it requires. No decision has been taken to move from this building. It might be recognised, however, that some aspects of work could be moved from Parliament Buildings to somewhere else. It might even be determined that some form of extension be considered, though I hope — and I

see some Members grimacing — that that would be fairly far down the line.

Some Members asked about equality. The Northern Ireland Civil Service code of practice is based on the Fair Employment Commission's recommendations. Of course, the FEC would consult widely, and with any equality body that were set up in terms of its code of practice, as indeed it would want to consult with the Assembly. Every Member has representation in one form or another on the Commission and would be kept informed of progress in that respect.

On behalf of the Commission I thank Sir Reginald Empey for his kind remarks. We also share his shock at the size of the estimate. Again — and this is not a matter of my washing my hands of it — the people who devised the structures are the architects. We are simply the quantity surveyors pricing the plans that others have drawn up. Those who are unhappy about the size of the estimate should speak to the architects, not to the quantity surveyors.

Of course, there are areas where there could be cuts, but only after we have been in operation for a full 12 months — perhaps more — will we be able properly to determine where it would be safe to make such cuts. There are certainly some areas in which it would be dangerous for us to start to skimp.

The Library, which was in existence before the Assembly, could not be described as a research-and-information facility. It has a reading room and a lending facility. I suspect that most Departments have sent their officials there to provide Ministers and others with the necessary research material. It is clearly necessary to put a proper research facility for Members in place. We have spoken to others about this, and it has become clear that we need a massive increase to the number of staff in that area. An enormous number of requests have been received by the Library's research-and-information facility, not only from Members but from Departments, other elected bodies and the general public.

The easy answer to the question on the effect on the Northern Ireland block is arithmetical. It was originally determined that the cost would be £14.3 million. Now we know that it will be £36.8 million, so there is a shortfall of £22.5 million. Some part of that, at least £3 million, will come from the Department of the Environment's budget because it has the budget for the maintenance of Parliament Buildings. That will have to be taken into account by any future Executive and, particularly, by the Minister who will be responsible for the Department of Finance and Personnel.

Mr Haughey asked about the Intranet, the Internet and the various networks that would be made available. Contacts have already been made with Westminster, the Dáil, the various bodies taking forward work on the

Scottish Parliament and the Welsh Assemblies and the European Union. All the bodies that we have spoken to are willing to share information, and they are as keen to get access to what we have as we are to get access from them. I hope that there will be good working relationships. Certainly the contacts that have been made by our staff have been very promising.

Rev William McCrea: In response to Mr Empey's question concerning costs Mr Robinson said that the members of the Commission were just the quantity surveyors. Who are the architects? Will he give us the name of the firm of architects? Would the word "Yes" come into the name? How does the cost of this Assembly compare with the costs of other parliaments and assemblies?

Mr Robinson mentioned the Shadow Commission's visit to Westminster. Can he confirm that the Member for Mid Ulster, Francie Molloy of Sinn Féin, also went on that trip? Is that not at variance with the statement by his Colleague from West Tyrone, Mr McElduff, who, in the same week, condemned the decision by the House's Gift Shop Committee to go to Westminster to see how similar facilities are organised? Can we conclude that Mr Molloy is less concerned about school patrolmen than Mr McElduff?

Mr J Kelly: I welcome the report. Is this the correct time to make a statement on it?

The Initial Presiding Officer: No. This stage is for questions only. You will have an opportunity to make a statement later.

Mr Roche: Like Rev William McCrea, I should like to ask about the expense involved. If my calculations are correct, it seems that out of this sum of nearly £37 million, we shall spend over £300,000 per Member. It is not clear what is included in this expenditure. We must look at the opportunity costs involved. This £36 million out of the block grant could be spent in other ways.

I agree that adequate research facilities should be available. Some £2 million has been set aside for that. However, it seems that, in addition, Members can use their expenses to pay research assistants and that money is available to each of the parties which can also be used for this purpose. That is in addition to the £2 million. While it is a crucial area, much money will be floating around and we will not know how to assess whether it is being spent profitably.

Ms Morrice: Page 14 of the report refers to areas for development, one of which is childcare provision. What are the plans for that? The Assembly will employ a large number of people and we should set an example to the Parliament in Scotland and the Assembly in Wales in this regard. What are the plans for innovations such as homework clubs and crèche facilities? The Women's

Coalition is disappointed that this matter has not been dealt with more urgently.

Mr McCartney: Mr Robinson is to be congratulated on the clarity and humour with which he presented the report, but I should like to echo Sir Reg Empey's question about cost. The Northern Ireland electorate will be aghast at the sum of over £36 million which the Commission proposes to spend, regardless of how it is justified in the report.

May we have a ball-park figure, excluding non-recurring items such as start-up costs, and including estimates for unprovided-for expenditure, for what the Assembly will cost in an average, future year? The sum of £37 million represents nearly half the putative value being put on the assets of the port of Belfast. It seems an extraordinarily large amount, especially if it is to be incurred annually.

Has the Member any comment to make on the fact that when we add the £90 million that will be needed to fund the 10 Departments and notwithstanding the promised savings, it will mean that about £120 million will be taken out of the block grant to finance this place and its associated Committees? How can we justify that to the people of Northern Ireland? Many people will find that an outrageous sum, given what they are receiving in return.

11.45 am

I entirely accept Mr Robinson's comment that he and the Commission are merely the quantity surveyors and not the architects, but sometimes it is the quantity surveyors who have to tell the architects that a programme is ludicrous. Perhaps if someone had applied the reasoning which should have been applied to the City Hospital building to what is proposed here, we would not find ourselves in the same position with a facility costing 10 times what it should cost.

Mr P Robinson: First, I shall deal with Mr McCrea's question on the comparison with other Parliaments. It is difficult to make any comparison with the Parliaments that are being designed for other parts of the United Kingdom — the Scottish Parliament and the Welsh Assembly — because they are very much at the guessing stage, much the same as ourselves, although I think that we are probably very much in line with what is expected.

The big difference in one of the Assemblies is that it has — in my view unrealistically — assumed that Members will not require any hard copy of papers and will rely on electronic methods. It is very unlikely that Members will be satisfied with that in the long-term. The Westminster budget comes from several different Votes and amounts to about £350 million. That is for an operation on a much larger scale, but certain base facilities are required for any elected body. The annual

expenditure of the Dáil — a figure which was given to Members recently — is about £40 million, but other costs were not included. For example, the building is, I think, dealt with by the Department of Public Works.

It is hard to get an exact comparison, but I agree with Mr McCartney that many people will be shocked by the scale of the expenditure. It is often the client and not the quantity surveyor who informs the architect about costs. More often than not the quantity surveyor is paid on costs and is usually the last person to reduce them, but the client can pull the architect back into line.

It is also difficult to give precise figures for non-recurrent costs. There are costs, for example, for equipment. There will be announcement equipment throughout the building, and Members and staff already have information technology equipment in their offices. Such equipment does not need to be installed every year, but an amount must be set aside to allow for replacement. There will be a considerably reduced cost.

The estimates show that much of the cost relates to the servicing of Members. If, instead of being presented with a plan for an Assembly of 108 Members, I had been provided with one for an Assembly of half that number, the budget could probably have been reduced by about £10 million because Committees, salaries, other expenses and consequential expenditure such as IT would all have been reduced. Cost depends on the design. If there were fewer Departments, and therefore fewer Departmental Committees, clearly the cost would go down. That is an issue for the Assembly, and it is governed by the Belfast Agreement and the referendum on the agreement.

Mr Roche referred to the cost per Member. I think that my reference to the size of membership is pertinent to that. He particularly raised the matter of research facilities. Although a figure is included for research, there is no intention of going out tomorrow to employ all of the relevant staff and have them in place from day one. The sensible thing would be to let it grow according to demand. If it is not necessary — and it may not be — some money can be returned to the block grant. On the other hand, we have to look at the comparisons with other elected bodies. Members at Westminster have a larger office-costs allowance than Assembly Members and can employ research assistants. However, the Library in the House of Commons provides the facilities for that, and I suspect that it is so in the House of Lords also. There has always been that duplication.

Any research by the Library service, either in the Assembly or elsewhere, is available to all Members and can be accessed by them or by anyone outside. I make the point again that it is a provision rather than a firm commitment to go out tomorrow and spend that amount of money.

Jane Morrice raised the issue of childcare, which was considered at the CAPO meeting and by the Commission. I think that there is a willingness on the part of the Commission to address this issue. The mind of the Commission at this time is that this is best done through a voucher system. The pressure on Parliament Buildings might be a good reason for us to move in that direction. A survey will be going out to all Members, their staff and the Assembly staff. However, the Commission felt that this is not the right time to send out the survey. We should allow staff to get into place first because the results of the survey will greatly depend on the number of staff in the building. Those are costs which the Commission has put in, based on assumptions in relation to how much the building will be used by Members, their staff and Assembly staff. There seems to be a willingness in the Commission to make provision. How innovative it turns out to be may cause some disappointment, but I think that provision through a voucher system seems to be the most sensible way to proceed.

Mr Beggs: I too am concerned that public funds should be used prudently. The money that is to be spent on the Assembly means that there will be less to spend on health and education. We are currently talking about taking £23 million away from the Northern Ireland block grant — something which has not been planned for.

Given that there has been no reduction in the number of Northern Ireland quangos — think of the savings that would flow from that — can the Member justify the proposal to have 400 civil servants (an additional 270) servicing the Assembly? How can he submit a report which sets aside £2 million for salary increases and £1.8 million for office-costs allowance increases, given the fact that the Senior Salaries Review Body has not issued a report?

Mr Dallat: I thank Mr Robinson for his very informed report. My question relates to access to Parliament Buildings. There has been a great deal of public interest in the Assembly since it began. Many people have visited the Assembly from Northern Ireland, the Republic of Ireland and beyond, and I congratulate the staff on their friendly and welcoming approach to visitors.

Paragraph 24 of the report refers to the introduction of a new pass system. Can I have an assurance that, as far as is possible, Parliament Buildings will remain open and accessible to as many people as are interested in coming here to find out about the work of the Assembly?

Rev Dr Ian Paisley: Who co-operated with Mr Coulter and examined the alcoholic beverages in this House? Will that person's name be made available to the Assembly? I should like to have a word with that person about temperance.

What steps are being taken to tighten security within the precincts of this building? May we have a breakdown of the costs of the Speaker's Office, which are estimated at £215,000?

Mrs I Robinson: I too want to deal with the estimate of £36.8 million for the financial year 1999-2000. Mr Robinson touched on part of my question when he was addressing Mr McCartney's query, but I will ask it anyway. What changes could be made to the structure of the Assembly or in the way it operates to reduce this figure?

Mr Taylor: I congratulate Mr Robinson and his fellow commissioners on a first-class report. Much of it had to be based on speculation as to what will happen next year, and that is a difficult thing to do when one is presenting a report of this nature.

My first question concerns the overall cost of £36 million. At first glance one begins to suspect that we are heading towards the extravagance of the European Parliament. However, Mr Robinson said that part of this sum is a transfer of costs from other Departments into the budget for the Assembly. Some people outside the Assembly will try to knock it and present it in a negative manner. The explanation which has been given, and is generally understood within the House, may not be generally understood by the public and, indeed, may be mischievously misrepresented by some journalists.

Does the Commission intend to issue a press release to summarise this report and especially to explain how the figure of £36 million has emerged?

My second question is about the post office, which was not mentioned. The reopening of the post office in this building is a great asset and a great facility for everyone who works here, and I try to support it. As well as postal services, it provides facilities for television licences, passports and child benefit. A notice was circulated to Members about the provision of this facility. Has the Assembly staff been alerted to its existence, and is there any further way we can promote its activities? If such an office is not viable, it will close.

My third question concerns catering. I noticed in the report that the original catering contract was between Mount Charles and the Department of Finance and Personnel. Mr Robinson suggested that Mr Coulter had been sampling the available menus. Looking at him, I can see the result — they must be good. The meals are good in all the restaurants.

Is the Commission renegotiating a contract with Mount Charles? When one brings parties here in the evening the price of food is very high indeed — £12 per head for a fork supper of sandwiches, mushroom pates, sausage rolls and coffee is extreme. This needs to be

renegotiated so that all Members may bring guests from their constituencies and from organisations.

Mr P Robinson: Mr Beggs asked about staffing. Each of the heads of departments had to make a determination based on what we now know will be the requirements of the Assembly. It was a fairly straightforward mechanical exercise. As I said in answer to a previous question, there is no intention to fill all those posts immediately. We will allow the Assembly to grow. If extra staff are required, they will be put in place. If they are not, there will be a saving for the Northern Ireland block.

The worst position would be if we did not have the provision in our estimates — if, after the Assembly had worked for some time, more staff were required but funds were not available. The public would think less of us if, in the middle of the financial year, we had to go cap in hand for more money. They might think more of us if, halfway through the financial year, we could give money back because we did not need it. I hope that that will be the case.

12.00

We expect the SSRB report to be published within the next week, and as far as the Commission's fortune-telling ability in relation to that report is concerned, I have to say that we have heard some whispers, but it would be irresponsible to comment on them. I suspect that Members would not thank the Commission if the SSRB were to recommend an increase in Members' salaries without there being any money in the estimates to pay for it. I would not like to remain on the Commission in those circumstances.

We have made what we believe to be a sensible estimation, based on our understanding of the SSRB's thinking. We could be wrong. Perhaps it will recommend more than our estimate, perhaps less. As it is a provision only and not actual expenditure, we can deal with that when it happens.

Reference was made to the accessibility of Parliament Buildings. We are paying particular attention to the needs of the disabled, both the visually and the physically impaired. As regards the general public gaining access, we must marry the need for openness within the Assembly — and I do not think that we should be placing undue restrictions, other than those which accommodation dictates — with the security difficulties, which Dr Paisley has pointed out.

In recent sittings Members commented on the fact that they had seen members of the public straying around various floors of the building. One Member told me that a group of three schoolchildren peeped into his room. We need to have a specified route to ensure that people adhere to the security requirements.

The Keeper of the House has drawn the Commission's attention to the need for a new security pass system. The present security passes are deficient on at least two grounds. One is that they are easily counterfeited, and the intention is to have security passes which are more like credit cards to replace the current laminated ones. They would be similar to the identification cards used at Westminster in that they would immediately identify the individual by way of category apart from the photographic identification. A staff member's pass would have lettering, which would enable the Doorkeepers to recognise immediately that that person was allowed access to particular areas.

Such a system would also cut out the need for several security passes — some members of staff need different passes to get into the building and to specific car parks. One card would be able to deal with all of that. It would not be as easy to counterfeit such a card, and it would be easier for the Doorkeepers to identify the person using it.

I welcome Mrs Iris Robinson's concern about costs and expenses. *[Laughter]* I will savour this moment for a long time.

She asks what kind of changes could be made to reduce costs. Obviously, a reduction in the number of Members would reduce costs, as would a reduction in the number of Committees. Providing fewer facilities and paying less in salaries would reduce costs. Those are the areas that we must look at. If we can do with fewer back-up staff, that will also reduce costs. It will be a case of finding the proper balance over the next 12 months, and estimates for future years will be much more informed because we will have had some experience of actual costs upon which to make our determination.

Mr Taylor referred to attempts to get a handle on the start-up costs of the non-recurring expenditure. The press, of course, has available to it the whole of the report and today's deliberations, but he is quite right to say that the press may see some juicier headlines for selling newspapers. All that we can do is to set out the basis upon which we have arrived at these figures.

The figure of £36 million is a substantial amount, and it has an impact upon other spending programmes. The Commission obviously had this in mind when it reduced — I emphasise "reduced" — the figure to £36 million.

Staff throughout the building have been notified of the existence of a post office in the Building. The news of its opening is on the notice boards. I hope that we will also have a gift shop. Both those facilities will be on the line of route for visitors to the Building and there should be some passing trade from the general public.

I cannot give my hon and reverend Friend the name of the person who is monitoring the use of the bar. It

may surprise some Members to know that the amount of money from the Press Bar and the Members' Bar shows, to the shame of Members, that the press use their facilities far less than do Members. I must add that the Members are not using the bar that much either. The Commission will have to look at those issues in terms of the size of the facilities and the numbers of staff.

I can also tell Mr Taylor that at the last Commission meeting there was a determination that there should be a House Committee to deal with catering matters. The Mount Charles contract has one and one half years to run. I do not wish to enter into debate about the Mount Charles contractual arrangements — he might be surprised if he were to hear them — but I can say that at present the only way to reduce costs would be by subsidy, and I do not think that the public or the Assembly would welcome that.

Mr Poots: I welcome the Commission's intention to promote equality of opportunity and fair treatment in all recruitment practices, and its commitment to advertise publicly all vacancies. What is the religious breakdown of the current staff, and is it in line with the population of Northern Ireland?

Mr C Wilson: Perhaps Mr Robinson could deal with an issue which is not mentioned in the summary of estimated expenditure for 1999-2000. Can he assure us that the new super-quango — the Civic Forum headed by Sir George Quigley — will not have a cost implication for the Assembly? Has the Commission looked at that issue?

Mr P Robinson: Mr Poots raises the issue of the religious breakdown of staff. Of course, when we deal with equality we deal with not only religious and political affiliations but also with the gender issue.

The religious breakdown, in terms of the present composition of the Assembly Secretariat, is remarkably close to the balance in Northern Ireland as a whole. That is surprising for two reasons. First, we are dealing with people who have been seconded from the Civil Service. That has largely been a case of people putting their hands up and saying "I want to work there", and one might have expected one section of the community to be more enthusiastic than the other.

Perhaps the counterbalance to that is that because we are situated in east Belfast one might have expected the composition to reflect the surrounding area. However, the balance is to the religious affiliations of the community as a whole. We have some concern on the gender issue. The proportion of males working for the Assembly is 55.6%, and the proportion of females is 44.4%. That adds up to 100% for I do not think that there are any other categories. It is, of course, out of proportion to the breakdown in the community as a

whole, which is about 49% male and 51% female. We shall have to pay some attention to that issue.

I can assure Mr C Wilson that there is nothing in our estimates for the Civic Forum. I am assuming that another Government Department — the Office of the First and Deputy First Ministers — will cover the expenses of the Civic Forum. If they are relying on the Assembly budget to cover it, they are in trouble.

The Initial Presiding Officer: As there are no further questions, we will move to the next item of business. I express the appreciation of the Assembly to Mr P Robinson for his presentation of the report and for his comprehensive answers to questions. I also express my thanks to the other members of the Commission and to the staff.

I expect that Members will have been somewhat surprised at what has been going on in the background to prepare for the full and proper functioning of the Assembly. That is now more apparent with the presentation of this report, and Members will agree that members of the Commission and the staff have been working very hard, albeit in the background, on many issues.

Motion made:

This Assembly approves the report prepared by the Shadow Assembly Commission. — [Mr Fee and Mrs E Bell]

Mr Fee: The Assembly has heard something of the context in which the Shadow Commission has worked over the past five months. Before I speak about some of the assumptions behind the report, there are two observations about our situation which I would like to bring to the attention of the Assembly.

First, we heard of the National Assembly Advisory Group in Wales. It was established in December 1997 and reported in August 1998. It had eight months in which to analyse the needs of a consultative Assembly which would have no legislative power. Similarly, we heard of the Consultative Steering Group on the Scottish Parliament. It was established in November 1997 and reported in December last. In 13 months it conducted a very wide consultative exercise to form its view.

Neither of those bodies had to manage facilities, provide services, manage staff, supervise contracts and so on. The Shadow Commission to the New Northern Ireland Assembly has had these functions on top of the responsibility to determine future staffing, services, accommodation, property and resource needs of a legislative Assembly following devolution.

The fact that we have produced this report in only five months and have been able to put in place the initial facilities and services to allow Members to function, albeit in shadow mode, is a testament to the hard work of all members of staff. It is evidence of a high level of

commitment and loyalty to the task of bringing this institution fully to life and a manifestation of the intense activity of the Shadow Commission, its members and its staff.

I endorse Mr P Robinson's commendation of the enormous efforts of Tom Evans, the Clerk to the Commission, of the members of the Board of Management and of the officials of the Central Personnel Group who have given us an enormous amount of time and valued advice. I have a particular word of thanks for the staff and advisers of the Initial Presiding Officer, who have been involved in our processes in great detail from day one. We have reached this point in a fraction of the time taken in Wales and Scotland, and established the core departments of the House. That is a positive achievement.

12.15 pm

A second incidental and remarkable fact of which the Assembly should be aware, and of which any Member who regularly consults the minutes of our meetings which are lodged in the Library will be aware — the fact that no Member has consulted those minutes we accept as a vote of confidence in our collective ability to fulfil our function — is that over the past five months, on the many matters that have required decision, judgement or direction, the Commission has had recourse to a vote on only one occasion.

That shows the collaborative and consensual nature of our decision-making and our commitment, as Mr Robinson said, to step outside narrow party political agendas and constraints to ensure that every Member is given the best opportunity to represent his constituents and, conversely, that constituents have the highest possible level of access to, and information about, the new Assembly and its work, its functions, its services, its procedures and its decisions. The Commission is getting to grips with all its responsibilities, and I am confident that that will continue.

We have talked in some detail about the context in which the Shadow Commission has operated. I should like to point to some of the assumptions that have had to be made as events have progressed over the past few months, because they go directly to the future basis on which our estimation of a budget for the Assembly has been founded. Some of these assumptions may seem obvious, and some already underpin the way in which we operate at the moment. However, ultimately it will be for the Assembly to decide the nature and character of the legislature that it wishes to create.

One of the important assumptions is that the Assembly will obviously wish to be as open, transparent, accessible and accountable as possible. Following directly from that is the need to introduce a high standard of information and communication systems.

The creation of a public information service is central to that assumption. The events co-ordination unit, with the management system for visitors, tours and students, is an inevitable consequence, as is the necessity of computerising for every Member, every service and every facility of the Assembly.

The demand for openness and accessibility requires the creation of Internet and website facilities, and the demands of efficiency require the creation of intranet facilities and links to other institutions such as Westminster, Dáil Éireann, Europe, and so on. These are all included in the report. We feel that these services are essential if the Assembly is to be an open and accountable body, a twenty-first-century regional Parliament, and we ask for the House's endorsement of that view.

A second assumption is that over a lengthy period of time, there will continue to be significant change. With the creation of 10 new Government Departments, North/South institutions, British/Irish institutions, a Civic Forum, Assembly Committees and new systems of information, communication, research and administration, the assumption has to be that for the foreseeable future, ongoing training will be necessary for staff and Members alike. A sizeable budget for training across all disciplines has been included in the report.

A further assumption, which is reflected in the sizeable stationery and publishing costs of the Assembly, is the requirement to publish Assembly papers and Hansard on a daily basis. That is not a simple assumption. In the Welsh proposals, it is recommended that the verbatim record of the proceedings of their House be made available, in some unspecified format, within three days. I understand that in the Scottish proposals there is limited provision for paper-based publishing of their parliamentary documents, but everything will be done electronically.

Our report has assumed that there must be complete provision for both electronic and hard-paper copies of the relevant documentation and that, in the case of Hansard, the Order Paper, motions, amendments, and so on, there should be the capacity for the overnight production of documents. Of course, this is again based on the assumption that the Assembly will decide to operate on a 9 am to 5 pm or 10 am to 6 pm schedule. It is my belief that it is possible to operate efficiently, cost-effectively and professionally using normal business hours. The budget that has been developed will be substantially greater if the Assembly decides to operate a Westminster-style schedule of work or any system with regular late sittings.

For one reason or another, a range of other assumptions have influenced the report. At a straightforward level we have assumed that Committees of the House will wish to meet in other locations in Northern Ireland. We have assumed that the North/South Council, the Council of

the Isles and other bodies that we will be involved in will meet elsewhere, and we have budgeted for Committee travel, staff travel and hospitality.

More importantly, we have assumed that a high quality, highly responsive Library and research facility must be created to service Members so that a professional, modern, efficient system of accountable democracy can be developed. We have made provision for the creation of entirely new systems of information, accounting, personnel management, security and administration. There is, I suppose, an expectation that the Assembly Commission itself will publish details of its estimates, budgets, minutes, proceedings, decisions and accounts.

There are three specific recommendations in the report. The first relates to the overall budget for the running of the Northern Ireland Assembly. I propose that this recommendation be accepted. It represents the assessment of the Shadow Commission and the Board of Management with the support of the Department of Finance and Personnel, and it has been arrived at with comparative analyses of the House of Commons, the Dáil, the Consultative Group in Scotland and the Advisory Group in Wales. It is a high price but an accurate reflection of the price of representative democracy.

The second recommendation refers to our own value and worth as Assembly Members, at least in relation to our pay and pension rights. It would set an important precedent if we were to accept this recommendation. However, that is the subject of a further business motion, and I shall say no more at this stage.

The third specific recommendation is that the Assembly commit itself to a process of open recruitment for all members of staff. That is crucial to the future well-being of this legislature. It will open up employment opportunities to everyone and will allow a process of recruitment based on merit to be established. That, I hope, will contribute to our having a vibrant and talented team of people working here, with their loyalties owing to this institution, serving the needs of Members, and by implication, the entire community.

That is by no means to say that we do not already have a vibrant and talented team of people here. I believe we have and that many of them will want to stay. But it does not change the fact that the Northern Ireland Civil Service is too small a pool from which to draw, given that the private and voluntary and community sectors have not been tapped and that there is enormous talent available at local government level and within non-departmental bodies or quangos.

I have probably spoken too long. I recommend that the Assembly accept the report in its entirety.

Mrs E Bell: My Colleague did speak too long, but I have given him the extra minutes and I shall not speak for the allotted time. In his excellent presentation Mr

Robinson and my Colleague, Mr Fee, outlined most of the points that people will have queries about, so I simply want to endorse their comments about the efforts and the commitment shown by you Sir, as Chairman of the Shadow Commission, and the Assembly staff, who worked long and diligently to produce this report. That reflects the work that has been ongoing from our arrival here in June and from the setting up of the Shadow Commission. I hope that Members appreciate what has been achieved in this transitional period.

I think that we have successfully carried out our remit, as far as possible, in preparing for the effective functioning of the Assembly. The report outlines the steps that have already been taken to ensure that we have sufficient staff to service the Assembly procedures and practices from June until now. We are now preparing for the recruitment of staff after the appointed day.

The Shadow Commission is indebted to the Department of Finance and Personnel staff who have completed a mighty job for us all since we first arrived here, tired and weary from the agreement negotiations, promoting — or otherwise — the referendum and electioneering to obtain an Assembly seat.

Those of us who were in the Northern Ireland Forum were glad to see a number of support staff from there, and I hope that they will continue to work with us. I also hope that Members will confirm our agreement to the guiding principles for future recruitment. Mr Robinson sufficiently addressed Members' queries and concerns about recruitment and equality of opportunity.

We have some way to go in the process to appoint the Clerk to the Assembly, but, given the hours of work and research by the Commission and Central Personnel Group of the Department of Finance and Personnel, I am confident that we will make a successful and worthy appointment to this vital post. We shall also give priority to the staffing of the 10 Departments and of any other Committees that are deemed necessary to run the devolved Assembly effectively.

Accommodation for Members and their staff was also one of our priorities, and, for the most part, work has been completed although there are some problems to be resolved as detailed in paragraph 22. The report details the wide remit of this body, and I assure colleagues that every shadow Commission member contributed in full to the various issues that had to be dealt with, from the furnishing of the Chamber, to catering services, the provision of the IT equipment, and the development of adequate library and research facilities. We have been a housekeeping committee, but that has been vital to the progression and development of the Assembly.

We are still looking into the feasibility of crèche and gym facilities. I am sorry that Ms Jane Morrice is not

here to hear my comments on those. I am obviously concerned about them and, as Mr P Robinson has said, all members of the Commission are keen to look into the development of some sort of crèche facility, voucher or otherwise, and gym facilities about which Mr Hutchinson is interested. There are important issues relating to the establishment of printing, publication and distribution facilities sufficient for a working Assembly and its ancillary Committees. As Mr Robinson said, we hope to report again soon on those issues.

We have already made enquiries about costs, and surveys will be carried out on the potential use of crèche and gym facilities. We have had meetings with the Stationery Office about the provision of printing and distribution, and will embark on the next stage of the necessary process on that. I should like to record our recognition and appreciation of the work of the Hansard staff.

We visited the crèche in Brussels, and we were impressed with it and have taken on board some suggestions. At Westminster, the voucher system was suggested to us for a number of reasons, and we will report back on that. Be assured that the gym, crèche and the publication facilities will be priorities in the near future.

Our programme for future action is outlined in paragraph 32, and shows the ongoing schedule of basic but important topics that will facilitate the efficient transition from shadow to full devolution. The Commission, as a corporate body after the appointed day, will continue to develop Assembly procedures and services. Those will give Members the necessary support to carry out their duties in full parliamentary style. That will improve representative democracy, which in turn will improve Northern Ireland generally so that we can build a constructive future for our children.

I ask Members to support the report and endorse the key recommendations.

The sitting was, by leave, suspended from 12.30 pm until 2.00 pm.

Mr A Maginness: May I join the queue waiting to give Mr P Robinson plaudits for his excellent presentation of the Commission's report. It is a comprehensive document and should be welcomed by all Members. It is also indicative of the Commission's hard work under your Chairmanship, Mr Initial Presiding Officer. Many Members were unaware of that work, which indicates a degree of commitment to what is a rather dull and, perhaps, unglamorous aspect of the Assembly. All members of the Commission should be congratulated on their work.

I share the concerns about the estimated cost of the Assembly. Some £36 million is a large sum — more

than was anticipated. But democratic government can be an expensive business, and the creation of a new democratic institution is bound to create new costs. However, the value of such an institution would be inestimable if it were to bring about peace and reconciliation, in which case it would be money well spent.

I know that all parties will share the view that the Assembly will have to look at its expenditure and consider economies where they are necessary. The SDLP recognises that the projected cost of the Assembly is considerable, and it will act responsibly in relation to that.

The Commission's recommendation to allow the Senior Salaries Review Body to set the level of Members' remuneration is the proper way to approach this issue, and we should welcome it. The thorny business of Members' remuneration should be taken out of the hands of the Assembly; the computation of their salaries and expenses should be decided by an independent body such as the Senior Salaries Review Body. The SDLP welcomes that and supports this recommendation. However, it will be a supreme act of faith on the part of the Assembly if Members blindly accept that body's recommendations.

SDLP Members would like to put on record our thanks to the Assembly staff who have worked in a courteous, warm, friendly and efficient way. They have given us great service over the past few months, and I know that Members from other parties will join me in congratulating them on their work. I pay particular tribute to Nigel Carson for his work in relation to the House. He has shown leadership and, in a dedicated and efficient manner, has helped the House to establish itself.

Professionalism should be the hallmark of the Assembly and of our contributions to its work. The professionalism of the staff should also be reflected in the work of all Members individually and collectively. Therefore in discharging our duties as public representatives we welcome the services that are provided by staff members and their high degree of professionalism.

It is important for Assembly Members to obtain the best possible research facilities, and I welcome the Shadow Commission's steps in this regard. It is important that we educate ourselves in terms of those facilities, and it is particularly important for the Assembly to provide Members, as it has done, with hi-tech facilities and services to carry out their work in a professional manner. I welcome the steps that have been taken, and I look forward to the improved services that this report foreshadows.

It is essential that we move quickly to the appointment of the Clerk, the Deputy Clerk, head of administration

and other staff for the Assembly. It is important for the discharge of our duties and for the creation of that professionalism that I referred to earlier.

The SDLP welcomes the Shadow Commission's commitment to public advertisement and its commitment to an equal opportunities policy and to a code of practice. That reflects the values of the Assembly, which was established to create fair play and opportunity for all in our community. If we were found wanting in this respect it would be highly damaging to the Assembly. Therefore the SDLP supports the Shadow Commission's recommendation.

One small point which was not addressed in the report, and I am not in any way quibbling, is the availability of medical services in the Assembly. I refer not so much to ongoing medical services but to emergency services. There is a first-aid facility in the House — and that is to be welcomed — but for an institution which will employ over 300 people plus 108 Assembly Members it is important that a proper emergency system is available if required. I hope that the Shadow Commission will look at this matter in some detail in the near future. I know that it has looked at it in broad terms, and I am aware that you, Mr Initial Presiding Officer, convened a preliminary meeting on it. I hope that this work will continue.

We have a wonderful opportunity to establish a new and exciting political forum for all our people in a new ultra-modern Assembly that is fit to serve the needs of the twenty-first century. The report is a substantial step forward in that process. I say "well done" to the Shadow Commission. Let us thank its members for all their work.

Mr S Wilson: As we did not have the opportunity during questions this morning, I should now like to congratulate the Shadow Commission on its report. I am sure that Members will note that those Committees which are driven by Members seem to be able to issue their reports on time. Unfortunately, this has not been the case for the First and Deputy First Ministers (Designate), who have consistently produced their reports at the last minute. Perhaps in future the efficiency of Member-driven Committees could be emulated by the First Minister (Designate) and the Deputy First Minister (Designate).

Secondly — I will finish my licking in a minute or two — I congratulate my Colleague Peter Robinson and the SDLP and Alliance Party Members on the presentation of the report. I wish to raise a couple of issues which I feel are worthy of note.

As we heard this morning, the media are already jumping all over the report in relation to the costs of running the Assembly. That is to be expected because it is the kind of issue that makes a good headline with

which the public can easily identify. Politicians are always good value for such speculation and activity.

However, I cannot understand why Members have feigned horror at the figures in the report. Mr Roy Beggs said that they would mean fewer classrooms and fewer hospital beds. Only last week — less than seven days ago — he voted for the very structures that have led to some of the costs that are outlined in the report. He took that action despite the fact that for days beforehand he had said that he would have nothing to do with them. It is one thing for the press to write about the cost of the Assembly, and another for those who voted for the structures that have given rise to these costs to come here and hold up their hands in horror.

Peter Robinson said this morning that if the architects of this establishment want this type of structure they cannot complain about the cost. My party has made it very clear that it will seek to keep the cost of democracy to a minimum. I hope that is true of all parties in the Assembly. I hope that we can have some democracy to start with and that when democratic structures are in place we will seek to keep costs to a minimum.

Mr Haughey: The structures to which Mr Wilson seems to refer and which were voted upon last week, the Departments and so on, are not included in the costings.

Mr S Wilson: I take issue with the Member on that. When we set up 10 Departments, there will be 10 Ministers. There are salary implications there, and the 10 Committees will have cost implications. The back-up for those Committees will have staffing implications, and I could go on. The report has implications for what we decided last week.

2.15 pm

Mr P Robinson: While the Member is right to say that an additional burden will be created by the number of Committees, Committee Chairmen and back-up staff, the additional costs relating to Ministerial appointments will be borne by their Departments.

Mr S Wilson: I thank my Colleague for that helpful intervention.

It is imperative that the Assembly should have nothing to do with the setting of Members' salaries and office costs allowances. It is right to leave this matter in the hands of an independent body.

I spoke earlier about the use of this building and the surrounding grounds. On each sitting day, it has been gratifying to see the number of people on guided tours around the building. It is good that this historic place is now accessible to people. We should record our gratitude to Mr Victor Bull, who has now left the events co-ordination section, and to his successor, Mr Dermot MacGreevy. Many members of the parties that I have brought here to be shown round by Mr Bull commented

on his enthusiasm and love for the building. That enthusiasm rubbed off on those visitors. He did a magnificent job pioneering this work, and I have no doubt, having seen his enthusiasm, that Mr MacGreevy will provide Members with the same standard of service.

I do have some concerns about the use of the grounds. There has been considerable controversy about this, as you are aware, Mr Initial Presiding Officer. I do not think that all the suggestions made by the Secretary of State for the use of the grounds would have been of benefit to this place. Some of her proposals were inappropriate. I trust that the Commission will continue its consultation with the Department. As Mr Robinson has said, the Minister with responsibility for the Department of the Environment will be involved in making decisions on the use of the building and the grounds. We are not sure who that Minister will be, or how sympathetic he or she will be. For that reason I would prefer the Assembly to have the final say on this matter.

My final point relates to a matter that was raised earlier today, but to which my Colleague did not respond. I should like to hammer this point home. It was significant that the Commission visited Westminster. It is also significant that Mr Molloy of Sinn Féin was quite happy to visit the hated "Mother of Parliaments" to learn from that institution.

It is also interesting that — to use a term much used in the Assembly by Davy Ervine — Sinn Féin was unable to "choreograph" its party line on this matter. One Sinn Féin Member was on his way to Westminster, while another was condemning an Assembly Committee for wasting public money on doing the same thing. That Member — Mr McElduff — suggested that he had nothing to learn from the House of Commons. It is worthy of note that Sinn Féin seems unable to get its act together on the issue.

Mr J Kelly: A Chathaoirligh, may I at the outset congratulate Mr Peter Robinson and the other members of the Shadow Commission on a comprehensive report. His address was also comprehensive. I also wish to acknowledge a Chathaoirligh the Assembly staff, who at all times treat Members with the utmost courtesy.

In terms of employment and equality, Sinn Féin's position is that equality is for all — Protestant and Catholic, men and women, black and white. We should not like to see equality being compartmentalised into either race or religion. We are pleased that the report states clearly that employment in this building will be open to all.

It is interesting to reflect on David Trimble's address last year to the Unionist Party conference, when he said that the agreement gives a chance to do what Craig and

Carson did. Thank God that will not happen. Stormont, the Government Departments and the policies developed here should reflect the new reality. Not only do they need to accept that there will be Catholics about the place, but also Nationalists and Republicans, disabled people, ethnic minorities and women.

Sinn Féin will continue to insist, a Chathaoirligh, that equality is central to the whole process of government including, crucially, decisions on Government expenditure. We shall also continue to make government accessible to all the equality constituencies which have been excluded, by discrimination, from government in the past.

A Chathaoirligh, Sinn Féin does not want to dismantle the ethos of the building; we want to add to it. Its ethos should reflect all our diverse cultures, and in that regard we hope that the Irish language will find its rightful place in this Assembly, both in terms of its use and of the availability of translation.

I do not want to add much — the report is good and comprehensive. Sinn Féin agrees with its coverage of the issues.

Mr McCartney: I hope that what I have to say will not bring forth, in the words of Assemblyman Ervine, “a cacophony of protest”. Stormont is on a hill — some people might even think that it is something of an ivory tower. There is no doubt that when one arrives here there is an atmosphere of isolation. It would be a great mistake on the part of the Assembly to use that isolation to distance itself from the electorate and from the people who sent us here.

It is clear that many people from both the Unionist and Nationalist persuasions, will view the amount of money which has been assessed by the Commission as necessary for the future running of this place, with a degree of near horror. It seems that people have been conditioned, perhaps erroneously, to accept a cost of £14 million — a figure that caused some critical comment. The figure has sprung from £14 million to £36·78 million — almost £37 million — and there is at least a hint that it might ultimately exceed £40 million.

This will cause many people in Northern Ireland to view all the proceedings here with some suspicion, particularly as it is rumoured that the independent salaries board proposes to increase salaries from £30,000 to £37,500, and the amount for constituency purposes from £30,000 to £32,000. That is a total increase from about £60,000 to about £70,000.

It is prudent and wise to depute any future increases to an independent body. For the Assembly to retain control over awarding increases to Members would have been too much for the electorate to bear. The public would simply not wear that.

Mr Robinson made a valid point when he described himself and his Commission as being like the quantity surveyors who were not responsible for the design of the institution which this money was required to service and, in some circumstances, to erect. Let us look at the architecture.

There are 108 Assembly persons. The United Kingdom mainland, excluding Scotland and Wales, has approximately 52·5 million souls, yet the United Kingdom has only six times the number of elected representatives that are to service a population of 1·5 million. There are nearly 4 million people in Wales yet it is to get between 70 and 75 Members to look after the interests of considerably more than twice the population of Northern Ireland. Scotland has a population of 5·5 million. It will have perhaps 126 Members, and it will have greater powers, such as the power to raise taxes, than the Northern Ireland Assembly.

If one were to extrapolate the representation that the architect should properly have allowed for Northern Ireland, we might have about 60 or 70 Members at most. The architecture was necessary, not because the people of Northern Ireland require 108 Members, but because the political policies and the agenda of the British Government required that there should be 108 Members in order to service their own political objectives.

There is a similar situation with the Ministries. When I first spoke to the First Minister (Designate) and the Deputy First Minister (Designate) about the criteria for deciding the number of Ministries, I asked if the decision would be based on the number relevant to the efficient and economic good government of Northern Ireland, or whether the criterion was to be the maximum number to enable, for political purposes but not for good government purposes, the maximum number of Ministers to be included. There was the additional creation of junior Ministries, none of which was adumbrated in any way in the agreement.

We presently have £40 million probably allotted to the running of this place, and another £90 million is required to service 10 Ministries — a total of £130 million. Where will the £130 million come from? It will come from the block grant or it will be raised, as some suggest, by perhaps a 10% or 12% increase on the regional rate. In other words, we are having to pay for institutions of government designed by other people for their purposes and not directly related to the efficient and economic good government of Northern Ireland.

The Commission, which has done an excellent job, having regard to the architectural brief presented to it, has simply highlighted the real cost of government for Northern Ireland. That being the case, Members will have to show the public that they are giving good value

for money for, in Northern Ireland terms, Members are getting very good money indeed.

2.30 pm

I have some minor comments. Alban Maginness suggested that we need some sort of medical service in case an unfortunate Assembly Member, due to strain, overwork or perhaps even the excitement of the place, requires urgent medical attention. We have a main hospital about five minutes away and an Assembly Member would need to be very excited, very overstressed or very overworked before needing services of such emergency as to require some sort of medical unit here.

Mr Roche said that £2 million was being allotted to research whereas, encapsulated in the £30,000, soon to become £32,500, allotted to Members for constituency work, there is a built-in allowance for research that is required or thought necessary by the individual Member. Indeed, I am told that some Members are employing researchers with a salary of £18,000 per annum. In those circumstances one would have to seriously question whether that Member would require, as Mr Roche quite properly pointed out, an additional £2 million spent on central research. Some money certainly needs to be available for central research, but whether we can afford to be as generous as has been suggested in the Commission's report is another matter.

I endorse entirely the sentiment that real equality of treatment, whether for Protestant, Catholic, Unionist, Nationalist, even Dissenter, should be available for everyone. That is a worthy objective. No democrat should be excluded from government. However, someone who is inextricably linked with an organisation that has demonstrated antipathy to any form of democracy should certainly be excluded.

There have been some comments about Craig and Carson. I suggest that those Members who have little knowledge of Unionist history should read Sir Edward Carson's parting valediction in which he laid down the leadership of the Unionist party. It would certainly open their eyes to what Carson felt about the Catholic population and how they should be treated — it would be worthy of being inscribed in any equality agenda.

Mr Haughey: I also welcome the report and recognise the hard work that has gone into it. On behalf of myself and my party, I thank the members of the Shadow Commission for their service to the House in preparing this report.

In paragraph 14 of the report the Commission said that it realised quite early in its deliberations

“the enormity of the task of establishing the infrastructure required for the purpose of the Assembly.”

Now that the report is before us, the House understands the enormity of that task. As well as thanking the

members of the Commission, we owe a debt to all the Assembly staff for their long hours and dedication. My work with the Standing Orders Committee puts me in a better position than most to understand this.

I welcome in particular the provisions of paragraph 16, including the

“commitment to equality of opportunity and fair treatment in all its recruitment practices”.

It is very welcome to see that so explicitly stated.

I welcome the commitment to the public advertisement of all vacancies, and particularly the reference in paragraph 16 to

“the establishment of a discrete cadre of Assembly staff which is not just an off-shoot of the NICS”.

That is vital. We must reach out to the community and enlist and engage its vast resources of talent and ability. We should develop a different and independent approach to the problems of government from that which has become a traditional ethos in the Civil Service.

I have some concern about paragraph 20 which refers to the distinction between the responsibilities of the Commission and those of the Department of the Environment in respect of the Stormont Estate. It is very important that we have a clear and explicit dividing line between the two separate areas of responsibility.

It would be unfortunate if the Assembly were to allow circumstances to develop in which it found itself obligated to the discretion of a particular Department or Minister. We need to ensure that the Assembly's responsibility for its business, establishment and areas of operation remains discrete and distinct from the responsibilities of any Department or Minister.

In my question to Mr Robinson I referred to the provisions of paragraphs 25 to 29. Bob McCartney and other Members are perfectly correct to say that the House would not be fulfilling its remit if it did not avail itself of electronic access to the vast resources of information and research which are available to it from the various legislatures with which we have a relationship. As I said earlier, the European Commission and the European Parliament have vast resources of information and research available to Members, and it is comforting and pleasing to know that we will be tapping into them.

Like other Members, my Colleagues and I were concerned at the enormous increase from £14 million to £37 million. Mr Robinson's and Mr Fee's explanations set the context for that increase. The Commission ought to arrange for the fullest briefing for the media and for them to have a breakdown of these costs. Some journalists seem to have a predisposition for investigating minutely the remunerations and the expenses of public

representatives. It is very important that the public does not misunderstand the size and dimension of these costs, and people should be fully briefed on how they have arisen. Sammy Wilson said that not all of these costs are additional. Some result from the transfer of certain areas of responsibility from Departments to the Assembly and do not therefore mean extra public expenditure.

Members will be aware of their responsibilities, given the cost of this exercise in democracy, to provide value for money and to ensure that this elected legislature enhances life and brings about economic and social advancement in the community. If that happens it will be seen in retrospect that the cost incurred was money well spent on a new approach to democracy which enhanced the community and reinvigorated its economy.

I commend this report to the House.

Mr Molloy: A Chathaoirligh, thank you for the opportunity to lend my support to the report and to commend it to the Assembly. It is a joint and agreed report, and an important indicator of how things can be done if Members get on with the work in hand. Members of the Commission worked well together in a businesslike manner in taking on the responsibility that the Assembly vested in them.

The Commission set out very clearly from its inception that it would adhere to the fair employment regulations and publicise all available jobs. Those are important criteria which we need to maintain throughout the Assembly. The provision for new staffing means that we will recruit publicly for all the positions that may come about over the next 12 months, or whatever time is necessary to get everything in place. The current target figure is 400, and that will add to the cost of running the Assembly.

We must try to make this establishment family-friendly so that people feel free to come and express their opinions. We must also make provision for child care. A crèche facility in this Building may not be the best means of doing that. Would one wish to take a child to the basement of this Building? Is that the best place to provide a crèche? One of the questions that we heard in Westminster was "Would you bring a child into the centre of London if childcare facilities were provided for Members there?"

There has to be further consultation with all Members and their staff to ensure that we provide the best facilities. Perhaps the provision of such facilities on a voucher basis, as in Westminster, is the best way forward. Members will need to make us aware of future arrangements that they may need for childcare.

The Commission has been in shadow form, but it has been a good working example for the Assembly. Work has been done, but more requires to be done. As a member of Sinn Féin, I emphasise our commitment to

making the Assembly work. People seek commitments, and this is one example of Sinn Féin's commitment. There are many other issues that we need to deal with, and as they arise the Commission will deal with them.

There has been much talk about costs. There is nothing to stop any Member refusing to take salary increases or to take a salary at all. Those who have jobs elsewhere and other earnings could look at that, although perhaps that is not the best way to go about it. It is easy for people to rush out of here to make cheap political points on radio or in the press, against their opponents or even their party or former party members. We need to make it clear that it is up to the Assembly to decide for the future. We should do that collectively here, and should not run outside to do it.

We are looking at the cost of the new Committees. There could be as many as 20 such Committees and if Members did not get the opportunity to monitor all those Committees, they would rightly complain. We cannot provide that opportunity without the necessary finance, and we need to take on that responsibility, which runs right across the board.

Mr Wilson and Mr McCrea asked about London. I did travel to London, and I was very happy to accompany Mr Peter Robinson and the other members of the Commission. We had a good working relationship over the two days. That was important. We can all learn, and we can learn from travel, so I make no apology for going to London. What my colleagues do in other situations is a matter for them. One of the lessons that people can learn from Sinn Féin in various ways is that the party is not a monolith. We do not just take directions from the top irrespective of our feelings. It is important to look at the issue in a broader sense.

2.45 pm

On the Friday evening in London, it became clear that within the estimates there was not enough cover for the work that will be involved in the Assembly over the next few years. It was clear that we had to review those estimates, and we arranged a meeting for the Saturday. All the heads of Departments came here on the Saturday morning to work out the revised budgets. I pay tribute to the Clerk, the Initial Presiding Officer and his staff, and all the heads of Departments who worked throughout that weekend to ensure that by Monday morning we had revised budgets. It was clearly a team effort between the Assembly, the Commission and the Departments to ensure realistic figures to present the Assembly with a programme for the future.

Members of the Shadow Commission were asked to present the Assembly with a report. It is clear that when they knew the project and had a target, civil servants, Commission members and staff all worked together to ensure that it was met. It is an example for the future

because if the members of the Commission can work together, there is no reason why the members of an Executive cannot work together in the same way. I ask the First and Deputy First Ministers (Designate) to move speedily to set up the Executive, so that we can again show a commitment to make structures work.

The Commission took very difficult decisions, and I again pay tribute to the Initial Presiding Officer for guiding us to those difficult decisions in difficult times. No doubt more difficult decisions will have to be taken, but I have no doubt that that will be done.

The costs need to be looked at again, more along the lines of the transfer of those costs rather than just adding them to the other costs. When we start to dismantle the quangos, there will be squealing from different quarters, but we can transfer that finance into the Departments. If we could end the Drumcree crisis we could save thousands of pounds over the next year. I hope that those with influence in that quarter will try to resolve that situation because the money saved could be used in hospitals and schools and for other services rather than be wasted.

I say especially to Members opposite that there is a danger sometimes that people cannot recognise change or commitment when they are staring them in the face. I ask Members to judge us by our commitment, our workload and our participation and not to get hung up on old clichés of the past. We can and should move forward, and today is an example of us moving forward. Go raibh maith agat a Chathaoirleach.

Mr C Wilson: I join in the praise for Mr P Robinson and the other members of the Shadow Commission for their excellent work in presenting the report to the House. Mr Robinson helped us all to understand their relationship to the Assembly and what he described as the relationship between quantity surveyor and architect.

My thoughts on that are that the client — in this case the electorate in Northern Ireland — did not get what the architect promised. When the chief architects in the company, Mallon and Trimble, were laying out their specifications and plans, the senior partner, Mr Trimble, promised the electorate that the steelwork for this new edifice at Stormont would be based on decommissioned weapons. There is little hope of that now, and one wonders what we are to build upon. Will it be empty promises or Mr Taylor's assertion that he would be prepared to accept a pledge from Gen de Chastelain and we do not need metal or steelwork on the site?

We need a new set of plans, new foundations and lasting structures that will be built on democracy rather than on the nonsense that has been presented to us to date.

I am concerned about the spiralling cost that is starting to unfold before the eyes of Members, and indeed the public. In addition to the £36 million that Mr

Robinson laid out this morning, there is, as Mr Sammy Wilson has said, the additional burden of costs resulting from the Ministries. That adds £90 million to the £36 million.

I was not aware until Mr Robinson answered my question earlier that a substantial additional amount is required by the First and Deputy First Ministers to service their office within the Assembly. As part of that, a large amount will be spent on the new Civic Forum. I have not been told exactly how much that will cost or of who will foot the bill. The one thing that is certain is that the money will all come out of the block grant. The idea is that there are little pockets of money coming from different sources. At the end of the day there will be concern and the public will ask questions.

As Mr Robinson has said, we are tasked with ensuring that, within the remit of the shadow Commission, the money is spent wisely. I entirely agree with the comments by my colleague Mr Roche that perhaps savings could be made in the area of research. I assure Mr McCartney that when it comes to my party, the money that is spent on research will be spent wisely. We will not do as some Members of Parliament do and squander money on second-rate advice and second-rate research. We shall go for the very best.

Mr McCartney: My wife is not getting any of it, anyway.

Mr C Wilson: So they tell me, Bob. *[Interruption]*

The Initial Presiding Officer: Order.

Mrs E Bell: I thank Members for their praise of the work which has been done on their behalf. From the Initial Presiding Officer, who chaired our meetings, to Members and staff, it was a great team effort. We all worked together, and the result is the report.

My colleague and I will sum up and, let us hope, address some concerns. I will leave the contentious issue of costs and the equality issue to Mr Fee. I agree with Alban Maginness that cost is a major issue, but as he said, the creation of a new democratic institution will involve new costs. We need the solid infrastructure that was mentioned, and if we do not have an infrastructure that works with the people who put us here, there is no point in going on.

We are discussing not only Members' salaries and facilities but the whole remit that is laid out in the report — from accommodation and the costs of the Chamber to what we eat when we are not in here, and what we do when we are in our offices. We need all the facilities. Much money is involved but I hope that it will provide best value. That will be borne out over the next four years.

As Members have said, we must also bear in mind that after devolution there will be no need for the

quangos that people deride so much. There will be no need for the five education and library boards and the health boards and so on. That is another issue to be looked at. The block grant will be a totally different entity. Before running down what we have tried painfully to build up, people should take those things into account.

I am glad that most Members have agreed with the Senior Salaries Review Board motion to be moved by Rev Robert Coulter and Mr Molloy. It is essential that we are not seen to be deciding our own salaries.

“Fair play and opportunity for all” is the comment that was made, I think. We have tried to do that as much as possible with openness and accountability in all our discussions about present staff and the staff that we hope to get after devolution.

We are also looking into the provision of medical facilities, in answer to Alban’s query. Mr McCartney can joke about it, but I think it is in quite bad taste. Someone could be taken ill here, including himself, and need instant medical treatment — maybe that is just wishful thinking on some people’s part. I want to be very sure that we do have some sort of medical provision in Parliament Buildings for the number of staff that we will have in the future.

I agree wholeheartedly with Mr S Wilson’s remarks about tourists. We should have an open and accessible building. Again, the Commission has tried to have the facilities here to do that. I and other Members from North Down, indeed, from all areas, have had parties of school pupils and pensioner groups here every day — some of them are here at the moment — and I know that they have all enjoyed that facility. We always say to the people who come up here to visit us is that it is their building. I hope that is what we will continue to portray.

We are not here because we put ourselves here; we are here because the people put us here. Therefore we must make facilities, we must have the amount of money that it takes to keep this building open and accessible to everyone. The ethos of the building should be kept. I think it was David Trimble who said

“a pluralist Government for a pluralist people”.

The building should be open for all people to visit. It is not an ivory tower and never should be.

My colleague will be talking about equality. I will just mention that we did give it due consideration. It is a very important issue and it will form the basis of any appointments or facilities. Everyone is due equal facilities. We have had serious discussions about that and intend to consider it further.

Some of Mr McCartney’s remarks were political. In reply, I say that the Shadow Commission is an objective, functional body. We work on the realistic figures of

108 Members and 10 Departments. We do not go into the political analysis but try to provide what will be required. Over the next four years constituents can see whether we have given best value. If they think that we have spent too much they can use their vote as they see fit. The figures that we had were projections.

Mr Gibson: There may be some disquiet among civil servants about how they will be treated after devolution. Will all the jobs be advertised or will some staff be automatically transferred because of their present attachment?

Mrs E Bell: As was mentioned this morning, since we started in shadow mode staff have been seconded to the Assembly. Only when we become a fully corporate body will we have the power to recruit. That is when our open recruitment policy will begin and when positions in the Assembly will be open to all. As Mr Peter Robinson has said, we have had a review to monitor our current staff. If there is an imbalance we shall look at it.

Denis Haughey is right when he says that there has to be a clear and explicit dividing line about the estate.

3.00 pm

We have clearly shown that we are aware of that and that we will look at it. We will have negotiations with the relevant section of the incoming Department of the Environment. We have to make sure that we know what we are responsible for.

In reply to Francie Molloy may I say that although we did not comment on the crèche earlier, the crèche and gym facilities are just as important as any others, and we are looking at them. When everything has been rationalised, a survey will be done, and we will inform Members of the situation in due course.

I ask Members to accept the report.

Mr Fee: I should like to explain why the Commission members are sitting where they are and why Peter Robinson, when he presented the report this morning, sat at the top table and took questions there. The Commission members have agreed explicitly that they will not follow party political agendas in any sense and that they will, as a body, be responsible to each and every Member. While they are acting as commissioners, they must be seen as independent of party structures. That means that when a Commission report is being discussed, they will not sit on their party Benches. That will reinforce the role that the members see for themselves and their relationship with the other members of the Commission.

It will not be possible to deal with the issues that have been raised. First, there is the proposed scale of investment in the research facility. About £700,000 of the £1.8 million is non-recurring capital expenditure and relates to items such as personal computers for staff and

Members, the computerisation of Members' constituency offices — a recommendation in the SSRB report — the provision of an annunciator system in the building and the teletext-type service to keep Members up to date with what is happening in the Chamber, wherever they are within this complex.

That is all part of the research and information budget, and these services will be made available in all the Departments of the House. This is not an excessive amount of money. When the Assembly is up and running and begins to legislate, the demands from Members' constituency offices and researchers may strain the research facilities, and we may be under-resourced in this area.

Members asked about the openness and ethos of the House. We are conscientiously recommending that, in future, vacancies here be filled by open advertisement. There was nothing in the original estimates to cover the cost of advertising for a large number of staff, so we have had to build into the budget, from scratch, all the consequential costs of creating a legislature.

Other items that were not included in the original £14 million estimate had to be built into the costs. For example, there was no provision for salaries and wages. The original costs were based on the costs of the Forum, whose members were unsalaried. In addition, there was no provision for office cost allowances, and so 108 times £30,000 had to be included in the budget that we presented.

There was no significant provision for running the Committees, for research, for the publication and stationery demands of the new Assembly, or for pensions. Therefore enormous amounts of essential costs had to be built into the budget which were not included originally and which do not necessarily represent new finance to be taken out of the Northern Ireland block. Many of these costs, such as our salaries, our office costs, allowances and capital expenditure

within this building, are currently being incurred, and will simply transfer in the Vote to the Commission's budget.

Over the past five or six months, each member of the Commission has worked hard and effectively and has taken his responsibility seriously — even when that may have been uncomfortable. If Commission members were required to go to London or anywhere else, no matter how inconvenient that was, they did their duty without complaint and outside the glare of publicity.

Many questions have yet to be addressed, but we have made provision for the Assembly to be able to address them effectively and efficiently in the future. The issues of electronic voting, the electronic tabling of motions and Bills and the like have yet to be addressed, but we are putting in place the infrastructure that will allow Members to go down that route if they wish. The provision of information to schools, libraries, isolated rural communities, local government and business has yet to be addressed. We have not worked out the detail of how accessible our systems will be, but we have put the hardware in place to ensure that the Assembly will be an open, transparent, accessible and accountable body.

Much of the cost of the infrastructure, in terms of information technology, will be non-recurring; the recurring element will be in staff training and servicing the computer systems. We shall publish the details of our estimates when we go through the negotiating procedure to secure funds from the Northern Ireland block. We now need the Assembly's approval to continue this work and hope that it will adopt this motion.

Question put and agreed to.

Resolved:

This Assembly approves the report prepared by the Shadow Assembly Commission.

ASSEMBLY: RECOMMENDATIONS OF SENIOR SALARIES REVIEW BODY

Motion made:

That this Assembly will accept the recommendations of the Senior Salaries Review Body in respect of the salaries and allowances for Ministers and Members. — [*Rev Robert Coulter and Mr Molloy*]

Rev Robert Coulter: I move the motion in the full knowledge that I am asking the Assembly to agree to a document that neither Members nor I have seen — the Senior Salaries Review Body's report. At first glance I seem to be asking Members to commit themselves to a set of recommendations that are not before them. They cannot debate the contents or evaluate the ramifications for themselves and their support staff. However, I shall endeavour to explain the reasons for pursuing this somewhat strange line of action.

Members should embrace an important principle at the very beginning of our service in the Assembly. We should be careful to commit ourselves to probity and propriety when dealing with public funds. To do otherwise would be to leave ourselves vulnerable to the accusation of carelessness and impropriety, if not of greed or maladministration.

It is with that in mind that the Commission unanimously agreed to recommend that we accept the decisions of an independent body on the matter of the salaries and allowances for Ministers and Members. No one can then accuse Members of feathering their own nests. We will be accepting a principle of integrity and openness in dealing with public funds that will be the guiding star and a defensive bulwark for all our actions, both corporate and personal.

Someone may ask whether the decision to accept the SSRB recommendation is a decision for all time. We cannot make decisions for any Assembly beyond this present one. The decision will be for this year, and it will be an ongoing commitment for the present membership of the Assembly until the election for the next Assembly. If there are areas of responsibility for which the SSRB has not made any recommendation, it is in the remit of the Commission, under the Act, to consider making provision for office holders. The Commission is determined to consider that.

I bring Members back to the core of the matter. We must be seen by the public to be the dependable custodians of the wealth that they pay in taxes and to dispense that wealth with integrity and equity and in a thoroughly professional manner. For those reasons I ask Members to support the motion and avoid being labelled

as “self-made fat cats”, even though the physical contours of some of us might justify that designation.

When the Commission asked me to research the food in the House, it required someone to go out front. Members thought that I had more years experience of sampling food than any of the rest and that I was more out front than any of the other members. I used to look after my figure, but since undertaking this research project, I am now looking over it.

When we move the next motion I may suggest an all-party group called the “curved-tie club”. If I thought that no one else would take it on, I would propose myself for the chairmanship of that group. Many people from all parties could qualify for membership of that club.

Mr Molloy: A Chathaoirleach, I second the motion that the Assembly accepts the recommendations of the SSRB. This is the best time to take this decision because we do not know what will be in that report. People expect a rise in salaries, but, regardless of the amount of the rise, it is important that Members do not resort to debating their salaries. It is important that we are open and above board. We do not want to be like the chiefs of the health boards and trusts who awarded themselves salary rises of 30% when nurses do not even have the amount of those rises as salaries.

It is important that the Assembly sets a clear precedent. We can speak only for this Assembly, but we should put down a clear marker that we want it to be open and transparent, that we want to be above board in our dealings. That is why I accept that we should accept the recommendations of the SSRB in advance of its report. Go raibh míle maith agaibh go léir.

Mr Ford: This might make me sound a little bit like Jim Wells, but I should like to repeat what has been said earlier and express my thanks to the Chairman and the other members of the Commission. I thought that I knew something of the work that was being done in the Commission from the very abbreviated reports that I was receiving from Eileen Bell. It was not until I saw the pile of paper that she had last week and the report that was prepared, which seemed to be about one-fifth of the amount of paper that she was going through, that I realised exactly how much had been done. We clearly owe a considerable debt to the six members of the Commission for the way in which they have worked together to produce an excellent report.

Much of the debate has been about costs, and our salaries are clearly part of that. I was contacted over the weekend by a journalist who asked me about the size of the estimate. I was deeply concerned that Peter Robinson might be ending up in some kind of a stew and that he would get the blame for the costs, so I did my best to say that wherever the blame may lie in terms

of the initial, completely inadequate estimates, we need to make it clear that we support the Commission in its work to produce a realistic plan for the way that this Assembly will operate. It will certainly be a costly exercise, but the concept of democracy and of bringing peace to this society is beyond price — except perhaps in respect of the issue that we are discussing.

3.15 pm

The thought that we might find ourselves responsible for setting our own salaries is quite horrifying. On behalf of my party colleagues, I fully endorse the recommendation that we should accept the SSRB report, whatever it is, on an ongoing annual basis. Comments will clearly be inevitable in the wider society. There will be all kinds of flak.

I gather that 'Talk Back', the programme that people either love or love to hate, has already given us a run. It was unfortunate that some Members chose to go to 'Talk Back' before they spoke in the House, but perhaps that is inevitable, given the way that some people are carrying on. We certainly need to make it clear that, as Assembly Members, we view ourselves as public servants and, like most of the rest of the public service, will take whatever salary we are determined as being worth and will not set our own salaries or expenses, and will not put ourselves in the problems that some at Westminster get into. In that respect, we are very much part of a partnership with the staff who work with us here and with all those who have contributed to this move towards democracy.

It is clear from the report that there is a great deal to be done in future. I look forward to seeing if the Commission can maintain its high standards when it looks at other matters. The issues of a crèche, IT, research, accommodation and staffing were outlined in the debate and are all serious issues that have to be dealt with.

There will be a major problem with staffing, and we have heard of the necessity for openness. I fully endorse the requirement to proceed by way of public advertisement. I have a question that might be slightly out of order at this stage, but I am not quite sure of the appropriate person to speak for the Commission. Can I have an assurance that those people who are currently seconded to us will remain? Whether they be Clerks or Doorkeepers, they have provided a tremendous service so far, and I hope that, while their numbers are increased in the proper open fashion, we will be able to continue to depend on them as long as they so wish.

The Initial Presiding Officer: It is for the members of the Commission who are dealing with the motion to reply to that question, if they feel able to do so, during the winding-up speeches.

Mr Hussey: Like other Members, I agree that it is right and proper for this issue to be settled by an independent body, namely, the Senior Salaries Review Body.

There was a comment about the number of Members in the Chamber. I remind the House that, in the discussions that led to the agreement, my party fought strongly for a 90-member House and not one of 108. Unfortunately ours was the only Unionist voice in support of that. I wish to express my concern at the initial total —

Mr Ervine: The Member should be reminded that the sixth seat in each constituency might have benefited the Ulster Unionist Party most of all. Certainly the smaller parties were elected on third-in, fourth-in or fifth-in, which, of course, left the Ulster Unionists to take the sixth seat in most cases.

Mr Weir: Will the Member concede that that is factually inaccurate? In most cases the sixth seat went to Nationalist parties. The Ulster Unionist Party did not benefit greatly from the sixth seat.

Mr Hussey: I thank Mr Weir and Mr Ervine for their interventions. The question that was posed by Mr Ervine has been answered by Mr Weir.

The original estimate for this body was £14 million. It seems strange that whoever arrived at that figure forgot about the provision for wages and salaries and perhaps about a few other figures. I can understand minor oversights which might have altered the figure of £14 million slightly, but it was at least naïve if not actually irresponsible to suggest that figure of £14 million in the first place. I have checked this with Mr Robinson, and I understand that that figure was announced before the block grant was calculated.

In her submission on the block grant, the Secretary of State may have found herself working with a figure of £14 million for this body. Whoever calculated that figure has done the Assembly a great disservice, as has the Secretary of State, who accepted it. It would not be out of place for us to lobby at Westminster to have this situation redressed, rather than having to make good that figure from allocations elsewhere in the block grant, as Mr Beggs has pointed out.

Rev Robert Coulter: I should like to make it clear that civil servants on secondment to the Assembly as support staff will remain in post. Only when they move on will their posts be advertised.

Question put and agreed to.

Resolved:

That this Assembly will accept the recommendations of the Senior Salaries Review Body in respect of the salaries and allowances for Ministers and Members.

ASSEMBLY: ALL-PARTY GROUPS

Motion made:

That officers in all-party Assembly groups and all-party groups whose membership is open to members of more than one party be required to register the names of the officers of the group and the source and extent of any benefits, financial or in kind, from outside sources which they may enjoy, together with any other relevant gainful occupation of any staff which they may have; and that where a public relations agency provides the assistance the ultimate client should be named. — [*The Initial Presiding Officer*]

The Initial Presiding Officer: Members will note that the burden of this motion bears some resemblance to that of the previous motion. Members, whether in groups consisting solely of Members or in conjunction with staff or researchers from outside the Assembly, may wish to form all-party interest groups.

In recent times, concern has been expressed that these groups may include in their membership or receive assistance from lobby groups or other interest groups from a relevant field. Therefore it seemed wise, in the interests of probity and propriety, to draw up regulations to ensure that there could be all-party Assembly groups consisting only of Assembly Members, and all-party groups consisting of Members and others. There should be clear regulations for the establishment of a register of such groups, and this will ensure that there is no impropriety.

I put a proposal to the Committee to Advise the Presiding Officer that Members be allowed to form all-party interest groups. After some discussion, this was agreed by the Committee, and that is the proposal that is before the House. It allows Members to establish groups to discuss specific matters, either in all-party Assembly groups consisting entirely of Assembly Members, or in all-party groups which may include outside bodies or individuals.

A copy of the rules relating to such groups has been available to CAPO for some time and has been discussed by it. If agreed, the rules will be reissued to all Members of the Assembly tomorrow so that Members will be aware of them and can use the requisite forms to make applications.

All-party groups may exist in a wide range of issues. Given the number of interest groups, lobby organisations, unions and so on which have come to the Assembly and have been sponsored by Members in recent months to explain their concerns, I have no doubt that Members will be interested in establishing such groups.

The basic qualification for the establishment of groups is that they must be open to all Members to join, if they so wish. When first formed, there must be a minimum number of Assembly Members and the founder

members must come from all three political designations in the Assembly. It would not be appropriate to ensure that every party was represented in every group. Some parties might not wish to participate or might not have representatives who wish to participate. However, all parties must be able to join at any time and all three political designations must have representation among the founder members of any such groups.

The purpose of the business motion is to ensure complete probity in relation to the financing of any all-party groups. It will ensure complete financial transparency — or at least it will go as far as one can in setting down regulations to ensure that. It will also help to eliminate misunderstandings or, at worst, actual conflicts of interest.

I advise the Assembly that in conjunction with the motion, documentation has been prepared in respect of a register of Members' interests and that the Committee on Standing Orders is processing this matter, which will be brought to the Assembly in the near future. Therefore the further issue of Members' interests in general being registered will be properly dealt with when the new Standing Orders are in place.

Mr Dallat: I support the motion and particularly welcome the news that there will be a Members' register to record external financial interests. However, I hope that Members will not confine their entries to purely pecuniary interests, and I encourage Members to include membership of all organisations to which they belong, particularly if those bodies are highly influential and have the capacity to influence decision-making. I am, of course, referring to legal organisations.

Members have a moral responsibility to be entirely open in their associations. We are funded by taxpayers and are expected to represent everyone without bias or preference. Being a member of a society which does not operate open membership, or is at least perceived to be semi-secret or clouded in secrecy, could raise questions for Members.

It would be quite improper for me to single out any particular organisation which has in the past been perceived to have exercised enormous control over people's lives through its operation as a secret, semi-secret or oath-bound society. However, such organisations exist, and some Members may belong to them. Association may be by degree.

This Assembly has the potential to be one of the most democratic and politically inclusive institutions in the free world. However, to ensure that its work is not overshadowed by claims of influence from external organisations that are not open and not democratic, it is important that anyone holding membership of such bodies should declare them in the proposed register. I urge that this be done on a voluntary basis.

3.30 pm

The Initial Presiding Officer: I intervene on a point of order. It is important that Members should not become confused. It seems to me that the matters which the Member is addressing are matters relating to the Register of Members' Interests, which is currently under consideration by the Committee on Standing Orders and which will be the subject of a future debate.

My understanding — and Members must not take it as any more than that — is that the Register will refer to non-pecuniary as well as to pecuniary interests. I should not want Members to think that that is in some way related to this motion and this debate, which is about all-party interest groups and influence in that regard.

For the sake of clarity, I urge the Member, to restrict himself to all-party groups and all-party interest groups and to keep his perfectly legitimate questions on the Register of Members' Interests for the debate on that matter.

Mr Dallat: I do not wish to confuse the Assembly in any way. I totally support the motion and was simply taking the opportunity to influence the rules on the Register. I particularly welcome the fact that non-pecuniary interests will be listed. That is important and in the interests of every Member. I welcome the news you have just given us.

Mr Maskey: Thank you, a Chathaoirligh. I wish to clarify a point. You outlined the terms of reference earlier, and we have gone through those with CAPO on a number of occasions. However, I see that the words

“all-party groups whose membership is open to members of more than one party”

are still included in the motion. I am curious about that. It is confusing.

The Initial Presiding Officer: Will you please clarify that for me? I did not understand the question.

Mr Maskey: Why have the words

“open to members of more than one party”

been included in the business motion when it is clear from the terms of reference for all of these groups that they have to be open to all parties? It is an unnecessary addition. It is a small technical point.

The Initial Presiding Officer: The reason the phrase has been included is that the model which was taken for this approach was the Neill Committee. This is the form of words which was used by that Committee. This was included specifically because it was a matter that the Committee had gone through. It has to be the case — and I emphasise this to take it beyond peradventure — that all these groups must be open to all parties. At their foundation the groups must have a specified number of members. The required number is laid down in the

regulations, but it can be changed if it is found necessary to increase or decrease the number from all three designations.

Many details in the regulations are not included in the motion. The purpose of the motion is to set out what is required in broad terms. I apologise if that is not clear.

Mr Beggs: On a point of information, Mr Presiding Officer. Can you clarify the rules and regulations which will surround these all-party groups? We have a business motion, but we have not had detailed discussions about the regulations that will control them. Will the regulations be coming before the Assembly?

The Initial Presiding Officer: It is not normal practice to take a point of information in this context as I had already sat down. However, generous to a fault as I am, I will respond to your question. Unfortunately the response may not be the one that you want.

The detailed guidance notes and regulations have been available and have been a matter of discussion in the various party groups since before Christmas. It is not necessary for them to be brought to the Assembly for approval. The purpose of the business motion is to enable us to agree to follow the regulations that were outstanding and had been available for some time. The matter of the Register of Members' Interests will be laid down in Standing Orders.

I hope that Members will understand — from the Commission report debated earlier, for example — that there is a series of regulations which we have had to lay down for the proper conduct of business in the Chamber.

One example is the matter of sponsorship of events by Members and how many people can be brought as visitors at any one time. In a previous sitting Dr Paisley asked how many visitors could be brought into the coffee lounge. From what he said, it looked as if someone was going for the Guinness Book of Records rather than simply providing refreshment for people.

It would be inappropriate for all these detailed practical arrangements to come to the Floor of the House. The detailed regulations, which are not in themselves contentious, are available. They will be issued to Members tomorrow after the completion of this debate.

Mr O'Connor: The motion refers to

“officers in all-party Assembly groups and all-party groups whose membership is open to members of more than one party”.

Surely that should read “members of all parties”. That is the point Mr Maskey was trying to make. The membership cannot be drawn from Sinn Féin and ourselves because that would exclude Members from the other side of the House. We need clarification: when we refer to all-party

groups and to more than one party, we mean “open to all parties”.

The Initial Presiding Officer: The regulations make it clear that a group cannot be registered as all-party if it includes only Members, for example, from the two parties that the Member has referred to. That is because such a group would not include Members from all three political designations. The problem about insisting that all-party groups should have Members from all parties is that some parties might not wish to, or might not be in a position to, facilitate membership of all groups.

There is a difference between the founding of a group and the continuation of a group. One of the earliest issues that the Assembly was lobbied about was breast cancer. A group on that might be set up with founder members from all three political designations, but it might happen that, for various reasons such as pressure of time, other interests, or whatever, subsequently not all the parties or party groups or designations were represented.

Should a group that was open to all parties be made to collapse simply because there was not sufficient interest to enable it to continue even though there had been sufficient interest at its foundation? Generally we think not. Members may find themselves increasingly pulled this way and that by all sorts of genuine interests.

Members' concerns are perfectly reasonable, but when they read the regulations they will see that all those concerns are fully dealt with. If it is the case that, in any

way, they are not dealt with, it is open for the matter to be brought back to the Floor of the House for further regulations to be made.

Mr O'Connor: Further to that point of order, Mr Initial Presiding Officer. I refer to the phrase “whose membership is open to Members of more than one party”. If it were to read “whose membership is open to Members of all parties” nobody would be excluded. We would not be saying that Members from all parties had to join, but that it was open to Members from all parties. That is how I should like it to read.

The Initial Presiding Officer: I understand the Member's concern. The problem is that he has only two options, as do other Members. One is to vote for it, and the other is to vote against it. There is no possibility of tabling an amendment now since Standing Orders make it clear that amendments have to be put down one hour before the commencement of the sitting. Under the current Standing Orders I am not able to take manuscript or other amendments at this time. I am bound by Standing Orders in that regard.

Question put and agreed to.

Resolved:

That officers in all-party Assembly groups and all-party groups whose membership is open to members of more than one party be required to register the names of the officers of the group and the source and extent of any benefits, financial or in kind, from outside sources which they may enjoy, together with any other relevant gainful occupation of any staff which they may have; and that where a public relations agency provides the assistance the ultimate client should be named.

ASSEMBLY: ADJOURNMENT DEBATES

The Initial Presiding Officer: Previous Adjournment debates gave all Members the opportunity to make maiden speeches on a range of subjects. Members will know that the regulations have changed so that a specific topic is chosen for each Adjournment debate, to which Members will now speak. A number of Members put forward proposals, four of which related to the topic that has been chosen, and one relating to another subject.

However, I am aware that Members learnt of the specific topic only on Friday or Saturday, and that some would have wished to speak had they had more time. I remind Members that there has been a further change to the effect that the deadline for the submission of topics for the next Adjournment debate will be noon and not 5.00 pm on the Thursday prior to the next sitting. If we have the subjects by noon, the choice can be made and the subject of the Adjournment debate can be printed on the Order Paper. Next week's Order Paper will show the subject of the Adjournment debate.

Members whose topic is chosen will already have their names tabled and need do nothing further. Members whose topic has not been chosen may then put their names down.

I have to rule that I can take requests for the Adjournment debate only until the commencement of the sitting. Today I received a substantial number of

requests not only prior to but during the sitting. Given that we have completed the rest of our business significantly in advance of the expected time, I am prepared to allow the Adjournment debate to go on until we have completed the list of Members which I now have. However, I am not prepared to take any further names after the start of the Adjournment debate.

If the Assembly is prepared to give leave, I am prepared to complete the list of Members — which I believe is about 10 or 12 — who can speak for up to 10 minutes, rather than take just the first six.

If the Assembly is prepared so to give leave it will ensure that we still finish in advance of the expected time of 6 o'clock.

Mr Foster: While not wishing to take away from Adjournment debates, I wonder of what value they are at the moment, apart from the fact that they give Members a chance to make a speech that is recorded. What cognisance is taken of them? How do they increase the general well-being of the community?

The Initial Presiding Officer: It would not be proper for me to make a judgement of that kind; it is for me to try to facilitate the proceedings in such a way that Members can make their views public. Whether the public or the public administration take due notice of the views of Members is a subject on which I would not be so presumptuous as to speak, much less to rule. I suppose the real answer will become apparent only as time goes on.

By leave of the Assembly, we will proceed to the Adjournment debate on that basis.

Motion made:

That the Assembly do now adjourn. — [*The Initial Presiding Officer*]

PROPERTY AND PLANNING DEVELOPMENT

Mr Weir: I am glad to see that the topic that I put forward has been selected. It appears to be a very popular topic, judging by the response you have received. It is a very important subject, even if the impact of an Adjournment debate is somewhat limited, as indicated by Mr Foster. Planning covers a wide range of issues.

On a point of order, Mr Initial Presiding Officer. I have just noticed that the clocks do not appear to have started. Whereas sometimes I feel as though I am speaking in some form of suspended animation, it seems that it has become real, for once.

The Initial Presiding Officer: I offer the apologies of the Clerk Assistant in question.

3.45 pm

Mr Weir: The response to the motion shows that a wide range of planning issues can be dealt with. For example, there are problems with planning permission in rural areas, and, to some extent, there is a clash between that and property development in green belt areas. In view of the wide range of issues, I intend to confine my remarks to one that has caused great concern in my constituency of North Down and across the political spectrum of North Down, albeit that the parties in that area would not be enough to form an interest group.

There has been controversy about property development in North Down recently. Examples are the proposals in relation to Seacourt, Ballymacormick and Helen's Bay, which are being discussed at a meeting today. I was told today that there are planning problems with an application in the Ballyholme Road.

The instance that I want to draw to the Assembly's attention relates to a property at 97-99 Clifton Road that was known as Ardmara. It was a beautiful Victorian building. Towards the end of last year, proposals were submitted by a property developer, Mr Bill Wolsey, who owned the site, to develop it to create a set of apartment blocks.

At that time the local residents, to their credit, fought vigorously against the proposal, arguing that the architectural heritage of that part of Bangor should be preserved. As with most towns, Bangor has a limited

stock of Victorian houses. Most of the build in North Down is relatively new, and what heritage we have must be jealously guarded.

Early in the year, the strong efforts and lobbying of local residents seemed to have been successful. It seemed that the property developer's proposals would fail, and he consequently withdrew his planning application. Representations to the local residents suggested that he would not be going ahead with it, and that he would be minded to seek a compromise that would retain the integrity of the building.

Unsurprisingly, the residents concluded that they had secured a victory of sorts, and that their pressure had been successful. Unfortunately, and much to the shame of the developer, this proved to be merely a ruse. On Saturday 13 February at about 6.00 am the property developer moved onto the site with bulldozers and a group of what can only be described as "heavies" and destroyed the Ardmara building. What he did was within the law. No one can quibble about that. There is a clear gap in the law in that, while planning permission is required to build, in circumstances like this property can be demolished and nothing can be done about it.

The demolition greatly distressed the local residents, and it was a clear case of environmental and architectural vandalism which showed the developer's contempt for the feelings of the people of North Down. Problems attended the destruction. Electricity was still being supplied to the building, and in the process of demolition the developer cut some cables, causing a power cut in the area and creating great inconvenience for some residents.

We must learn from the Ardmara situation. There are a number of ways in which buildings can be protected. The first is by way of listing a building, but this has a number of drawbacks. The bulk of Northern Ireland's listed buildings were designated as such prior to 1972. It is a fairly lengthy process. When the Ardmara situation first arose, enquiries were made to see if it could be listed, although it was made clear to the residents that it would take about six months before that could be done.

One of the problems with listing is that as soon as anyone shows any interest in having a building listed, the Department of the Environment immediately contacts the owner of that building to inform them, and that gives the unscrupulous property developers the opportunity to do what might now be described locally as a "Wolsey" and come in and demolish it. Until a building is listed, there is no protection.

Another avenue would be to create a conservation area. In the long term I would like to see a chunk of the Ballyholme and Clifton area described that way, but that is a lengthy process and can take years. It is extremely costly for the Department of the Environment to pursue

this option, and it does so reluctantly. However, it does provide much immediate protection for a building under threat.

There needs to be a wider look at Northern Ireland's planning regulations. One partial solution which has been suggested and has worked quite well in Belfast would be to designate parts of a town which have a particular character or are of architectural or historical significance as areas of "townscape character." Twenty areas in Belfast have been so designated, and, although it does not have the same statutory effect as listing or designating a conservation area, it at least puts down a marker to potential developers that the area in question will be one of those considered by the planning authorities when an application is made.

In a recent case in the Knockdene area of Belfast the High Court held that ground there could be taken into consideration, and I understand the local council has plans to declare part of that a "townscape area". A greater degree of strength needs to be given to such a proposal, since it currently has no statutory effect. Indeed, outside Belfast it is of questionable value because of the fact that it is not contained within any of the area plans — unlike Belfast.

The lack of consideration for the wishes of the local people and the fact that they are not formally involved in the process cause great problems in respect of planning matters. A greater degree of planning control should be devolved from this body or from the Government to councils to ensure that decisions are taken by people who know best how to protect their own area.

One other move that should be considered in trying to rectify planning legislation would be to make some kind of formal community involvement an important consideration in major planning development cases. Certain environmental cases currently have to be subjected to an environmental impact assessment. For example, it would determine the impact of a sewerage works on a local community. For major planning developments, we could have a sort of community impact audit as part of the criteria.

In the wider context, in North Down certainly and leaving aside planning, a greater policy issue is population movement. There has been pressure to create more dwellings, but part of that has been the result of an exodus from Belfast over the past few years. An examination needs to be carried out to ensure that there is greater regeneration in areas of Belfast that could accommodate a greater number of people in affordable housing. We have to avoid the problem of so-called infill in which, in areas such as Bangor, too many people are chasing too few properties.

The Government or this devolved institution should carry out a major review of Northern Ireland's planning legislation so that fresh ideas are considered to ensure that the heritage, particularly architectural, environmental heritage is given proper protection.

Ms Morrice: I thank Mr Weir for telling the Ardmara story, for it allows me to get straight to my point. Without doubt, the issue of planning and development has for many years caused tremendous problems for people, planners and politicians. The Ardmara issue and other, similar cases, not only in North Down but throughout Northern Ireland, are coming to the fore.

I was at the protest just after the new year. I stood outside Ardmara to praise the architectural beauty of the building and to protest against its demolition. About 100 men, women and children were there. A couple of weeks ago, I was at another protest, at night, in a field in Ballymacormick, and apparently, there were about 500 people present. At that event a reporter came up to me and said "What is going on here? This place is known as "Apathyville". How come hundreds and hundreds of people are going into the fields and on to the streets to complain about these issues?"

People do that not just because they care about green belts or historic buildings but because they realise that in this new climate of democracy in government it is possible that their voices will be heard. They are going out there and starting to shout, and that is excellent.

It is plain that the legislation in this area is far, far too weak. It has too many loopholes and it is not working. We need fresh ideas and new legislation, and we need to respect the rights of the people who are living in the vicinity of these development areas. We need legislation that will take proper account of the needs and desires of local communities in the planning and development process. We need laws that will put the care, safety, health and happiness of the very young and the very old first.

We need housing estates with playgrounds. I will not say what should happen to those who in the past thought of building 21,000 houses and not one swing. Why are there housing estates with no playgrounds? Why are there roads with no cycle paths? Why are there no traffic-calming measures on roads in the vicinity of schools? Why are there shopping precincts and offices with plenty of car parks but no crèche facilities? Who is making these plans? Who is thinking about all of this? We need change.

We need legislation to protect our heritage and the natural space in which we live, and there is no time like the present. We are about to have a new Government and new powers, and we are about to enter a new millennium.

4.00 pm

I call for a millennium preservation order. Such an order would prohibit the demolition of any building or tree over 100 years old, and it would oblige planners and developers to take account, as Mr Weir has rightly suggested, of the views of the communities living in the locality of a development site. Under such legislation, development plans would not be acceptable unless they included a community-impact assessment. It is wonderful that, while we in the constituency may not agree on certain things, we are all agreed on that.

Europe insists on environmental-impact assessments. Before a project goes ahead we must determine how it will affect the birds, the bees, the trees, and the grass. There is nothing that obliges us to consult with people living in the area, or to note their views.

Mr S Wilson: Does the Member agree that neighbour notification is at least the start of some kind of consultation, and that that was a result of the efforts of the 1982-85 Assembly?

Ms Morrice: I am sure that Mr Wilson will agree with me that is not enough. The majority of letters in our in-trays are from individuals complaining about planning applications and about their voices not being heard. It is obvious that whatever was started then must be finished, and finished properly.

This issue is important because it will give local people a sense of ownership of the project, and we are talking about inclusion. The Women's Coalition stands for inclusion, and this is inclusion at grassroots level.

A millennium preservation order would list all buildings erected before 1990 in a new category between a conservation order and townscape character criteria. It would allow for the sympathetic development of a building which responded to the needs of an ever-expanding population in the twenty-first century but also respected our heritage. It would introduce steep fines for those who broke the law and destroyed a building or tree which was more than 100 years old except, of course, under exceptional circumstances and after agreement with experts and the local community. Those fines could be used to fund organisations such as the Conservation Volunteers or the Ulster Architectural Heritage Society to enable them to continue their valuable work. Such an order would also strengthen current legislation and introduce measures such as spot-listing. Why do we not have spot-listing, which occurs in England. Why could we not have spot-listed Ardmara?

We must have townscape character and conservation areas to ensure that laws are enforced correctly, and we must have a safety net, a third-party appeals system which would allow people to have their voices heard.

That would promote greater awareness among the population of the value and importance of preserving our built and our natural environments.

Sir John Gorman: As people know, I have served with the Housing Executive from 1979 and was confronted by many planning problems. One of them was a lack of power and that situation exists now to an even greater degree. An example was the destruction of Ogle Street in Armagh, even though the relic of St Malachy showed it as an historic place. It was ruined one weekend by the "terrorist activity" of a developer who simply brought in bulldozers and knocked the whole street down. Mr Wolsey did exactly the same on Saturday in Bangor. I strongly recommend that the Assembly considers this matter at the earliest opportunity.

Those who read 'The Sunday Times', a paper that sometimes contains disobliging news will have seen what has happened in Dublin, and where Mr Redmond — a good name — has got to now with corruption. We may have to look at that.

The Initial Presiding Officer: I have to call time on the intervention because it has used up the remainder of Ms Morrice's speech time. I am not able to allow her to continue.

Ms Morrice: On a point of order, Mr Initial Presiding Officer. May I ask for the leave of the Assembly to deliver the last 30 seconds of my address, having given generously of my time to Sir John Gorman?

The Initial Presiding Officer: I put that to the Assembly.

Members indicated assent.

Ms Morrice: I thank the Assembly.

A millennium preservation order would be a simple and timely solution to an age-old problem, and the new millennium will give us an opportunity to introduce such a measure. If a 100-year order were put to the people in a referendum, it would get 100% support. I suggest that if such legislation is introduced, it could be called the Ardmara order as a tribute.

Mr McFarland: The recent calamity at Ardmara is a symptom of a wider problem — the present state of the planning laws and their effect throughout Northern Ireland. Bangor is an interesting place and probably one of the most rapidly developing locations in the Province. Every year hundreds, if not thousands, of houses are built, and new estates are being formed on the outskirts of Bangor. Over the past five years there has been a massive increase in the number of houses.

Young couples come from elsewhere and buy expensive and smart houses on the edge of the green belt. But after about nine months they look out, and, lo and behold, the diggers have come. They suddenly discover that the little bit of roadway at the end of their

cul-de-sac, which nobody appeared to own — it was not on their plans, and they could not understand that — is the property of the builder, and that he intends to use it to put up the next estate.

They find that they are in a string of estates, which all join up together. The area becomes a rat-run which is covered with cars every morning as drivers try to negotiate an outer, outer ring road around Bangor in an effort to get more quickly to their work in Belfast. People are fed up with that.

Those who build such estates do not seem to take children into account, because they build them without greenfield sites or amenities such as swings. That results in kids kicking their heels around the estates and a marked increase in vandalism. It is too far for them to go into the centre of Bangor so they go around writing on walls and causing chaos.

North Down also has the problem of the disposal of sewage. Because of the additional people, there is extra waste. We have had an investigation that has lasted over two years, and three sites were all objected to. We currently have four more, and an adjudication on those is due in the next two weeks or so.

All those problems are symptomatic of the lack of co-ordination. The North Down and Ards Area Plan (1984-95) is an outstanding document by the Department of the Environment. It has come to an end, and there is nothing to replace it, so no one has any idea about what is supposed to happen, not just in Bangor but in Ards and everywhere else. The thing is in complete limbo and it seems to have given rise to an open season on challenging.

We have, at the moment, several challenges in Bangor. Mr Weir mentioned Ballymacormick where someone is trying to build an entire estate between Bangor and Groomsport that will join the two places up. That is totally contrary to the 'Shaping Our Future' document which came out last year and which said that all such villages should be kept separate.

Firms are seeking planning permission, trying to get round the limitations of what was understood to be a green-belt area. In Helen's Valley another organisation is trying to build an entire village between Crawfordsburn and Helen's Bay, on the site of Mr Geddis's farm. For those Members who know that farm, this proposal would probably represent an improvement. Mr Geddis, when refused planning permission, took umbrage and caused absolute chaos by turning his farm into a complete tip. Last year he threatened to buy the submarines that were sunk off the coast of Donegal at the end of the Second World War and put them on his farm to spite people further. I think he is hoping that this will all go away with this new Helen's View, but it will

join up areas that, according to 'Shaping the Future' should not be joined up. These areas are a worry.

In Belfast there is an agreed plan that 50% of new build will be on brown-field sites — existing sites where the rubble has been removed. I understand — and I am going by hearsay — that, somehow, the DOE planners were nobbled. The big construction companies seemed to have got at the planners as only 20% of new build was on brown-field sites. This should not be allowed to happen.

In North Down it is popular to buy a large house. The buyer may or may not renovate it, but he definitely sells off the garden where a developer can build at least two more houses at over £100,000 each. I am not talking about my garden, I hasten to add. That is only for those who have the money to buy such houses.

Another favourite ploy of developers is to build flats. At Seacourt, permission was given to build houses and, lo and behold, along came a developer, again trying to get past the planning regulations, who wants to build flats. This row is still going on.

One possible answer is to seek townscape status where an area is deemed to be of such unique character and special status that it warrants extra protection. This may or may not work. Clearly, some areas do not qualify for such protection. If a house such as Ardmara and other houses in Bangor do not qualify for such protection, then it is open season for a developer to come in and knock them flat.

As Mr Weir said masked workers came on the Ardmara site at 6 o'clock in the morning and flattened the building without switching off the electricity. As a result, the rubble started to burn, and the surrounding area was left without electricity. Such action is sheer vandalism.

These examples show that the present planning system is not working. I urge the new Minister and the Committee which will be looking at planning matters to sort out this Province-wide problem.

Mrs I Robinson: There are several items that I want to draw to Members' attention.

First, I should like to refer to planning in relation to private matters. There is something terribly wrong when owners of land and property are restricted with regard to development because of petty bureaucratic rules administered by those who have no ownership rights. For example, churches have to apply for permission to erect a notice board. Another example is that of the homeowner who has to apply for permission to erect a porch. Such matters should be dealt with expeditiously without all the red tape that is presently involved.

Worst of all is the plight of the farming community who are unable to get planning permission to build a

house for a member of their family to keep them on the land and in this country or to build a retirement home for themselves after many years of working the land. That is the effect of repressive planning bureaucracy. It is like saying "You may own a tree but you cannot climb it, eat its fruit, cut any of its branches for firewood or put up a tree house." In such circumstances, what does ownership mean?

4.15 pm

Secondly, I should like to deal with planning in relation to business enterprise. For many years the expansion of Comber has been hindered. Government cuts and planning restrictions have combined to leave Comber like a ghost town, with expansion and development taking place outside it.

An opportunity has arisen in that a private consortium is seeking to meet housing demand, provide community facilities and build, as part of its development, the long-awaited Comber bypass. The developers have called it the community village project. However, such is the petty procedure of planning, that it may take some time to get off the ground. I take this opportunity to call on the Minister to cut the red tape and allow this project to proceed as quickly as possible. It was in that vein that I recently wrote to the Minister.

Another development is that proposed for Newtownards. A group of developers have submitted plans for a £50 million development. It is for a scheme that will stop leakage to other areas; will increase business in Ards; will not cost the ratepayer a penny; will give business opportunities to locals; will provide numerous jobs; and will give us the roads service that the Government have failed to provide. It has taken about two years to get the idea down on paper and lodged with the Planning Service. We shall have to see what it does with it.

The scheme has the support of Ards Borough Council and the traders in the town. However, the scheme could be thrown into chaos if it is proposed to develop commercially at the former Scrabo High School site. That would inevitably lead to a public inquiry and delay development in Ards town centre for a number of years before permission is granted — if it is granted. Meanwhile, other schemes in other places will continue to take trade away from the town centre.

Until now Newtownards has not had a business park. This proposal will provide one. Wearing my hat as a councillor, I can say that in Castlereagh, we on the board of Dundonald International Ice Bowl had to wait two full years for the result of a public inquiry to learn whether we could go ahead with an innovative and exciting scheme on council land. That was a totally unacceptable delay, and considerable interest and economic investment could have been lost if it had been

delayed further. It is imperative that the whole Planning Department is taken over by the Assembly, and that its rules, restrictive practices and operations are examined in depth and revised where necessary.

Thirdly, the report that was passed by the Assembly has separated planning from regional development while urban renewal is placed in social development. It seems to me, and to other Members, as noted in last week's debate, that there needs to be a revision of the placing of various matters. It would make more sense to have a closer link between those departments which cover planning and development so that, after devolution, Members are not guilty of applying the same bureaucratic red tape that we have long complained about.

Mr McHugh: A Chathaoirligh, in the Assembly and, I suppose, at council level one always finds that there are two levels to such debates. One relates to what Iris Robinson has spoken about, and the other relates to how people can demolish buildings because regulations are not strong enough. I will try to address the matter in terms of agricultural and rural areas. There are major problems with property and planning development in areas such as Fermanagh and South Tyrone. It is affected as much as any other area, and perhaps more so.

The public perception, which I think is correct, is that there are great difficulties in working with the present planning controls and policies in trying to secure development in rural areas for both inward investment and family dwellings. The public and members of councils have been greatly frustrated in recent years by the severe constraints imposed on development, especially of domestic dwellings and small industry in the countryside. This difficulty is due mainly to the planners' interpretation of the green book, which relates to the raft of regulations. The local planners' interpretation of the regulations determines whether someone can proceed with development or build a house in the countryside.

There is also input by the Department of Agriculture, and it works out badly against those who are trying to build houses on farms or anywhere in the countryside. It uses figures which state, for example, that one must be a full-time farmer, but many are now coming to the point where it is becoming a part-time practice, and that is not taken into account. Farmers have moved with the times, but the Department of Agriculture has not. I should like to see changes that would allow some flexibility. The Department is as bad as the planners in working against farm level development.

Everyone understands the need for vibrant rural communities. The European concepts in relation to European funding include rural regeneration; rural development; a living, working countryside; sustainable development; economic regeneration; and halting rural

decline. While all that is laudable, and in many cases forms the basis of the aims and objectives, people pay only lip-service to it. None of this means anything to ordinary people if they are not allowed to develop and live in rural areas.

I recognise the need to preserve what is rich and beautiful in the countryside, especially in areas such as Fermanagh, the Sperrins and many others. There are many, perhaps too many, bodies with a conservation agenda which hold powerful influence over planning. They include, for example, the Countryside and Wildlife Branch, the Royal Society for the Protection of Birds, conservationists and the Green lobbies, who are often London and European based. They have, in the past, destroyed their own areas and are now applying the regulations to us — I suppose as a cover for the damage that they have done in their own countries. Such measures bear no relation to the kind of countryside that we have. Farmers have looked after the countryside, in the North and in Ireland as a whole, well over the years. It must be well preserved.

The Government have imposed regulatory bodies such as ESA, and areas of special scientific interest and areas of outstanding natural beauty making planning difficult. They are useful in trying to preserve flora and fauna and help the countryside, but they create tremendous difficulties and are used by the planners to stop people building or getting past planning regulations.

There must be planning flexibility to allow people to build in the countryside while also looking after the valuable heritage and beauty of the areas. As Members have said, farmers' sons and daughters, need to be able to build dwellings near the family home. If this generation of young people is denied that and forced into towns and cities, the rural areas will lose those who are countryside-friendly and have an inherited love of the countryside. I do not mean that those from the cities do not love the countryside, but that indigenous people, those who have been reared in the countryside, often have a high level of tolerance to agricultural practices.

The council recently had a complaint from someone who had bought or built a big house in a lovely quiet area of the countryside, and was astonished to find, at 6 o'clock on a summer's morning, that the place was completely taken over by farmers, machinery and silage-making equipment. They simply do not like it.

The lack of young people to work on the farms will accelerate the decline of the rural community. Areas west of the Bann are continuing to lose jobs and services which are being centralised in other areas. Areas such as Fermanagh, Armagh and Tyrone, in spite of the impact of tourism and rural development programmes, still depend overwhelmingly on agriculture. This is unlikely to change in the near future, so it is important that the rural economy be preserved.

If we are going to talk about equality, we should also think in terms of east/west equality. Some people may not enjoy hearing people from west of the Bann complaining about the loss of jobs and services. But we have always lost out, and we need investment in those areas as much as anywhere else. The condition of local roads militates against the development of the rural economy and is a considerable disincentive to companies considering bringing investment to the area. They face a situation in which it takes two hours for a lorry to travel to Belfast, or to any other port, to deliver produce for export.

Figures from the Industrial Development Board show that in certain years as few as two companies were directed towards us for new investment in Fermanagh, compared to the 50 that were directed to other areas. It is not surprising that we do not have much investment, although, of course, there is some investment that we would not welcome. We have a very beautiful lakeland environment, and we could only welcome investment which would be environmentally friendly.

Small industries may be the way forward for the rural economy. Many products that we import from other countries could be produced at home. An example of this is the meat-processing industry. The Sean Quinn group is an example of a successful local industry. It started from small beginnings, yet, if it were to start up today, it would not get past the planning stage. These are the kinds of problems faced by people in our area.

I hope that the Assembly will be able to make a difference to people in these areas. If greater powers are given to local councils, councillors will have to reconcile their differences about what should be preserved and what can be used for building. We should ensure that a correct balance is struck, and that people are not given carte blanche to build all over the place. At the same time, we should try to ensure that our rural communities are allowed to survive and, indeed, to develop.

I agree with many of the points made earlier about out-of-town supermarket developments. People often say that they create many jobs. It is my opinion that for every job they create they destroy a smaller one in a town. This has often been the case with some of the picturesque towns down South — this is a hobby horse of mine — where planners have not considered the long-term position. These supermarket chains may well rob many of these picturesque villages of their charm, as local shops close down one by one. People should bear that in mind.

Mrs E Bell: Mr Foster asked earlier about the value of Adjournment debates. They are valuable and can be used to flag up areas of concern to the Assembly. Planning is one such issue. It affects people in all areas, and people feel powerless to do anything about it no

matter how much they protest. People feel that they have no voice, and we in the Assembly must rectify that.

4.30 pm

As a local government representative for some years, I have found the planning process and its implementation one of the most frustrating issues that I have had to deal with. Members all know that there must be development to cater for the housing needs that are clearly evident throughout Northern Ireland. However, planning applications must take into account the existing residents and the type of area that is being developed. Other issues which must be considered but do not seem to be are traffic, general road safety, environmental topics, such as drains and sewage, as Mr McFarland has already mentioned, and trees, wildlife and open spaces.

Increasing disturbance or change of use must also be considered, but it is clear that this does not always happen. Ardmara, Ballymacormick and the Geddis development are all currently at different stages of development and are causing Members different levels of concern. I should like to list a number of other cases to illustrate planning inadequacies.

An application was made for a funeral home and chapel of rest to be built beside a busy road junction that had a large garage nearby, and, worst of all, a primary school. The application was allowed because it satisfied the criteria of the Planning Department in relation to land and parking spaces in the area, but it did not take account of the road junction, the busy garage and nearly 300 people who opposed it. That building is now almost complete, and it is already causing problems. I dread to think of what will happen once it is in full use.

Another application currently being processed near my home is for a small shopping precinct on a wildlife area with a lake and a little forest. It is also near a busy roundabout and busy roads, and in the middle of an intensely-populated residential area. This application has been ongoing for some years, and there has been much opposition from residents. At one stage the developer agreed to a small residential development and to retain some of the environmental area. This was favoured in the area, but he then received an application from one of the large supermarket groups that Gerry McHugh was talking about, and the residential application went by the board.

I could give many examples. One matter that disturbed me about Ballymacormick was that the developer, when questioned by councillors last week about preservation of the green belt, informed the council that more houses were needed and that the green belt provision would have to be overruled. That is

dangerous and neither I nor any of my Colleagues, would favour such a move.

The examples which I and others have given — and I make no apology for again referring to the vandalism and destruction of Ardmara — show that applications are not dealt with sensitively. As Sammy Wilson said, information is circulated to residents, but it is not circulated to everyone, and it is not a satisfactory process. That matter should be looked at.

When the fact that the application was being submitted was first circulated to some residents, they formed a substantial opposition group. There was a great meeting, already referred to, I think by Jane Morrice, on the Saturday morning, which was attended by many people not just from the area itself who were concerned about what was happening to Bangor. Two Saturdays later there was a completely different atmosphere when we saw the fire burning and the bulldozer moving through the remains of the building. The application had been withdrawn and councillors had been told that there would be a stay of the process — and that is what happened when we took them at their word.

It is completely unacceptable, and the first priority of the Assembly and its relevant Committee should be to review the whole planning process and the criteria for applications. Then, perhaps, people such as the residents of Clifton Road would not be put in this position. This is not an example of Nimbyism; it is a concern for what is happening to the whole ethos of our homes, and it can also set a serious precedent in north Down. In that area three further houses are under threat, and if this is allowed to continue, it will be dreadful for us.

Lobbying can be successful, as in the case of the Crawfordsburn hospital, which we prevented from being razed to the ground and which is now being refurbished. Progress can be made when there is liaison between developers and residents. Developers have been allowed to progress their aims *carte blanche*. That must be stopped and clear, balanced criteria set out.

Mr Weir outlined the problems with conservation and heritage processes. The Assembly must review this matter to ensure that those processes are not so long and arduous. As Mr McFarland said, North Down Council has a commitment to townscape planning. This is not a perfect situation, but it is something. It is too late for Ardmara, but I hope it will not be too late for other houses in the area. I hope that townscape planning is expedited in north Down as soon as possible.

We also have to consider setting up a community planning committee, another matter that my two Colleagues have mentioned. This is a committee to which councillors have an input, and it can deal with all applications and, especially, with the sensitive ones. The

process of notification might also be strengthened by this sort of liaison.

As we approach the millennium I hope that steps will be taken to ensure more protection for our green spaces, our trees and our buildings. I would hate Northern Ireland to become like Belgium. When we were in Brussels last November I was horrified to hear of the destruction of beautiful old buildings in the city centre and of their replacement by modern glass towers.

The Assembly must look closely at planning legislation so that citizens and developers are listened to, and so that developments can go forward without opposition and acrimony. Let us make Ardmara a milestone, an example of what not to do. I support the proposal by Ms Morrice for a millennium preservation order. That would be a significant message to the likes of Mr Wolsey and to some people in the Planning Service.

Mr S Wilson: The proposal for a millennium preservation order is a little strange. Ms Morrice and Mrs Bell were obviously speaking from a north Down perspective. I recently visited some constituents who have just moved out of the street next to where I live, out of houses which were more than 100 years old and had no bathrooms, no inside toilet and no central heating. They now live in new bungalows just up the road. I do not think that these people would thank Members for a millennium preservation order on their homes.

Ms Morrice: Does the Member agree that, while it is good for people to be housed in comfortable accommodation with proper modern facilities, the style of those 100-year-old houses should be kept? They should be refurbished and brought up to modern standards.

Mr S Wilson: That intervention shows the diversity between north Down and east Belfast. I assure Members that a two-up, two-down terraced house, with a small backyard, in a street which is narrow and full of traffic, cannot be refurbished to a standard which is acceptable at the end of the twentieth century or at the beginning of the next millennium.

We must be careful when talking about planning issues that we do not opt for what appears on the surface to be an easy answer to a problem without looking at the complexities.

A Member: Will the Member give way?

Mr S Wilson: No. I have already given way.

When it comes to planning issues we can sometimes give a charter to people who do not want any changes and who do not want to see any development taking place. Nimbys have been mentioned.

There is a new branch of opposition to planning applications — the “bananas” who would build nothing

near anybody. As to the kind of suggestions which have been made today, we must be careful not to swing the balance towards —

Mrs E Bell: That is not what I said.

Mr S Wilson: I listened carefully.

There is a need for effective planning. One has only to look at the destruction of Belfast and the surrounding countryside to see evidence of the problems associated with the absence of clear strategic planning. For example, huge traffic queues build up in the east and the south sides of the city every day and inner-city communities get the resulting pollution. In my constituency of East Belfast we suffer from the pollution and congestion that are caused by people in outlying areas who come into Belfast every day and return home to a much better environment than those who have to live with the short-term effects of bad planning.

Many problems need to be addressed, and, unfortunately, the Assembly may have created some in relation to planning organisation. Last week we agreed to put planning into four different departments: rural planning, urban regeneration, strategic planning and development control. We will have a planning nightmare.

Apart from what the First Minister (Designate) and the Deputy First Minister (Designate) call dislocation, there is the problem of contradiction in the planning rules.

I will give Members one example. I would like to speak more about general issues, but Belfast City Council opposed a huge development on the D5 site in the harbour estate. We quoted from the Department of the Environment's own policies, which were written in 1996. In 1997 the Department said at a public inquiry that there was no justifiable need for any regional out-of-town shopping centres in Northern Ireland. Within six months of that, another public inquiry granted permission for a massive regional shopping centre on the outskirts of Belfast.

There are contradictions in the policy, and I agree with Eileen Bell that many of these appear to be driven by the powerful lobby which some developers have with the Department of the Environment. I hope that the Assembly will be able to address that.

There is also the problem of out-of-date policies. I recently dealt with an application from a developer who wished to build apartments in the centre of Belfast, but, in spite of the fact that most of the people who would be living in the apartments would be working just 300 or 400 yards away, the Department insisted on parking standards that would apply in the suburbs. Such matters need to be addressed.

I want to address planning from an urban regeneration perspective. We must create homes. As the Minister said two years ago, and as Alan McFarland indicated, the

first priority must be to bring people back into towns. That is where the infrastructure of under-used schools, under-used community facilities, and, in some cases, under-used parks are to be found. They are not on the outskirts of the city. The Department set a target of 50%, yet it is now down to 20,000 houses, which is less than 20% in the inner city.

4.45 pm

First, if we intend to develop brown-field land, we must make it easier for developers to build in towns and ensure that they are not held to ransom by one person who owns a bit of ground that would give them access to a large site for development. There must be land assembly. That is important.

Secondly, there must be financial assistance. At present, land costs are about £40,000 per unit, regardless of whether it is a green-field or a brown-field site. I do not remember whether it was Ms Morrice or Mrs Bell who spoke about the need to provide more green areas in these developments. The associated costs of that mean that a developer gets fewer houses per acre and, therefore, that the cost of the land for houses goes up. Ultimately the people who live in those houses either pay higher rents to the Housing Executive or higher prices to buy their homes.

Ms Morrice: Where will their children play?

Mr S Wilson: That is a good question. There is a down side to that which we must address. We should not build estates without play facilities. Brown-field sites hold the key to this. Very often they are right beside under-used community and play facilities which could be better used if there were development on the land.

Thirdly, we must look at planning policies in the light of the need for urban development and regeneration. That may mean relaxing planning controls. I have mentioned one in relation to parking. Developers have asked that other issues be addressed if they are to go into brown-field sites, and we have heard about the problems with green-field sites between Bangor and Groomsport. Perhaps in future a developer wishing to develop a green-field site will be required to give a commitment to develop a brown-field site as well. That would be one way of doing it. In parts of England they have been talking about introducing green-field site taxes which would then be used to subsidise much more expensive brown-field sites in town centres.

These are all issues which I hope the Assembly will take up. If we continue simply to expand towns and allow people to live on the outskirts and travel in every day, we will not have sustainable development, and we will have many environmental problems in the future.

Mr Shannon: I will touch on a couple of issues that are important for the area which I represent.

The first relates to farmers and those who apply for dwellings. I have fought a number of cases over the years for people who were born on the land, who own the land, who have their herd numbers and who also own the farm buildings, but who, unfortunately, because of circumstances are part-time farmers. That means that they cannot apply for houses in those farm areas that are subject to special control and conditions. Those who have lived on the land for generations and who should have the right to continue to work and live there have been barred from doing that.

One of the issues that I feel quite strongly about relates to retirement dwellings for farmers and dwellings for their sons and daughters who wish to remain on the land.

In some cases the rural strategy plan states that there must be diversification and that help will be given to those who want to diversify within farming. Over the years we have found that those who live on farm holdings and have applied to diversify have been unable to do that simply because the planning regulations have been so strict.

We also have examples of farmers who have caravan parks. Strangford, the area that I represent, is one of the areas affected. Indeed, it is the second largest area in the Province for caravanners and holidaymakers.

If a farmer wishes to extend his caravan park into a small field or to an area that runs close to one that is already in use, the planners tell him he cannot do that because it is not a coastline development. Once again we have this double standard. On one hand, they say that you can diversify; on the other hand, they say that you cannot diversify because it is against the planning regulations. Those are a couple of examples of matters that particularly concern me.

As I mentioned earlier, there has been a large number of applications from farmers' sons and daughters for farm dwellings and retirement buildings. This issue is causing the greatest consternation among people in the rural community that I represent as an Assembly Member and as a member of Ards Borough Council.

As the demands upon farmers increase, as financial pressure continues to squeeze them and as many become full-time farmers with part-time wages, the need to have their sons and daughters at home becomes more crucial. The rules and regulations set by the planning department with regard to man hours do not relate to all applications. Sons and daughters who were born and brought up on the land should have a right to return to the land, even if the holdings are smallholdings and the man hours do not satisfy the rules and the regulations laid down by the Department. Once again, the authorities seem to be putting up barriers to these people, and that must be addressed in future planning strategy.

I wish to express deep concern about the 'Shaping Our Future' policy document, which states

"It is proposed that a Green Belt Zone be created around the Belfast Metropolitan Area that will take in a 25 mile 'travel to work' area."

That 25-mile radius takes in the whole of the Ards Peninsula and a vast part of Strangford, and it will exclude the building of houses on land where there has been no exclusion before. It will mean that those people who in the past were able to build houses in certain areas, in hamlets and so on, will be unable to do so. This very strict 25-mile travel-to-work area rule will prevent them from doing so.

I wish to express very real concern about the impact that that will have upon village communities and towns. It will take away choice. While I do not disagree entirely with what my Colleague Sammy Wilson says, I feel that it is important in rural communities to maintain the right of those who were born and bred on the land to come back to the land, should they so wish. Special rules would be required to enable them to do that. The man-hours regulation, as laid down by the Department, is unfair in many instances in respect of those people who wish to return to the land.

It is important to achieve a balance. There is also the right of the people who wish to come to live in villages and on the edge of town. Why are people moving from Belfast to places such as Strangford, Newtownards, north Down and Lisburn? Quite simply, it is because it is nicer there. The grass is greener, the sun shines a little more often, and sometimes it is nice to get away from the concrete in Belfast that Sammy Wilson loves so much.

The real issue is that if people wish to live there, we have to make provision for them. The planners cannot tell someone that he cannot build a house in Newtownards because they say so. That is not how it works. People want to move to Newtownards, to the villages of the Ards peninsula, and to Comber and Ballygowan, and we want to encourage them. It is an advantage to the borough council areas because the more houses are built, the more rates are collected and the more can be spent on services for the people. If people want to come to live here, why not let them?

At the same time, there is a balance to be struck, and there comes a stage when a village is no longer a village. It becomes larger than a village, and its character and personality are lost. There is room for development but we do not wish to see a rural sprawl. Some people have talked about wall-to-wall houses. We are not in the business of wall-to-wall houses, but we are in the business of giving people opportunity and choice. That is important.

Mr Poots: Does my Colleague agree that a clear lack of strategic planning by the Department — and certainly

in the case of Lisburn, where a strategic plan that was to be produced for 1993 is still at a hearing in 1999 — has led to urban sprawl and to major traffic congestion because housing developments have been permitted here, there and everywhere, and not in any strategic way?

Mr Shannon: I agree. I was about to make another point which would have illustrated that.

The North Down and Ards Area Plan was supposed to be finished in 1996, but here we are in 1999 and it is no nearer completion today. We have been told that it might not be finished until 2002. However, we on Ards Borough Council have pressed the point that this plan must be finished by the year 2000. We believe those issues have to be dealt with.

My Colleague Mr Sammy Wilson will agree on what development will be like in the future. Gone are the days when a developer could have built houses here, there and everywhere and then gone away. In future, a builder will have to ensure that a strategic road structure is in place to take the traffic and that a traffic impact study has been done on any development. He will have to check that the sewerage system and the leisure services can cope with the extra houses. The developer will have to provide green areas within the development for playgrounds. Land will have to be set aside for health clinics and schools. In future, that type of strategic plan will have to be in place before any building can commence.

Ms Morrice: What is the Member's opinion of a community-impact assessment which asks the local people what they want and abides by their decisions?

Mr Shannon: Elected representatives who have their ears close to the ground will know what local people want. Each elected representative should endeavour to do that. We on Ards Borough Council have prided ourselves on getting the opinion of local people and ensuring that what they want is the focus of our future moves.

I turn to out-of-town shopping centres. Mr Sammy Wilson mentioned the D5 development, which will affect every shopping centre in North Down and the greater Belfast area and is uncalled for and unreal. I am glad that Belfast City Council has taken a stand against it. Ards Borough Council has done likewise.

Any development should complement existing shopping facilities in town centres. It should encourage people to keep shopping there. The health of a town centre reflects the overall health of the town. A town centre should look good. It should have a good choice of shopping and not just building societies, banks and estate agents. These issues are important in the areas that we represent, because those areas are growing.

Adjourned at 4.58 pm.

THE NEW NORTHERN IRELAND ASSEMBLY

Monday 1 March 1999

The Assembly met at 10.30 am (The Initial Presiding Officer (The Lord Alderdice of Knock) in the Chair).

Members observed two minutes' silence.

PRESIDING OFFICER'S BUSINESS

The Initial Presiding Officer: By virtue of paragraph 1 of the schedule to the Northern Ireland (Elections) Act 1998, it falls to the Secretary of State to determine where meetings of the Assembly shall be held and when. I have received a letter to the Assembly from the Secretary of State directing that the Assembly shall meet at Parliament Buildings, Stormont at 10.30 am on Monday 1 March until 6.00 pm on Tuesday 9 March 1999.

The Secretary of State has also indicated that she will consider a further direction as respects this period, in particular in the light of any indications she may receive as to the wishes of the Assembly after it has begun to meet.

At the last sitting, as recorded on page 120 of Volume 2 of Hansard, Mr Dodds raised a question as to whether remarks about the Orange Order and the RUC made by Mr Mitchel McLaughlin at the sitting on 16 February 1999, recorded on page 105 of Volume 2 of Hansard, were unparliamentary. At the time I said that, however objectionable Mr Dodds or others might have found the remarks, I did not believe them to be unparliamentary or a breach of privilege. Having examined the matter further, I am still of that view.

Mr P Robinson: On a point of order, Mr Initial Presiding Officer. The business of today's sitting was originally trailed as being the presentation of the report from the Standing Orders Committee. I understand that the Committee is within sight of the finishing line and that its report will come later. However, I understand that the Committee's work was further disrupted at its last meeting by the behaviour of Sinn Féin/IRA members who questioned the integrity of the SDLP joint Chairman. Subsequently the meeting had to be adjourned.

Are you satisfied that the Chairmen of the House's Committees have sufficient powers to deal with this kind of disruptive behaviour? Should those who cause

such disruption not be ejected from the meeting, rather than the meeting itself being stopped?

The Initial Presiding Officer: I understand that the meeting to which you refer took place on Friday afternoon. I have not received any report of it save what you have said, Mr Robinson, although this morning I have been engaged in making preparations for today's sitting. Obviously, if any such matter were to be brought to my attention by the joint Chairmen of the Standing Orders Committee I would be content to look into it. That is a matter for them.

If there are any other matters in regard to that which I should deal with, I will do my best to do so. However, it seems to me that this is essentially a Standing Orders matter, and if the Standing Orders Committee is unable to address the matter of Standing Orders for Committees, things are in poor shape.

I look forward to receiving a report of what happened at the meeting.

Mr C Wilson: Mr Initial Presiding Officer, as you are aware, last week I lodged with your office a complaint about the presence in this Building of a large number of delegates from the Irish Republic. I believe that they were senior civil servants. This matter was of concern to many Assembly Members.

Apparently the delegates were allocated a number of rooms and were free to roam around. They appeared from every doorway — it was almost an infestation of Dublin civil servants. I would like you to tell us under what authority —

Mr Farren: On a point of order, Mr Initial Presiding Officer.

The Initial Presiding Officer: It is not permissible to intervene with a point of order during a point of order, but you may make your point after this.

Mr C Wilson: This matter was of concern not only to my party but also to many others who wondered on what basis these people had gained access to the building and under whose authority the rooms had been allocated. I believe that protocol dictates that proposals for official visits from other bodies should, at the very least, be brought before the Shadow Commission or the Committee to Advise the Presiding Officer. I do not think that any party knew that these people were going to be here. The Assembly should be notified of any visits by people from a foreign state. Members should also be given information on the proper procedures to be followed in the event of any future visits of this nature.

The Initial Presiding Officer: There are three matters relating to this issue. The first is a political one, and it is not for me to comment on, save to say that I think it would be best if all our comments, political or otherwise, were made in the most courteous way.

The second matter concerns the arrangements for the allocation of rooms. I remind Members that we are not legally in possession of this Building. Until the appointed day the Building will remain the property of Her Majesty's Government. The Secretary of State or Ministers acting on her behalf occasionally request the use of offices or other facilities here. In fact, these are rather more than requests, as ownership still rests with the Government. Offices must be made available in response to requests from the Secretary of State or her Ministers. The Building is the property of the Government, and such requests do not come through the process that applies to other applications. This request was made in the way that I have described.

The third issue is to do with security and whether people are adhering to the regulations that have been established. Following the Member's complaint, I asked for a report from the Keeper of the House. Having received a written report, I met with that official. I have asked for further enquiries to be made, and I hope to have meetings later today to address the matters so that everyone may be clear on how the security of all those who come into the Building can best be ensured.

Mr Farren: Mr Initial Presiding Officer, thank you for your clarification about the authority under which the civil servants from Dublin were present in these premises over the last week. I wish to express a very strong objection to language used by Mr Cedric Wilson of a party whose name escapes me for the moment. To describe servants of the Southern state as infesting this Building is very objectionable, and I wish my objection to be recorded.

The Initial Presiding Officer: I understand your objection. I think I indicated earlier that such points are essentially political matters rather than matters of order. That does not mean that they cannot be made, of course.

ASSEMBLY MEMBERS: CODE OF CONDUCT

Motion made:

This Assembly agrees the resolution set out in Annex A to Paper No NIA 1 "The Code of Conduct", together with the Guide to the Rules relating to the Conduct of Members. — [*Mr Haughey and Mr Cobain*]

Which resolution is as follows:

"a. Approval is given to:

- (i) The Code of Conduct contained in Assembly Paper NIA1;
- (ii) the Guide to the Rules relating to the conduct of Members contained in Assembly Paper NIA1; and
- (iii) The Committee on Standards and Privileges to make such minor amendments to the Guide to the Rules as appear to it to be justified by experience or necessarily reflect decisions of the Assembly; and to report such amended versions of the Guide to the Assembly.

Registration and Declaration of Members' Interests

- b. Every Member of the Assembly shall furnish to the Clerk of Standards such particulars of his or her registrable interests as shall be required, and shall notify to the Clerk of Standards any alterations which may occur therein, and the Clerk of Standards shall cause these particulars to be entered in a Register of Members' Interests which shall be available for inspection by the public.
- c. In any debate or proceedings of the Assembly or its Committees or transactions or communications which a Member may have with other Members, Ministers or servants of the Crown, he or she shall disclose any relevant interest or benefit, of whatever nature, whether direct or indirect, that he or she may have had, may have or may be expecting to have. For these purposes:
 - (i) any interest disclosed in a copy of the Register of Members' Interests shall be regarded as sufficient disclosure for the purpose of taking part in any division in the Assembly or in any of its Committees;
 - (ii) the term "proceeding" shall be deemed not to include the asking of a supplementary question.
- d. It is the personal responsibility of each Member to have regard to his or her public position and the good name of the Northern Ireland Assembly in any work he or she undertakes or any interests he or she acquires. The scope of the requirement to register remunerated trades, professions or vocations includes any remunerated activity in the fields of public relations and political and Assembly advice and consultancy; in particular, in regard to the registration and declaring of clients, the services which require such registration and, where appropriate, declaration include, as well as any action connected with any proceedings in the Assembly or its Committees, the sponsoring of functions in Parliament Buildings, making representations to Ministers, civil servants and other Members, accompanying delegations to Ministers and the like.
- e. No difficulty should arise in any proceeding of the Assembly or its Committees in which the Member has an opportunity to speak. Such proceedings, in addition to debates in the Assembly, include debates in Committees, the presentation of a public petition, and meetings of Committees at which evidence is heard. On all such occasions the Member will declare his or her interest at the beginning of his or her remarks. It will be a matter for the Member's judgement, if the interest is already recorded in the Register, whether he or she simply draws attention to this

or makes a rather fuller disclosure. Declarations of interest made in Committees shall be recorded in their Minutes of Proceedings.

- f. Any Member proposing to enter into an agreement which involves the provision of services in his or her capacity as a Member of the Northern Ireland Assembly shall conclude such an agreement only if it conforms to the Code of Conduct for Members; and a full copy of any such agreement, including the fees or benefits payable in bands of up to £1,000, £1,000-£5,000, £5,000-£10,000, and thereafter in bands of £5,000, shall be deposited with the Clerk of Standards at the same time as it is registered in the Register of Members' interests and made available for inspection by the public.
- g. Any Member who has an existing agreement involving the provision of services in his or her capacity as a Member of the Northern Ireland Assembly which conforms to the Code of Conduct for Members, but which is not in written form, shall take steps to put the agreement in written form; and within three months of the date of this resolution a full copy of any such agreement, including the fees or benefits payable in bands of up to £1,000, £1,000-£5,000, £5,000-£10,000, and thereafter in bands of £5,000, shall be deposited with the Clerk of Standards and registered in the Register of Members' Interests and made available for inspection by the public.

Advocacy

- h. It is inconsistent with the dignity of the Assembly, with the duty of a Member to his or her constituents, and with the maintenance of the privilege of freedom of speech, for any Member of the Assembly to enter into any contractual agreement with an outside body, controlling or limiting the Member's complete independence and freedom of action in the Northern Ireland Assembly or stipulating that he shall act in any way as the representative of such outside body in regard to any matters to be transacted in the Northern Ireland Assembly; the duty of a Member being to his or her constituents and to Northern Ireland as a whole, rather than to any particular section thereof and that, in particular, no Member of the Assembly shall, in consideration of any remuneration, fee, payment, reward or benefit in kind, direct or indirect, which the Member or any member of his or her family has received, is receiving, or expects to receive:
 - (i) advocate or initiate any cause or matter on behalf of any outside body or individual; or
 - (ii) urge any other Member of the Northern Ireland Assembly, including Ministers, to do so,
- by means of any speech, question, motion, introduction of a Bill or amendment to a motion or Bill.
- i. A Member with a paid interest should not initiate or participate in, including attendance, a delegation where the problem affects only the body from which he has a paid interest."

Mr Haughey: Unfortunately I have to begin with an apology. My voice is not in its usual working order because of a bad dose of the cold. I hope that Members will be able to make out what I am saying.

Let me at the outset refer to the comments of Mr Robinson about the last meeting of the Committee on Standing Orders. I am very moved indeed by the Member's concern for my safety and welfare. The Committee has worked very well for the last nine months. I cannot recall a single cross word or a single vote at any other meeting.

The Committee has almost completed its work — owing to the energies of Mr Cobain and myself, with a remarkable degree of consensus, I think. I regret the

minor squall which shivered our timbers on Friday afternoon, but I fancy that I steered the ship safely into port without any glass being broken. *[Interruption]*

I did not get that.

The Initial Presiding Officer: Order.

Mr Haughey: I will find out later what the remark was.

As Members are well aware, the Committee is working very energetically to compile a set of workable Standing Orders. It is with some regret that it is not able to bring a full report to the Assembly today. However, all good things come to those who wait.

Having created an air of anticipation, I have a duty to put before the Assembly a matter which I think cannot wait until the Committee has completed its task. The Assembly has been in operation for approximately nine months, albeit in shadow form. I suppose one could say that it is time for us to make a delivery of some kind. Last week we heard from a quintet of quantity surveyors, when the Assembly was asked to adopt the Commission's report. This week, it is the medics.

Last Monday some Members may have initially — I emphasise the word "initially" — been surprised at the projected increase in the operating costs of the "New Assembly plc". The reasons for this were soon made clear, but the media saw it as a controversial issue. I trust that today the media will note that the Assembly is, I hope, going to christen a bouncing baby Prudence. This is about self-regulation, about setting up an infant system of registration and the monitoring of Members' interests.

The Committee on Standing Orders has considered this issue and has come up against some problems. There are a number of imponderables. Will there, as elsewhere, be an Assembly Commissioner to look after standards? We do not yet know. If there is no Commissioner, what alternative arrangements will be made? We do not know that either. If there is to be a Commissioner, how will he be appointed? What exactly will he do? We do not know the answers to any of these questions. The enquiries that have been made through the Office of the Initial Presiding Officer have not yet yielded any clear information.

We therefore consider it unwise to continue to wait for such answers, and, through this motion, we are proposing a temporary arrangement based on minor adaptations to the Code and Guide to Members' Interests at Westminster — a document which will be familiar to those who are also Members of that House.

The proposed arrangement is an interim one which will provide the quickest means of establishing a form of regulation pending the setting up of more permanent and more carefully considered arrangements.

10.45 am

We propose — as Dr Paisley suggested last week, albeit for other reasons — that a Committee on Standards and Privileges be set up. This Committee would be a Standing Committee of the House, standing not in the Westminster sense, but in the true sense of its being a permanent Committee of the House. The issue of Members' interests is much too serious and wide-ranging an issue to rest with the Committee on Standing Orders.

We recommend that the policy functions associated with this be passed to the new Committee, and we seek the Assembly's approval, in principle, for its establishment. Our detailed proposals on Committees generally are contained in the draft Standing Orders, but because they are far-reaching, we ask Members to be patient and await their exact delineation, probably next week. If the Assembly chooses to approve this interim arrangement, it is our view that the matter of Members' interests, including the interim issues, should be taken forward by the proposed new Committee.

The purpose of action on Members' interests is to assist Members in the discharge of their obligations to the Assembly, to their constituents and to the general public. Members have a duty to uphold the law and to act in accordance with the trust placed in them. Holders of public office should promote and support, by their leadership and example, the principles of selflessness, integrity, objectivity, accountability, openness and honesty. In essence, this translates to the following:

Members should base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two in favour of the latter. We should at all times conduct ourselves in a manner which maintains and strengthens the public's trust and confidence in the integrity of the Assembly and never undertake any action which would bring the Assembly or its Members into disrepute.

The acceptance by any Member of a bribe to influence his or her conduct, including any fee, compensation or reward in connection with the promotion of, or opposition to, any Bill, motion or other matter submitted or intended to be submitted to the Assembly or to any Committee, is unlawful and entirely unacceptable.

It is proposed, as part of this package, that a Register of Members' interests be established. This would be under the control of a Clerk of Standards who would also act as Clerk to the proposed new Committee that we wish to see established as soon as practicable. Members can see from the papers the range and extent of the proposed register.

I will not spend time repeating or explaining what is before the House. The Guide itself is sufficient. We should fulfil conscientiously the requirements of the

Assembly in respect of the registration of interests in the register. *[Interruption]*

The Initial Presiding Officer: Order. May I ask Members who wish to converse to do so outside the Chamber. I know that from time to time it is quite reasonable for a word to be passed, but there are a number of Members who are having lengthy conversations, and this is unhelpful to the Member who is speaking and to those Members who wish to listen.

Mr Haughey: Thank you, Mr Initial Presiding Officer.

We should fulfil conscientiously the requirements of the Assembly in respect of the registration of interests in the register and should always draw attention to any relevant interest in any proceedings of the Assembly or its Committees or in any communications with Ministers, Departments or executive agencies. In any activity with or on behalf of an organisation with which a Member has a financial arrangement, including activities which may not be a matter of public record, such as informal meetings and functions, he or she must always bear in mind the need to be open, and honest with Ministers, Members and officials.

No Member should act as a paid advocate in any proceedings of the Assembly. No improper use should be made of any payment or allowance made to Members for public purposes, and the rules which apply to such payments must be strictly observed. Members must bear in mind that the information which they receive in confidence in the course of their Assembly duties should be used only in connection with those duties and that such information must never be used for the purpose of personal or financial gain.

We need to start now as we mean to go on. Quite apart from the basic requirements of Section 43 of the Act, which will be addressed when we present the Standing Order on this matter, we must be seen to be completely open and honest in our dealings, and that should be characterised today by a readiness on the part of the Assembly — a readiness that we saw last week when it embraced the Commission's report — to accept the motion and agree what is proposed in Annex A to Paper No NIA 1.

I ask Members to proceed on this matter without further ado.

The Initial Presiding Officer: I call Mr Nigel Dodds.

Mr Haughey: On a point of order, Mr Initial Presiding Officer. I think that the proper procedure is for my co-Chairman to jointly move.

The Initial Presiding Officer: May I confirm, Mr Cobain, that you are jointly moving?

Mr Cobain *indicated assent.*

Mr J Kelly: On a point of order, Mr Initial Presiding Officer. I understand that Mr P Robinson referred to Sinn Féin's conduct at the last meeting of the Standing Orders Committee. First, Mr Robinson was not there. Secondly, if Mr Robinson or his colleagues were to be removed from meetings for unruly conduct, they would not be in attendance at many meetings. The meeting was adjourned by the Chairman, as is the Chairman's right.

The Initial Presiding Officer: I think that we have dealt with that matter, but the joint Chairmen may wish to address it. The matter has been proposed.

Mr P Robinson: On a point of order, Mr Initial Presiding Officer. Has there been any occasion on which you have thought it necessary to refer to me in relation to my conduct in the Assembly or in its Committees?

The Initial Presiding Officer: I am not aware of any occasion when I have made such a reference to Mr Robinson.

Mr Dodds: I am a member of the Standing Orders Committee, but I was not in attendance at Friday's meeting during what the Chairman has called "this minor squall". I have attended almost all meetings of the Standing Orders Committee, but I was called away five minutes before Friday's squall arose. Members can imagine my surprise when I returned and found that, like the Marie Celeste, the place had been abandoned. I hope that that had nothing to do with my absence. It was unfortunate because, as the Chairman said, the Committee has operated reasonably well. It still has an enormous amount of work to get through, but I hope that we will be able to reach —

The Initial Presiding Officer: Perhaps there is a little confusion. I called you to speak to the motion. The matter that was raised earlier and on which there was an intervention and a point of order has been properly aired and dealt with. I ask you to continue with your speech on the motion.

Mr Dodds: I am well aware of the point that is being addressed, and I am simply responding to points that were raised by the Chairman. They were not strictly relevant, but I note that you did not call him to order. I thought that as you had not ruled on that matter, I was perfectly within my rights in referring to it.

11.00 am

Given that I do not anticipate an abundance of Members who wish to speak today on this issue, I am a little surprised at how assiduous you are in calling me to order on this point.

Coming back to the main point, I do hope that the Committee on Standing Orders will be able to finish its work in the constructive way in which it has operated throughout. It is unfortunate that that incident occurred on Friday.

I want to deal with a couple of points that the Chairman went into in some detail. It is a sign of the times that we are bringing this type of motion to the Assembly. Fifteen or 20 years ago this would not have been one of the first priorities of any elected body, but it is right and proper that one of the first duties of the Assembly should be to implement this report and set up a Committee on Standards and Privileges. That is no less than all Members should now expect, and, indeed, members of the public and the press expect it. We should be open and transparent in our work; people should know exactly what our interests are; and this motion should therefore command the unanimous support of all Members.

The recommendation to set up a Committee on Standards and Privileges is very welcome. Such Committees have operated well in the House of Commons and elsewhere.

I want to draw attention to one point: this report does not specifically recommend or deal with an Assembly Commissioner on Standards and Privileges. That will be dealt with by the Committee on Standards and Privileges, but my view, and the view of my party, is that such a person should be an appointed official of the House whose duties would be to monitor how the rules were being applied, to draw to the attention of the Committee and the House any breaches or difficulties that were foreseen or were occurring with the operation of the various rules and to investigate complaints made by Members or by members of the public.

It is important that these issues do not become party political and that we do not have members of Committees from any one particular party carrying out investigations, whether that be the Chairmen or the members of those Committees. Investigations should be carried out by someone who is answerable to an entire Committee and is an official of the House.

The idea of having an Assembly Commissioner on Standards and Privileges who was an official to look after this area, to monitor, to draw attention to and to investigate is a good one and something that the Committee, when it is set up, will arrange quickly, and I anticipate that this Committee will be set up very soon.

When we debated this in the Standing Orders Committee there was some initial thought that we should just have a general, wide-ranging motion, leaving it to Members to register interests that might be perceived as interests that they should register. However, several members of the Standing Orders Committee believe that we need to be more specific, and more certain, because there is nothing worse in this area than uncertainty and vagueness. Members need to know where they stand, and what interests need to be registered. Likewise, the public should know exactly what should be registered and declared as an interest.

It was also made clear that the Committee, when it is set up, should have the power, specifically, and the Chairman drew attention to this, to tweak the rules and change them if necessary as we proceed so that they are what the Assembly requires and what the people of Northern Ireland deserve and require.

These rules are not set in concrete. They are very full and follow very closely what is in operation in the United Kingdom and what is going to be in place for the National Assembly of Wales. They can be changed as we go along, and any changes will be brought to the House, to enable them to reflect the particular needs of this Assembly and the people of Northern Ireland.

I warmly welcome this report and hope that it will have full support from all sections of the House.

Mr O'Neill: Although I am not a regular member of the Standing Orders Committee, I frequently attend its meetings as a substitute for my party. I should like to place on record my appreciation of the Committee's hard work and, in particular, the work of the joint Chairmen, both of whom have put in a great deal of effort. It would not be beyond the bounds of acceptable comment to mention Denis Haughey in that regard. His work as a Chairman has been exemplary and visionary, and has helped to guide the Committee through many rough patches. It is very disturbing when his character is impugned in a meeting, as happened on Friday, and I strongly object to that.

It is important to begin at the beginning when debating the motion. As Mr Dodds said, there was a time when this topic would not have come up for discussion. It is important to recall the need to introduce a method of self-regulation for Members of an elected Assembly. The origin lies in the spate of allegations in Britain in the early 1990s which, when taken together, persuaded many people that standards in public life were falling and that an atmosphere of sleaze had taken hold.

The allegations included cash for questions; the employment of ex-Ministers and former officials by firms that they had privatised; links between political donations and appointments and honours; and fraud and corruption in local government and in quangos. All of that will be familiar to Members. Public concern on all those matters led the Prime Minister of the day to set up the Nolan Committee in 1994 to inquire into standards in public life. Although Neill has replaced Nolan, the Committee is expected to continue indefinitely. Perhaps that is good. I hope that our Committee, when it is formed, will continue, as Mr Dodds said, tweaking and improving the rules as it goes along.

Most of Nolan's findings were adopted or added to by the Select Committee on Standards and Privileges. Those same standards are reflected in the important

report that is before the House. Historically, many of the people that we represent have a jaundiced view of democracy. Some have had little trust in it and have adopted other means to get their views across.

It is incumbent on the Assembly to ensure that the unique form of democracy that we are attempting to build is not only above reproach but is seen to be above reproach. That is essential not just on moral grounds, which of course it should be, but also because it is necessary for us to demonstrate that Members and the systems that we are creating can be trusted. That is why the report is so significant.

The requirements for Members to register their interests are open, clear, comprehensive and straightforward. They cover all the main areas that might be considered vulnerable to abuse. They also clearly set down the limits and procedures both for Members and for the public. In that regard the procedure for the declaration of Members' interests is so laid out as to cover almost every possible situation, whether in Assembly debates, written notices, Adjournment or emergency debates, or anything else.

The advocacy rule is also of great importance, and it deals well with both the initiation of proceedings and participation in a debate in which the Member has a financial interest. In particular, the section deals well with a difference of opinion that arose between Nolan and the Select Committee on the types of bodies with which Members should be allowed to have a paid relationship. Members will recall that the Committee concentrated on actions that might be open to abuse or suspicion.

They therefore distinguished between paid advice, which was permitted, and paid advocacy, which was prohibited. Nolan had rejected this as unenforceable, and there is little doubt that he was right. Financial relationships of this kind have the potential to corrupt by influencing decisions. I welcome the fact that the report's proposals cover all financial interests. There are some issues on which I should like some clarity because I was not present when some of them were discussed.

Category 2 on page 5 lists exceptions from some representative roles on various bodies. Now that district councillors are being salaried, should not district council payments be included in that section along with the others? If there is a reason for not doing that, it should be made clear. Is everyone satisfied that the Committee on Standards and Privileges can provide the Assembly with rules for the necessary level of control? Will the role of the Clerk of Standards, which is outlined in paragraph 66, be the same or similar to that of the Independent Commissioner at Westminster?

I agree with the line in paragraph h of Annex A which states that a Member's duty is

“to his or her constituents and to Northern Ireland as a whole, rather than to any particular section thereof”.

The duty that that places on a Member in terms of responsibility is stated in paragraph 63. Should a complaint be made, is it sufficient merely to include the provision in paragraph 66 which will

“expect the complainant to assemble supporting evidence”?

That will sometimes be difficult for a Member, never mind members of the public. One must have the discretion to dismiss frivolous or malicious complaints, but perhaps there is a need to allow some greater opportunity to seek out information. In Westminster, there have been many examples of personal papers, bank and credit card statements being examined by the Commissioner.

Will the penalties to be imposed on an errant Member be the same as in Westminster where public censure, apology, suspension and eventual expulsion are imposed? If so, how will they be operated here? Perhaps the Committee could explore that in the future. It could also explore a Member’s right to appeal, and what procedure might be put in place to allow that. We should offer Members that opportunity.

On personal conduct and integrity, the report states

“Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.”

That is a worthy requirement. Over the weekend, there has been much concern in my area about the fact that a convicted murderer, and self-confessed and brutal murderer to boot, has continued his membership of the Orange Order. That this should be allowed to continue is a matter of great concern, but the question that came to my mind was what influence such an organisation might have on a body such as this if that kind of standard were allowed to continue.

Mr Molloy: A Chathaoirligh, it is certainly very rich of the Ulster Resistance and the DUP to talk about disruption in this place or at any meetings.

11.15 am

Mr Initial Presiding Officer, I would like some clarification from you on Committees, on the Register of Members’ interests and on the fact that people are coming out of Committees and talking about their business outside before matters are brought to the House. Here we have Members who were not at the Standing Orders Committee yet seem to be aware of what happened there, or rather are not aware of what actually happened — that would be my line. I cannot understand how the issue of disruption has arisen. I was at the meeting, and I did not see any real disruption. If every time questions were asked or there was cross-questioning or discussion, the Initial Presiding Officer

vacated the Chair, the Chair would be empty quite often. We need to look further at this issue.

The issue in question is the recognition of the Irish language. Members should be allowed to speak it freely in the Chamber. That is Sinn Féin’s position, and people have a right to debate that and other matters in Committees. The purpose of Committees is to enable there to be discussion on issues before they come to the Chamber. I saw no problems at all with the discussion that took place on Friday.

On a point of order, Mr Initial Presiding Officer. The week before last the Committee meeting was adjourned at 3.45 pm, whereas last week it was 5.00 pm before it was adjourned. So other interests may have been involved apart from what was going on in the meeting itself.

Ms Rodgers: On a point of order, Mr Initial Presiding Officer.

The Initial Presiding Officer: I understand that the Member, during his speech, said that he wished to raise a point of order. That is rather unusual. It would be difficult for me to take a point of order from you now. However, since the Member was in the throes of his speech, I am not sure that it was necessary for him to call the matter a point of order and I will therefore permit you to make your point of order, Ms Rodgers.

Ms Rodgers: Ba mhaith liom ceist a chur ar an té atá ag labhairt. An nglacann sé leis nár cuireadh cosc ariamh ar dhuine ar bith labhairt as Gaedhilg sa Chomhthionól seo?

Mr Beggs: On a point of order, Mr Initial Presiding Officer. Should we not hear an interpretation of what Ms Rodgers has said? It is rather ignorant to speak in a foreign tongue.

The Initial Presiding Officer: I am grateful to you for bringing that to my attention. I ask Ms Rodgers to translate.

Ms Rodgers: Mr Presiding Officer, Mr Molloy will have undoubtedly understood what I said, and I trust that you yourself have received the translation. I would expect that to be sufficient.

Several Members: On a point of order.

The Initial Presiding Officer: May I rule before taking any points of order?

I have from a very early stage made it clear that a translation is a courtesy to other Members; it is not to clarify the position for me. I have taken the precaution of making arrangements for myself so that I can know if a translation that is proffered is a reasonably accurate translation of what was said. However, I have always taken the view — and this is one that I have expressed to the Assembly and which Members have never challenged

— that when Members speak in another language they should give a translation out of courtesy to the other Members.

I cannot say whether Mr Molloy understood or not, but it is absolutely clear that many other Members did not. I therefore ask Ms Rodgers to translate.

Mr Molloy: Mr Presiding Officer, first of all — *[Interruption]*

The Initial Presiding Officer: I ask Ms Rodgers to translate and then Mr Molloy can continue.

Ms Rodgers: Mr Initial Presiding Officer, can I take it then that I will also get my reply in the same language? What I asked on a point of order was if anyone had ever been prevented from speaking in the Irish language in this Chamber.

The Initial Presiding Officer: I trust that that is not the case and I have taken precautions to ensure that it is not the case.

Mr Molloy: I thank Ms Rodgers for her intervention and I am pleased to hear that this has been her first time to speak in her native tongue in this Chamber. This is an important matter to discuss. I am not an Irish language speaker and I openly admit and regret that. That does not mean that I do not recognise the right of people to speak it. I want to see it put quite clearly on the record and on Standing Orders that people do have the right to speak the Irish language — not a language of their choice but the Irish language.

The Initial Presiding Officer: I have been trying for some time to define for myself quite how the right to speak the Irish language comes into registrable interests. It is not entirely impossible that it would, but it is taking increasing ingenuity to find out how it might. I should be grateful if Members would return to the motion on the registration of Members' interest and the Code of Conduct.

Mr Molloy: As you said at the last meeting of the Assembly, Mr Initial Presiding Officer, one question begs an answer. Nearly every Member who has spoken has referred to the Standing Orders Committee on Friday. It is only right that I, as a member of the Standing Orders Committee, also refer to it. However, I do welcome the interventions, which have been worthwhile. It is not simply a matter of choice — it is a matter of putting on record in the Standing Orders. That is what we are supposed to be debating.

It is important to support this report. It is a temporary measure. Until Standing Orders and the Committee for Standards and Privileges start to deal with the issue of members' interests and have in place a register of those interests, it is important that we set in place some categorisation of standards.

It is important that the financial interests of Members are recorded as well as their non-pecuniary interests, but it is more important that we have recognition in the register of Members' interests in secret organisations. I refer, in particular, to the Loyal Orders, the Freemasons and other related organisations. This would ensure that we know where Members are coming from, and that, when Members speak on a particular issue, we know which organisation they support.

I support the motion.

Mr Dallat: I welcome the report and want to express my thanks to the Members of the different political parties who have worked so hard to produce it.

I note that the register will include not only pecuniary interests but also non-pecuniary interests. That is fundamental. It is very important because much of the past mistrust has been based on the belief that power was often exercised outside the democratic institutions in a way that served no one well in the long term.

I am delighted that this proposal comes before the Assembly on the same day that new legislation aimed at preventing religious discrimination in the provision of a wide range of goods and services also becomes law. I am convinced that there is a genuine desire on the part of the Government to chart a new beginning, free from the mistrust of the past.

Given the opportunity and the goodwill of all parties, I am convinced that the fears of the past can be laid to rest. Everyone, irrespective of class or creed, can, with confidence, take their rightful place in society, apply for jobs, seek goods or services and know that discrimination will play no part in the decision-making process.

To make this work, it is essential Members complete the register, declaring all outside interests, so that no allegations can be made that Members used their position in public life to influence decisions outside the House.

People have a right to belong to any organisation provided that it is not illegal and that includes semi-secret or oath-taking societies. However, I am convinced that they should openly declare their membership of these organisations so that there can be no confusion in the minds of the public when it comes to making decisions on behalf of the electorate.

In Northern Ireland there has been a tendency to believe that real power has often been in the hands of people who, while operating quite legally, are very restrictive in who belongs to their organisations. It would be unfortunate if people continued to believe that the power to influence decisions remained anywhere but in this House.

The public must begin to place their confidence in the ability of the Assembly to make decisions on their

behalf, which are influenced by nothing but the common good of everyone, irrespective of who they are or where they come from.

I am convinced that there is an enormous amount of goodwill for this new Assembly and that the majority of the people in the whole community share that goodwill.

I am further convinced that as we learn to work with and trust each other, confidence will grow and, in time, the Assembly can become a model for the rest of the democratic world. Many people will look for signs that no external interests are capable of influencing the way we do our work. I belong to no such organisations and have to respect the rights of others who do, but they should record their membership of all organisations, including those that demand an oath of secrecy.

Finally, while it is not yet our responsibility, I hope that the Code of Conduct, with which I strongly agree, can be adapted to meet the needs of district councils. My Colleague Mr O'Neill spoke about that. Only by adopting and enforcing the highest standards of public integrity, can we advance the cause of democracy.

Mr S Wilson: I was out of my seat and had to move back to my natural home. I was not thinking of joining the Ulster Unionist Party. I had not intended to speak, but after listening to some of the comments I feel that it is worth noting a few points about the Code of Conduct.

As some Members have said, we do not wish the House to get the same reputation as the Dáil in the Irish Republic or the reputation that some elements of Westminster have obtained for the Mother of Parliaments. There have been allegations of sleaze and backhanders, and of people having their overdrafts cleared or ignored by the banks. It is important to ensure a Code of Conduct that will protect the Assembly and its Members from such allegations. The problem is that when one Member is tainted by allegations we all tend to get tainted.

The Code of Conduct is important. As my Colleague Nigel Dodds has said, the rules are extremely tight so as to cover every eventuality. If new eventualities arise, the Standing Orders Committee will be able to tighten the rules even further. The integrity of the Assembly is important.

There was a late intervention by Sinn Féin. Mr Molloy spent most of his time defending his behaviour and that of other members of his party at Friday's meeting of the Standing Orders Committee. He said little about the report but, of course, that does not surprise me because Sinn Féin members must have choked when they read the first page. They may not have got past the first page, or the first paragraph of the first page.

The section that is headed "Public duty" deals with the public duty of Members. We should not forget that

opposite us is a party which includes people who have been convicted of bombing, murder, blackmail, kidnapping and extortion. What is the first public duty of a Member of the House? The code states

"Members have a duty to uphold the law".

Ms Rodgers: Does the Member agree that the duty to uphold the law places an obligation on all Members to accept and abide by the legally binding determinations of a statutory body which has authority, placed on it by Parliament, to make such determinations? Does the Member agree that it is therefore the duty of Members to accept such determinations? I am referring, of course, to determinations by the Parades Commission.

11.30 am

Mr Berry: It is comical to hear the Member for Upper Bann crying about hypocrisy. A few years ago on the Garvaghy Road when the parade was legally allowed to take place at Drumcree, this woman said, "This is terrible that this is happening in Portadown". The Government passed that parade as legal and she said that it was terrible.

Ms Morrice: On a point of order, Mr Initial Presiding Officer. I think that you should question that point of order.

The Initial Presiding Officer: That was not a point of order: the Member was intervening. From a point of order perspective he was wide of the subject that is under debate. I ask Mr Wilson to continue.

Mr S Wilson: The intervention, of course, provoked the helpful intervention from my Colleague Mr Berry. Mr O'Neill had started to smile because he thought that I had been caught out by Ms Rodgers. I thank my Colleague for his helpful intervention. It does not surprise me that Sinn Féin Members have little to say about the Code of Conduct. The very first duty must choke them. The next is a kind of double whammy:

"Members have a general duty to act in the interests of the electorate and the community as a whole".

The term "punishment beatings" flashes to mind. Members of Sinn Féin would have difficulty with that particular aspect as well.

Mr Molloy spoke on his favourite topic of bashing the Orange Order. He wanted to have secret or semi-secret organisations included in the register. I wonder how many Members of IRA/Sinn Féin could declare their interest in secret organisations to the House. The police may have some interest in that.

Mr Poots: Bearing in mind that some Members have convictions for membership of the IRA, perhaps it would be in order for those Members to declare when they left the IRA or whether they are still members of it.

Mr S Wilson: I thank my Colleague for that helpful intervention. When commenting on and defending the rights and the recognition of the Irish language, Mr Molloy said that he was not an Irish language speaker. That is an amazing confession from a Sinn Féin Member. Let me quote from the Sinn Féin's discussion booklet 'Learning Irish':

"Now every phrase you learn is a bullet in the freedom struggle."

We all know that. This next one is a cracker:

"You speak Irish or you speak English. Every minute you are speaking English you are contributing to the sum total of English culture on this island. There is no in-between."

David Ervine has occasionally said that Sinn Féin has come a long way, but I think that this is going the second mile. A Sinn Féin Member has confessed that all he can do every time he opens his mouth is contribute to the sum total of English culture on this island. I will leave that thought with him. We may find that there are some other expulsions from the Assembly before long.

I had not intended to speak in this debate but I was provoked by other Members' contributions. The Code of Conduct represents an important step towards ensuring that the Assembly is not afflicted by the same sleaze and corruption which can be found in another Parliament on this island. I trust that Members will adhere to the Code and that it will be rigorously enforced to ensure that this House is not brought into disrepute.

Mr Neeson: On behalf of the Alliance Party, I welcome the Code of Conduct and support the motion. In view of the fact that the guidelines which we will be adopting are very similar to those to be adopted by the Welsh Assembly, it is very appropriate that we are discussing this matter on St David's Day.

The importance of this report is that it will safeguard Members' interests. It is important that the highest standards of honesty and integrity are upheld by those elected to serve the community. Obviously there will be temptations, and politicians' reputations will be at stake. It only takes the actions of one person, or of a small number of people, to tarnish the reputations of all politicians. That is why it is important that the requisite standards are set out in this document. We have only to look at the situation in the Republic of Ireland, where the reputations of a number of politicians have been tarnished by their activities in recent years. I was listening to the radio yesterday, and I heard that one of the biggest-selling records in the Republic at the moment is called 'The Little Brown Envelope', which takes a swipe at politicians. Is it purely coincidental that it is Mr Haughey whose name is on the motion before the House today?

The public needs to be able to have confidence in politicians. We have been elected to serve the public interest, not self-interest, and the public is entitled to

expect full accountability from its elected representatives. Last week, the 'Belfast Telegraph' published the lists of the interests of our representatives at Westminster. This made very useful reading. However, I feel that, as well as including details of any remunerative posts, lists of Members' interests should include details of non-pecuniary interests. I agree with Mr Molloy's comments about the need to include in the register of interests membership of any organisation, be it the Masons, the Orange Order, the Knights of Saint Columbanus or the Knights of Malta. Membership of all these organisations should be included.

The main point of my intervention is to state clearly the Alliance Party's support for this document and to express the hope that it will be accepted unanimously.

Mr C Wilson: I support the motion and would like to commend the work that has already been done by the Committee. Sammy Wilson has already raised a very important point in relation to the extent to which Members of the Assembly and, indeed, the wider public in Northern Ireland can have confidence in this document. He pointed out that the Code states

"Members have a duty to uphold the law".

His comments about some of those who are inextricably linked to paramilitary groups are very serious. One could accuse Members from this side of the House of being churlish, of looking back at the past and talking of other people's misdemeanours. However, rather fortuitously and amazingly, page 1 of the Code of Conduct requiring Members to uphold the law reflects page 1 of the Belfast Agreement — the Bible for the Members opposite, including Sinn Féin.

Under the heading "Declaration of Support" on page 1 another commitment is required:

"We reaffirm our total and absolute commitment to exclusively democratic and peaceful means of resolving differences on political issues, and our opposition to any use or threat of force by others for any political purpose, whether in regard to this agreement or otherwise."

As reflected in the document today, it is a requirement for Members of the Assembly to support fully the democratic process and the structures for law and order in the Province. Someone commented recently that that is also a requirement for those taking their seats on the 26 councils across Northern Ireland. The Sinn Féin members and those fronting other paramilitary groups cross their fingers and make pledges about their support for the democratic process and the Crown forces, but they do not mean a word of it.

One has to question whether this document means much when people find it difficult to get past the first page.

Mr B Hutchinson: On a point of order, Mr Initial Presiding Officer. You are allowing Members to continue to make general remarks about people. I am a Belfast

city councillor and a Member of the Assembly. I take seriously the pledges that I make. I am not sure if other Members do — even the Member who is speaking. If he is going to talk about “other paramilitary groups”, I wish he would name them because I am fed up with his not naming them. Is he talking about me? If so, I would like to be able to answer the allegations that he makes.

The Initial Presiding Officer: I have already made it clear that when Members speak in general terms they have a degree of cover in that their words cannot be taken as being unparliamentary. The more particular they are, the more they come to the edge. This may be frustrating for the Member, and I understand that. However, if Members are precise and particular, they are more likely to fall foul of privilege and be accused of using unparliamentary language.

Mr C Wilson: I thought that I made it very clear. I will help Mr Hutchinson: I was referring to parties which continue to front fully-active paramilitary groups, which are inextricably linked to those groups, and which are clearly in breach of the commitment to use solely the democratic process to achieve their political goals. If Mr Hutchinson feels that his party is associated with groups such as I have described, that is a matter for him. He is the best judge of that.

In relation to the pledge of office, the issue of decommissioning is currently occupying minds. You will recall, Mr Initial Presiding Officer, that several weeks ago the entire Unionist family represented in this Chamber endorsed a motion that stated

“any party inextricably linked with a paramilitary organisation retaining arms cannot give a total and absolute commitment to exclusively democratic means of resolving differences on political issues or oppose the use or threat of force by others for such purposes.”

For that reason, the issue of decommissioning, which we are currently facing, is of no great consequence. This is because the Unionist Members in the Chamber have declared that until the parties represented end their associations and affiliations with paramilitary groups that are fully active and operational in the Province, they cannot make the “Declaration of Support” as required by the Belfast Agreement or meet the requirements of page 1 of the Code of Conduct.

Even if there were a change of heart on the part of the Republican movement, which is represented by Sinn Féin, it would have to meet the requirement to stand down its forces, which are armed and fully prepared to return to war.

11.45 am

Mr Ervine: On a point of order, Mr Initial Presiding Officer. Unfortunately I was out of the Chamber, but I did hear that you had made an adjudication, if not necessarily a full ruling. It reminded me of a discussion at a previous session when, because only two members

of Sinn Féin were singled out, even though they were not mentioned by name, it was perceived that it was not specifically the whole group that was being challenged. Given that the Progressive Unionist Party has only two Members in this Chamber are you not out of order in some respects, Mr Initial Presiding Officer, in not linking those two circumstances together?

Furthermore, could you clarify the issue of fronting paramilitary organisations. What does “fronting” mean? If you require assistance from Mr Cedric Wilson, I am sure he would be more than keen to deliver it. I would also like you to consider a previous ruling on the issue of two Sinn Féin Members being singled out but not named as potentially taking up ministerial posts. The two sets of circumstances are absolutely similar, and I fancy that Mr Cedric Wilson is sailing close to the wind, as you suggested others were on that day.

The Initial Presiding Officer: One needs to be a little careful in raising points of order about matters which were spoken of in the Chamber if one was not watching or listening to what was said. The Member did not mention the party of which you are a member. It was your colleague who raised that question, and therefore the matter which you raise does not apply in respect of a limited number of Members. That is absolutely clear.

Mr Ervine: Further to that point of order. I must point out that there is a continuous cacophony of language used in this Chamber mostly, I would have to say, directed at Sinn Féin. Others have drawn in the Progressive Unionist Party at various times and lumped it in with Sinn Féin, the perception being that it is associated with paramilitary organisations. I challenge your suggestion that I do not have the right to comment even though I saw the proceedings in my office as they were played out.

Having said that, one needs to consider the fact that the perception from some Benches is that there is more than one party associated with paramilitary organisations. Mr Wilson did not say “group” or “party”; he said “parties”. He therefore included the Progressive Unionist Party. I require, either on your part, Mr Initial Presiding Officer, or in consultation with Mr Wilson, some definition of the word “fronting”.

The Initial Presiding Officer: You have raised a number of matters. One matter which I must raise is the question of challenging rulings. Secondly, as far as observing the proceedings from outside is concerned, that is justifiable. It is the convention in other places that Members who wish to participate in debates listen to the speeches coming before and after; in some places it is the convention that Members sit through the whole debate if they wish to intervene. While the latter is a very restrictive convention the former convention is not an entirely unreasonable one.

I will study Hansard, as I always do. If there are matters which need to be brought to the attention of the Assembly I will bring them, with due conscientiousness. However, I have to point out that there are times when Members themselves put matters on the record. They put matters into Hansard by raising them, responding to them, or objecting to them. On a number of occasions remarks would not have been on the record if they had not been responded to.

I will look at this particular matter, and I will study it. I have looked at it already in terms of the relevance of various speeches to what is being said, and I am persuaded that within certain bounds the speeches have been relevant. I will address the matter which the Member raises. However, I must say that at this point I am not convinced by the point of order that he raises, and has raised reasonably extensively.

Mr Ervine: Further to that point of order, Mr Initial Presiding Officer. I must defend myself. Nowhere in the Standing Orders is there mention of another place. We operate under the rules and procedures which we have created here. Continuously reminding Members of conventions in other places may be perfectly reasonable for those who understand the workings of other places, but it is a one-liner put-down to tell people who do not understand the workings of those other places that they should behave in a different way.

The Initial Presiding Officer: The Member appears to have forgotten that, from the beginning, I have repeatedly referred to the use of ‘Erskine May’ in situations where the Initial Standing Orders are not adequate. No Member has challenged that. ‘Erskine May’ is available for all Members to read and when the Assembly’s Standing Orders are brought forward in full, I suspect there will still be a need to refer to it.

These are not obscure matters; they are not restricted to those who are Members in other places. They are available for Members to read, and there has been no objection to their being used. They have been used by a number of Members — not just myself.

Mr J Kelly: Further to that point of order, a Chathaoirligh — and this concerns organisations fronting paramilitary organisations. A couple of weeks ago David Ervine challenged the Members of the DUP when he said that he had been in their homes, not as a PUP member but as a member of the UVF — an organisation which was and still is illegal. Not one of them challenged him; not one of them had the courage to stand up and deny what he was saying; not one of them ever said that he was wrong.

I would like you to give a ruling on organisations that front paramilitary organisations. How are such organisations to be defined? Where does it begin, and where does it

end? Does it begin with the DUP and end with Sinn Féin or the PUP?

The Initial Presiding Officer: Let me make it clear, lest I did not refer specifically and sufficiently clearly to the point raised by Mr Ervine, that it is not for me to produce definitions of what Members are saying. If Members do not wish to spell something out — for whatever reason — that is a matter for them. It is not for me to challenge them to be more clear in their speech. I do have to say, however, that in referring back to one of the things that was said earlier, I am not sure that you have strengthened the point of order that the Member you referred to has raised — in fact, quite the opposite, I suspect.

Rev Dr Ian Paisley: Further to that point of order, Mr Initial Presiding Officer. Is it not out of order for a Member who has not heard the remarks made to raise them as a point of order? He has, of course, the right to read Hansard and then draw your attention to the matter, but he cannot raise it on hearsay. Surely that ruling has to be adhered to.

The Initial Presiding Officer: I do not believe that the Member raised the matter on hearsay; he advised the Chamber that he had observed this on the annunciator.

Mr P Robinson: No, he did not. He said the press. Look at Hansard.

The Initial Presiding Officer: Order. On the first occasion he advised that he had heard it from the media, but on clarification he made it clear that he had seen it on the annunciator. I can amplify further. On the specific point that the Member raises, I believe that it is not unreasonable that when Members are participating in debate, they should be prepared, if at all possible, to wait for the person speaking before them and the person speaking after them. I am advised that there may be some Members who may not wish to do that, and the Committee on Standing Orders or other Committees of the Assembly may wish to address such matters. However, I do not think that it is an improper thing to expect; it is certainly something that is expected in other places.

Two Members want to raise points of orders — Mr Ervine and Dr Paisley.

Mr Ervine: Mr Ervine does not operate on the basis of hearsay. Mr Ervine saw it on the media — on the internal television system in his room.

A Member: Not the media.

Mr Ervine: Of course it is the media.

The Initial Presiding Officer: Order.

Mr Ervine: Of course it is the media, with a semantic —

The Initial Presiding Officer: Order. Is this a point of order?

Mr Ervine: It is.

The Initial Presiding Officer: If it is answering what another Member has raised, it is not a point of order. I have already ruled in that regard. If it is a point of order, I will take it.

Rev Dr Ian Paisley: Surely, Sir, you need to look at that again. No annunciator is accepted in the House of Commons. A Member there cannot get up and say that while he was sitting in his room watching the debate, he heard a Member make such-and-such a comment and he wants to challenge it. If that Member was not at the meeting, the only way he can challenge a point is to check the Hansard Report. Even the media that records proceedings in the House of Commons is not accepted as a means of checking the contents of people's speeches, as we found out when we raised certain matters in the House of Commons.

The Initial Presiding Officer: I may find it necessary — and I have not done so up until now — to invoke the practice of taking points of order at a time of the Speaker's choosing, otherwise the poor joint Chairman of the Standing Orders Committee will have expired before he has had the opportunity of winding up.

There is clearly a matter of dispute between Members here. At least it is better that the Member saw it on the screen rather than his relying on hearsay, which was the accusation previously made against him. He has made it clear that he saw it; he brought it here; the matter has been spoken of, and it has been ruled upon. I propose that we leave there and give the joint Chairman the opportunity of winding up the debate.

Mr Ervine: I would like to have one final point of clarification.

The Initial Presiding Officer: I cannot accept a point of clarification; I can accept points of order only.

Mr Ervine: I will fit it in somewhere, Mr Initial Presiding Officer, you can be assured of that.

The Initial Presiding Officer: I have no doubt about your ingenuity and creativity in that regard, Mr Ervine.

Mr Haughey: I am very glad to say that the reports of my expiring are decidedly premature. And my wife and children are delighted.

A number of matters have been raised, and I would like to refer to them in order.

First, I want to thank Mr Nigel Dodds for his remarks. He points out that the report does not make any recommendation in regard to the appointment of a Commissioner. That may well be the case, but it was our view that this issue was best left to the Committee of

Standards and Privileges, and they may recommend the appointment of a Commissioner.

Mr Dodds also raised the matter of when the Committee would be appointed. It should be appointed immediately devolution takes place, but it is a matter for the Assembly to decide whether it wishes to act prior to that. It would be difficult for a Committee of Standards and Privileges to act in a proper way unless a Clerk of Standards and a Commissioner were appointed at about the same time. There might be some difficulty about that, but it is something that we could, perhaps, look at again.

In addition, Mr Dodds raised the issue of the Committee's having the power to tweak and adjust the rules as time goes on; he welcomed that, as do I.

I thank my Colleague Mr Eamonn O'Neill for his kind remarks.

Whether district council payments are registrable interests is an interesting question, one that I have not considered. The Committee on Standards and Privileges should look at that in detail. By and large the registration of interests relates to areas where a Member may derive a pecuniary or other valuable interest from his advocacy in the Assembly, and it is not clear whether or not that would be the case.

Mr P Robinson: As a general principle, if someone is elected to a public position, and, therefore, is in the public domain, the registration of interests is intended to overcome the difficulty of people not knowing Member's interests, so I think it should be included, along with membership of the House of Commons, or any other public position.

12.00

Mr Haughey: Mr Robinson is obviously a much more experienced parliamentarian than I am, and I defer to his judgement in this matter, but I still think that the matter is best left to the Committee on Standards and Privileges, which can work out an exact protocol for it.

My Colleague Mr Eamonn O'Neill also raised the matter of the Clerk of Standards and the degree of power that he will have. The Clerk of Standards will be the chief administrator in this area; he will act as Clerk to the new Committee and maintain the Register. However, on the other hand, the Commissioner will be an independent appointee who will advise Members on standards and oversee the system of registration. Some of these matters will be presented in more detail when the Standing Orders become available, and I ask my Colleague Mr O'Neill to wait until then.

Mr O'Neill also raised the matter of an appeals procedure. I will require some time to look into this, but I will come back to him.

Mr O'Neill, Mr Molloy and Mr Dallat raised, in turn, the question of membership of various Orders and organisations, whether open, semi-secret or oath-bound. There is a very particular Northern Ireland angle to this, and it will need to be looked at in some detail. The Westminster model does not require registration of the membership of such bodies. I am given to understand that the Welsh are considering a requirement for members of the New Welsh Assembly to register if they are members of the Masonic Order. The Committee on Standards and Privileges will need to look very carefully at the Northern Ireland angle to this — it is not a matter that I am prepared to give an off-the-cuff judgement on at the moment.

Mr Sammy Wilson raised a number of issues, and I hope he will agree that none of them requires any specific or direct answer from me. *[Laughter]*

Mr Neeson questioned whether it was appropriate that Mr Haughey should present this report. I have got into the habit of saying “no relation”, and I will say it again.

Mr Cedric Wilson raised a number of issues in relation to the law. I can only point out that the obligation to abide by the law rests upon all citizens, and not just on Members of the Assembly — it does not derive from the Good Friday Agreement or from any other political Act.

Mr Initial Presiding Officer, I do not know whether or not you will indulge me and permit me to reply in a few sentences to the issues raised that concern the Standing Orders Committee meeting last Friday. If you prefer that I do not proceed, I will not, but there are one or two issues which could give rise to misunderstanding, and I believe I should clarify them. I await your ruling.

The Initial Presiding Officer: I am grateful to the Member and joint Chairman for putting it in that way. There may be misunderstandings with regard to the matter — there is plenty of evidence of that. However, it might be wiser for those matters to be addressed, if it is necessary to address them, when you present the report from the Committee on Standing Orders, which may not be too far away.

Mr Haughey: I accept your ruling, Mr Initial Presiding Officer.

Mr Dodds: Before this matter is concluded I want to raise the Initial Standing Orders which, I understand, are being delivered by the Secretary of State today to all of the parties in the House. I seek an assurance from one of the joint Chairmen that the Standing Orders Committee will have an opportunity at its next meeting to look at those Initial Standing Orders, as it did on a previous occasion, make recommendations and send them back to the Secretary of State. This is something that a Committee

of the House should have an opportunity to do before the Secretary of State proceeds.

Mr Haughey: As I understand it, the Secretary of State is making the draft Standing Orders available to all parties so that each party can respond in detail from its point of view. I can see no reason for the Standing Orders not going before the Committee on Standing Orders so that it too can have a look at them.

Question put and agreed to.

Resolved:

This Assembly agrees the resolution set out in Annex A to Paper No NIA 1 “The Code of Conduct”, together with the Guide to the Rules relating to the Conduct of Members.

Resolved accordingly:

- a. Approval is given to:
 - (i) The Code of Conduct contained in Assembly Paper NIA1;
 - (ii) the Guide to the Rules relating to the conduct of Members contained in Assembly Paper NIA1; and
 - (iii) The Committee on Standards and Privileges to make such minor amendments to the Guide to the Rules as appear to it to be justified by experience or necessarily reflect decisions of the Assembly; and to report such amended versions of the Guide to the Assembly.

Registration and Declaration of Members' Interests

- b. Every Member of the Assembly shall furnish to the Clerk of Standards such particulars of his or her registrable interests as shall be required, and shall notify to the Clerk of Standards any alterations which may occur therein, and the Clerk of Standards shall cause these particulars to be entered in a Register of Members' Interests which shall be available for inspection by the public.
- c. In any debate or proceedings of the Assembly or its Committees or transactions or communications which a Member may have with other Members, Ministers or servants of the Crown, he or she shall disclose any relevant interest or benefit, of whatever nature, whether direct or indirect, that he or she may have had, may have or may be expecting to have. For these purposes:
 - (i) any interest disclosed in a copy of the Register of Members' Interests shall be regarded as sufficient disclosure for the purpose of taking part in any division in the Assembly or in any of its Committees;
 - (ii) the term “proceeding” shall be deemed not to include the asking of a supplementary question.
- d. It is the personal responsibility of each Member to have regard to his or her public position and the good name of the Northern Ireland Assembly in any work he or she undertakes or any interests he or she acquires. The scope of the requirement to register remunerated trades, professions or vocations includes any remunerated activity in the fields of public relations and political and Assembly advice and consultancy; in particular, in regard to the registration and declaring of clients, the services which require such registration and, where appropriate, declaration include, as well as any action connected with any proceedings in the Assembly or its Committees, the sponsoring of functions in Parliament Buildings, making representations to Ministers, civil servants and other Members, accompanying delegations to Ministers and the like.
- e. No difficulty should arise in any proceeding of the Assembly or its Committees in which the Member has an opportunity to speak. Such proceedings, in addition to debates in the Assembly,

include debates in Committees, the presentation of a public petition, and meetings of Committees at which evidence is heard. On all such occasions the Member will declare his or her interest at the beginning of his or her remarks. It will be a matter for the Member's judgement, if the interest is already recorded in the Register, whether he or she simply draws attention to this or makes a rather fuller disclosure. Declarations of interest made in Committees shall be recorded in their Minutes of Proceedings.

- f. Any Member proposing to enter into an agreement which involves the provision of services in his or her capacity as a Member of the Northern Ireland Assembly shall conclude such an agreement only if it conforms to the Code of Conduct for Members; and a full copy of any such agreement, including the fees or benefits payable in bands of up to £1,000, £1,000-£5,000, £5,000-£10,000, and thereafter in bands of £5,000, shall be deposited with the Clerk of Standards at the same time as it is registered in the Register of Members' interests and made available for inspection by the public.
- g. Any Member who has an existing agreement involving the provision of services in his or her capacity as a Member of the Northern Ireland Assembly which confirms to the Code of Conduct for Members, but which is not in written form, shall take steps to put the agreement in written form; and within three months of the date of this resolution a full copy of any such agreement, including the fees or benefits payable in bands of up to £1,000, £1,000-£5,000, £5,000-£10,000, and thereafter in bands of £5,000, shall be deposited with the Clerk of Standards and registered in the Register of Members' Interests and made available for inspection by the public.

Advocacy

- h. It is inconsistent with the dignity of the Assembly, with the duty of a Member to his or her constituents, and with the maintenance of the privilege of freedom of speech, for any Member of the Assembly to enter into any contractual agreement with an outside body, controlling or limiting the Member's complete independence and freedom of action in the Northern Ireland Assembly or stipulating that he shall act in any way as the representative of such outside body in regard to any matters to be transacted in the Northern Ireland Assembly; the duty of a Member being to his or her constituents and to Northern Ireland as a whole, rather than to any particular section thereof and that, in particular, no Member of the Assembly shall, in consideration of any remuneration, fee, payment, reward or benefit in kind, direct or indirect, which the Member or any member of his or her family has received, is receiving, or expects to receive:
 - (i) advocate or initiate any cause or matter on behalf of any outside body or individual; or
 - (ii) urge any other Member of the Northern Ireland Assembly, including Ministers, to do so,

by means of any speech, question, motion, introduction of a Bill or amendment to a motion or Bill.

- i. A Member with a paid interest should not initiate or participate in, including attendance, a delegation where the problem affects only the body from which he has a paid interest.

ASSEMBLY: ADJOURNMENT DEBATES

The Initial Presiding Officer: I remind Members that applications for Adjournment debate should be in by noon on the Thursday preceding any following sitting. I also remind Members that requests to speak in Adjournment debates can be accepted only up to the start of the sitting, as distinct from requests to speak on other motions which are generally forthcoming throughout the sitting.

For the first time, the topic for the Adjournment debate — landfill in the Belfast area, particularly concerning problems at Mallusk — is included on the Order Paper. That is the reason for the earlier time for requesting applications. The topics for Adjournment debates will be included on future Order Papers.

Motion made:

That the Assembly do now adjourn. — [*The Initial Presiding Officer*]

LANDFILL (BELFAST AREA)

Mr Ford: I have been caught unawares. I did not think that we would reach this point until after lunchtime. I will do my best, and I am sure that the DUP will keep me right.

Mr Dodds: May we have a ruling that this is one occasion on which it would be appropriate to have cries of “Rubbish” directed at the Initial Presiding Officer?

Mr Ford: This debate has been requested by five of the six Members for South Antrim. Unfortunately, the DUP Member is the exception. It has been inspired by two factors. First, there is the nuisance that is suffered by many of our constituents in the Mallusk area; secondly, there is a desperate need for a regional strategy for disposal of waste, especially in the Greater Belfast area.

It is not just a Mallusk problem. Members from East Antrim will be well aware of the problems around Magheramourne and the threats to the environment in that area. At this stage Mallusk is clearly suffering most, and we shall outline the problems and suggest some solutions.

The saga began in 1988 at Cottonmount when part of Boyd’s quarry, which some Members may remember for motor trials, was suggested as a possible site for landfill. A detailed public inquiry was held at that stage, and planning permission was granted for a small part of the quarry for four or five years. Immediately after planning permission was granted, UK Waste became the operators.

Residents say that many problems, such as smell, birds and flies, litter blow and the inevitable traffic, started at that time. In fairness, UK Waste has made some efforts to reduce those problems, but it has failed to satisfy the concerns of residents.

Mallusk is not an area with a few residents, as it was some years ago. It is becoming more and more built up. Even in the past seven years, since the boundary review, Mallusk ward clearly has the highest population in Newtownabbey. It is now more than 50% over the average for Newtownabbey wards, and that was in advance of the most recent approval of planning permission for a major greenfield housing site in the area.

It is quite clear that the area is becoming less suitable for the operation of a landfill site though it may have

been acceptable for a few years. I need to be careful here because of the sub judice rule, but I can say that there has been a new application for a massive extension that would carry four million tonnes of waste — a huge proportion of the total waste that is generated in Northern Ireland — for 20 years.

In a judicial review, the courts have instructed the Department of the Environment to grant planning permission, although the Minister is appealing that decision. Without prejudice to that judicial review, it is my opinion that to grant permission for a single landfill site on such a scale at a time when we are about to approve a waste management strategy for Northern Ireland, would make such a strategy unviable if that were not predicated upon this site being the major dump.

A second major landfill site is about to come back into operation, and doubtless the Members for Belfast can tell us about that. It is my understanding that Belfast City Council intends to keep to itself the four or five years' lifetime that it has on the foreshore.

The strategy document that we need to consider was produced in draft form in June last year. We do not know when the Department is going to produce the final version. The document makes it clear that Northern Ireland's waste management is well behind European practice.

It sets out four principal objectives: the need to reduce the amount of waste generated in the first place — and we all know the problems of packaging and so on; the need to make best use of that waste which is generated; the need to encourage practices which minimise damage and nuisance; and the need to move waste handling up the hierarchy of waste management. That means that reduction of waste is to be preferred to reuse of waste, which is to be preferred to recycling of waste, which is to be preferred to recovery of waste, which is to be preferred to landfill.

The document says that there will be a planning policy statement from the Department which, at least in draft, is likely to favour co-ordinated plans and strategic facilities to avoid environmental impact and nuisance, moving waste up the hierarchy and regarding landfill as an option only when it is possible under the best practice guidelines. Targets are laid out within that, based on European targets which suggest that landfill should be cut to 75% of its 1995 levels by 2006 and to 35% of those levels by 2016. Those are optimistic targets and, perhaps, unrealistic. It will be interesting to see if they survive in the final version. We will require a massive initiative to get anywhere near the 75% target, never mind the 35% one.

We need that kind of strategy at regional level, but it will run into major problems if what the residents would describe as a "superdump" at Mallusk is allowed to proceed with a lifetime of 20 years and taking virtually

all the waste produced in Greater Belfast. Such a landfill site, if it goes ahead on a traditional basis with mixed domestic and industrial waste of every kind, including the organic waste that leads to problems with methane and run-off, will bring about a major conflict in the area between the increasing population and the difficulties with the kind of waste which will be dumped.

I have some sympathy with UK Waste. The delays that it is suffering from are the same delays as those of us on councils that are using its dumps are suffering from and that the residents are suffering from. Antrim Council, of which I am a member, applied five-and-a-half years ago for planning permission for a relatively modest operation, a single landfill site to serve Antrim and possibly Ballymena. The Department has still not given us a response, just as it has failed to give a response to UK Waste.

If an operation on that scale has been held up by the need for a strategic plan, there is clearly a failure within the Department to sort out its business. Clearly, when the Assembly gets powers, and when a Minister accountable to the Assembly is responsible for the Department of the Environment as it is at present, the matter of regional strategic planning for waste management must be a major priority.

We must create a cultural change to promote waste reduction, reuse, recycling and recovery. At the moment, the strategy in the draft plan is extremely vague. It is totally unclear how this cultural change will come about. There are great problems, given the scale of operations in Northern Ireland, and even at regional level, with creating the critical mass necessary to promote recycling. Even with cross-border co-operation, that critical mass may be difficult to attain, in comparison with what happens in Great Britain or on the European mainland.

12.15 pm

It is clear that there are limits about what we can do here and that there is a great need for an initiative to be taken by Westminster and Brussels of which we can be a part. But there are some things that we can do, and there is going to be a major change, we need to start to consider those things seriously.

In particular, we have to be prepared to examine the issue of energy recovery by way of an energy-from-waste scheme. We need to deal with that which cannot be reused or recycled. I know there are major concerns — we all probably received mail from Friends of the Earth, Belfast, about the dangers of dioxins. I am also aware that energy-from-waste schemes are working well in other parts of Europe, including inner south London, so there are options which we need to examine to ascertain the facts and see what is possible.

In years to come Cottonmount may prove to be an acceptable site for the disposal of predominantly inert waste from an energy plant, but we need to have a strategic plan in place. We needed one three years ago, not just this year, and it must be a priority in fairness to all concerned, whether they be the councils that use the facility or the companies which run the facility, or the residents in Mallusk, and they are the most important of all.

Mr Boyd: This issue has come before the House because of errors made by the Department of the Environment as a result of which many residents in the Mallusk area of Newtownabbey have had to endure a direct, negative impact.

In 1988 a local quarryman applied to turn a redundant part of his quarry complex at Mallusk into a landfill site for municipal and other wastes that would take 30,000 tonnes of waste per annum. There were strong local objections to that including objections from Newtownabbey Borough Council. A public inquiry was called at which objectors gave evidence for their belief that a landfill site was incompatible with the surrounding residential, recreational and agricultural lands and waters. It was also pointed out that landfill was not regarded in Europe as the best method of waste disposal, and it was revealed at the public meeting that the proposed tonnage had been increased to 250,000 tonnes per annum.

Under EC regulations an environmental impact assessment (EIA) should have been prepared. This latter point was acknowledged by the Department of the Environment representative, but he then admitted that the Department had failed to give notice to the applicant within the specified period and could not therefore request an EIA.

A range of consultants for the applicant and the so-called experts for the Department of the Environment gave evidence to the effect that with modern landfill techniques you could put a landfill site anywhere with none of the problems of smell, birds, litter and dirt associated with old-style landfills. The inquiry was told on a number of occasions that there was no intention to extend landfilling beyond the area of redundant quarry known as Cottonmount Quarry and that the increased tonnage to be put into the site would mean that the full amenity of the area would be restored in four to five years. The inquiry found for the applicant and planning permission was granted.

In 1995 it was revealed that UK Waste had leased the Cottonmount Quarry and intended taking the City of Belfast waste to Mallusk up to the year 2000. It was also revealed that it had applied for planning permission for the remainder of the quarry complex, which would extend dumping by another 20 years. UK Waste stated that within six months of starting operations, the

residents would not know that the company was there. Dumping began at the end of February 1996, and the impact on the area began to be felt.

All the fears of the residents who had opposed the planning application were now realised. There was the smell, the birds and the litter, both wind-blown and that falling off lorries, and the roads and footpaths became hazardous because of the dirt and volume and speed of traffic.

A number of meetings were held between the residents and UK Waste, but the problems were not resolved. Indeed, they have increased.

A public meeting was held on 6 February this year. It was attended by 300 residents. Their plight was heard in detail, and numerous public-health issues were raised. Many residents are unable to enjoy time in their garden because of the strong smell, which makes some people ill; the problems for asthma sufferers are increasing because of the poor quality of the air, but they are unable to open any windows (Sunday appears to be the day when the smell is worst); large numbers of birds generate a huge amount of droppings on the area and on nearby farmland; the rockets used to deter the birds are very loud and frighten pets; there is increased litter on the Bernice Road and in surrounding areas; there is an unacceptable volume of traffic that has resulted in increased congestion, speeding and dirt.

There are several instances of mice and rats in the residential area, and there are numerous flies, which means people cannot open their windows. Food has to be covered while being eaten. As an example of the problem, 60 bluebottles were found in a kitchen in one week. These cases are not isolated and are clearly unacceptable.

The problem has been exacerbated by a recent High Court judgement issuing an order to compel the Department of the Environment to provide planning permission for the second phase of the landfill development operated by UK Waste Management Limited. This ruling would enable waste from Belfast and surrounding areas to be taken to Cottonmount for the next 20 years.

In 1997 the residents wrote to the Planning Service to object to phase two as so many problems were still unresolved from phase one. The Planning Service's opinion failed to take account of EC legislation, which requires areas of separation between landfills and residential and recreational areas. The Planning Service's opinion also gives a competitive advantage by placing 50% of all waste management in Northern Ireland in one company.

In February 1998 Newtownabbey Borough Council commissioned an independent survey of odour problems in the area of Baird's Brae landfill site at Mallusk Road,

Newtownabbey. The report stated that the site is situated in an area of mixed development with light industrial, commercial and extensive residential developments all located within 200 metres of the site boundary.

The summary of the report states that odour levels at Baird's Brae were encountered at offensive levels on all four site visits and that these were due mainly to operational practice, principally to a combination of a large active area and landfill gas venting into the atmosphere. The current position is that Lord Dubs, Minister for the Environment, has lodged an appeal against the recent court ruling.

Waste management practice in Northern Ireland is lagging behind some other parts of Europe. There is an obligation on the Government to ensure that waste management here develops closely in line with the rest of the United Kingdom and European directives. One of those objectives is to reduce considerably the volume of municipal waste, and therefore phase two at Mallusk would be in direct contravention of European Community directives.

It is clear, therefore, that alternatives to landfill in Northern Ireland must be implemented as a waste strategy, including the reuse of waste and increased recycling. The question of waste management schemes must be studied in detail and should be left to locally elected representatives in the Assembly to formulate and implement.

There must be no further development of landfill sites at Mallusk or elsewhere in Northern Ireland, and any such proposals must be rejected. Resolutions to the current problems must be speedily achieved. High standards of public life and protection of the environment are key responsibilities of elected representatives and fundamental requirements of responsible government.

Mr J Wilson: Belfast City, Larne, North Down, Ards, Carrickfergus, Antrim and Newtownabbey dump their rubbish at Baird's Brae in Mallusk. I hope that these local government districts have other plans for the future because the residents of Mallusk are not planning to be everybody's backyard indefinitely. "Not in my backyard, but it is OK in yours" has been the solution offered by Northern Ireland administrators for far too long.

Perhaps I should not admit being able to remember the pit at the back of my grandfather's terrace house. Rubbish was shovelled out of it and transported by tractor and trailer to a nearby tip head or hole in the ground—a haven for gulls, rats and scavenging dogs. That was in the late '40s. Fifty years later, approaching a new millennium, the pit has become a wheelie bin, the tractor has become a labour-saving bin lorry and the hole in the ground is still a hole in the ground with a liner, and we call it land reclamation.

This debate is timely and necessary. It is timely because it will point up the need to look objectively and, indeed, subjectively at the real issues associated with landfill, and it is necessary because Northern Ireland is fast approaching a crossroads and will have to confront head-on what is to happen to its rubbish and waste in the years to come.

We all acknowledge that landfill is an emotive subject and that we would not like to live near such a site. Yet, as a community, we generate waste—one tonne of it per household each year. It is collected from outside our houses, taken to a place that is well away from where most of us live and then forgotten about.

It is not as simple as that for some 300 residents in Mallusk who are directly affected by a landfill site. These residents live near a landfill site, a facility that, quite understandably, causes them to be angry. They are opposed to the operation; they complain about what it does to their area; and they are demanding action. And why not? It is right that this debate should reflect their feelings, and it is also right that we, as elected representatives, should look at the wider picture: what would happen to the 350,000 to 400,000 tonnes of waste from seven district council areas that is deposited annually if there were not a Baird's Brae landfill site?

I want to be as fair and objective as possible. First, the residents have raised objections to what could be termed as a spin-off from the UK Waste's management site. They say that there is a smell—and there is—and that birds, flies, rodents and litter are major problems.

UK Waste, for its part, insists that it is the best and most professionally managed landfill site in Northern Ireland, if not on the entire island of Ireland. The company, regarded nationally as an industry leader, has invested £0.25 million in installing a range of measures designed to reduce the nuisance caused to the local community. These measures have operating running costs of £60,000 per year.

The company states that 70 nozzles are used to spray natural oils on to the site to suppress the smell. This system, which is unique in Northern Ireland, works 24 hours a day, 365 days per year, and the company claims that it also serves to eliminate ash and other fine particles from the air.

UK Waste operates the largest gas system in the Province, burning off 2,000 cubic metres of gas per hour. Plans are in place to use this gas to generate electricity—enough power to meet the needs of a large village or a small town. Green energy from waste has certain attractions: it reduces dependence on coal; cuts levels of methane; and minimises the damaging greenhouse effect. An ambitious plan such as this should be welcomed.

The condition of the approach road to the landfill site is a major issue. UK Waste says that mechanical

sweepers sweep the main road daily, while on the site a wheel-wash system cleans every vehicle as it leaves. Still the road is a mess. It is not designed for the volume of heavy vehicles which travel to and from the dump.

At the perimeter of the landfill site there is a 30-foot litter fence. The fence is backed up by mobile litter screens which are placed beside a refuse vehicle while it is tipping. An enclosed storm area, built at a cost of £50,000, is used in inclement weather. Yet the residents say that there is a litter problem in the district.

A range of measures is used to counter nuisance from birds. They minimise any inconvenience to residents while, at the same time, serve as a deterrent to birds. The residents give a graphic description about living under the flight paths of these birds. I will not go into the detail.

What about rats and other vermin? According to the company and the environmental health body Northern Group Systems, which acts for Newtownabbey, Larne and Ballymena councils, there is no evidence of infestation above the level associated with a semi-rural location. The residents strongly disagree.

Stringent controls are also in place to deal with flies. The Department of Agriculture audited the landfill site and said that there was no fly problem on the site. Again the residents strongly disagree.

UK Waste insists that it is doing all that it can to address the concerns of the local residents. Many of their comments have been taken on board, and the company was instrumental in setting up a liaison group as a means of creating two-way dialogue.

12.30 pm

In short, it tries to adopt the good-neighbour approach. The residents do not want a major landfill site operator to be their neighbour. What about the future? The landfill will reach the end of its useful life in 14 months or so. One third of the area has been restored to a greenfield site and another third will be completed by the end of the year.

Four years ago the firm applied to extend its operations, phase two at Boyd's quarry, and recently it applied successfully for a judicial review in the High Court to get the Department of the Environment to make a decision. The Department is now appealing this decision in the Court of Appeal, so further delay is inevitable. Time, of course, is of the essence.

The company needs to know what is going to happen from the points of view of both investment and forward planning. We are running out of landfill, and that presents an enormous headache for the seven councils which currently use UK Waste facilities. But it is not just a problem for councils. About 150 companies, which between them employ 20,000 people, depend on

UK Waste to handle their dry, commercial, non-hazardous waste. They too are looking on with a degree of uncertainty and trepidation. If they cannot dispose of their waste material, what impact will it have on their operations? It is easy to stand here and criticise, but UK Waste performs a vital function without which there would be total chaos.

Properly managed landfill is needed, even though it is not the ideal solution. The company acknowledges the difficulties and would much prefer to see an integrated solution to our refuse problem. It is also worth noting the extent to which UK Waste operations have benefited the wide range of schemes in the region.

Over the past two years UK Waste has facilitated over £650,000 for environmental programmes through the landfill tax credit scheme. Four hundred thousand pounds of this has been earmarked for projects in the Newtownabbey area, many of which are in the immediate vicinity of the site.

UK Waste is a reputable company — a good corporate citizen doing a difficult job as best it can. It knows that there are problems and no easy answers. It says itself that it does not produce waste — it manages the community's waste. It is our problem and a problem that will not be solved by dumping our rubbish in a hole in the ground some place not near our homes. The residents of Mallusk do not want a dump near their homes.

Mr Dalton: We are here today to discuss an issue which is of concern not only to my constituents in Mallusk but to the wider community in Belfast and throughout Northern Ireland. Mr Boyd has outlined a good deal of the background in relation to this site, but I will go over some of it again.

The site was created in 1988 when Derek Boyd, a local quarry man, applied to turn a redundant part of his quarry into a landfill site. The original estimate was that the site would contain 30,000 tonnes of waste. A public inquiry was called, and during the inquiry it was discovered that 250,000 tonnes of waste would be put into the site per annum — a lot more than the 30,000 tonnes originally envisaged.

As a consequence of that, an environmental impact assessment should have been carried out, but because of the Department of the Environment's failure to ask the applicant to fulfil such an obligation within the requisite time period, no impact assessment was ever conducted. The public inquiry heard from the local residents; it heard from various experts; it heard from people who said that the landfill site would not be a nuisance and would not cause any major concern to the local residents; and it also heard from people who said that it would all be finished within four or five years.

In 1995 the site was leased from James Boyd & Sons by UK Waste, which has leased the site until the year 2000. It started running it in February 1996, and since then my constituents and the people who live in and around the site in Mallusk have had to suffer the smell that emanates constantly from this dump, a smell that is so unpleasant that during the summer months the children do not want to play in their back gardens. People do not want to go outside, and they cannot hold barbecues, as many of us like to do, during the summer months. That is an unacceptable burden on the residents, and it is just the tip of the iceberg.

Thousands of birds regularly scavenge on the site and then fly across the residential areas leaving waste deposits. Local residents have to endure bird waste covering houses, cars and clothes. Some residents recently complained that they had seen rats around their homes and in the area. There seems to be a development of rats and mice about the site, and that is a major public health issue.

UK Waste recently applied to extend the site in what it calls phase II of the operation to develop a larger site that will have a capacity of more than 300,000 tonnes. It will be used for approximately 20 to 25 years. There has been no public inquiry in relation to that site because the Department relied on the fact that there had been a public inquiry into phase I — a smaller site. As that public inquiry had determined that that had been a suitable area for landfill, the Department decided that there would be no problem over allowing a further site there. The Department duly issued a notice of opinion to the applicants — UK Waste — stating that full planning permission would be granted for the application for phase II.

Since that notice was issued, the Department has started to develop, as my Colleague Mr Ford has said, a waste management strategy for Northern Ireland. It had realised that if it sited at Mallusk an enormous landfill with the capacity to take nearly one third of the Province's entire waste, it would skew any possible consideration of a properly developed waste management strategy for the entire Province. Fortunately, it told the company that the application would not be approved at that stage, and it has been withholding a decision.

Colleagues have said that the company has successfully applied for judicial review to get the Department to make a decision. The Department has now gone to the Court of Appeal. If it were not sub judice I could go into some of the issues relating to the High Court judgement. I question the judgement of some of the lawyers in deciding to appeal. The Department has an opportunity to make a decision now; it does not need to appeal.

Mr Weir: Is the Member aware that this is part of a wider problem of delayed decisions by the Department

of the Environment? In my constituency, there is the possibility of a sewerage works in either north Down or Ards. The report recommending the site for the works was submitted to the Department before Christmas, but there have been many delays in announcing the site, and the Department seems to be dragging its feet over similar decisions.

Mr Dalton: I cannot add to my Colleague's comments about that site. The Department may be dragging its feet, but perhaps it has a good reason. I suspect that other Members share my view that the development of a proper waste management strategy for Northern Ireland should not be decided by Lord Dubs, by any other Minister from across the water, or by civil servants in the Department of the Environment. It will affect the development of this Province for the next 20 to 25 years or more, and it should be decided by Assembly Members and Ministers. We were elected by local people and are accountable to them and not to people in middle England.

At the earliest opportunity, the Assembly should take upon itself the role of determining a future strategy for waste management. As soon as we have ministerial responsibility, the statutory committee on the environment should urgently look at this issue and work with the Department to develop a proper waste management strategy for the entire Province. Only after such a strategy has been developed can the relevant Minister make a decision on the Baird's Brae site.

If we are going to develop a proper strategy for Northern Ireland, we will have to take account of some of the issues raised by Mr Ford. We produce an enormous quantity of rubbish from our houses every year, so it is important that we try to deal with that rubbish, and not just bury it in a hole in the ground.

We should seriously consider the use of recycling facilities and the possibility of creating facilities that could generate electricity from this waste. Rubbish is not just something that we should bury in a hole in the ground — it is an asset that can be used for the benefit of the whole community. If we just bury it, we are storing up problems for future generations and wasting a valuable asset.

I would also suggest that Belfast City Council, as it considers the development of the waste management strategy for the Belfast area, should consider how the waste generated in the Greater Belfast area — 150,000 to 200,000 tonnes of waste — affects other areas. Belfast City Council has the opportunity to lead the way in this field and to assist the rest of us in the development of a waste management strategy for the Province as a whole.

I hope that the development of the Cottonmount site does not go ahead because Mallusk is a residential area.

It may not have been when the site was first developed, but it is an area of considerable population growth now. There are 1,000 houses to be built in that area in the near future. It is unreasonable to expect so many people to live so close to a landfill site, and I hope that this development does not go ahead.

Mr McClelland: It is worthy of note that five of the six Members for South Antrim put their names down to speak in this debate, and that they attended a public meeting on this subject in Mallusk a couple of weeks ago.

Mr Clyde: I have been accused of not putting my name to this motion. I was not approached about this matter. As Mr Ford and Mr McClelland know, I am opposed to landfill sites and have given more support to residents of the areas around landfill sites than anyone. It is odd that neither Mr McClelland nor Mr Ford has attended any meetings of the Ladyhill Residents' Association about the development of a landfill site there.

Mr Ford: Could Mr McClelland confirm that I left a note about this debate in his pigeon-hole and those of all the other Members for South Antrim last week?

Mr McClelland: Yes, I can confirm that.

I was going to say before Mr Clyde intervened that I was sure that, given his previous interest in matters relating to waste management on Antrim Borough Council, Mr Clyde would be afforded the opportunity to take part in this debate. Because of his interruption I was not able to make that point, but I have no doubt that Mr Clyde will want to contribute to this debate, given his past interest in the matter.

I would like to begin by thanking Mr Ford. His comments on the waste-management strategy consultation document were very helpful and incisive. I would like also to thank Mr Boyd, who took us so eloquently through the chronological events relating to the landfill site at Mallusk, and Mr J Wilson, who spent some time on the problems relating to the site at Cottonmount and who, like myself, believes this to be a wider problem, affecting not just the people in the Cottonmount area.

I also agree with much of what Mr Dalton said. He also stated that this was not just a problem for the south Antrim and Greater Belfast areas — it is a problem for the entire community. Quite rightly, he said that, the sooner the Assembly assumes responsibility for these matters, the sooner we will be able to resolve these problems.

The word "crisis" has been overused in our debates, but I believe that we do face a crisis in waste management. There is a major problem with waste disposal throughout Northern Ireland, and particularly in the south Antrim/Greater Belfast area. We are still waiting for the

Government's final statement on a waste-management strategy.

12.45 pm

The Department of the Environment has quite rightly attracted very strong criticism for its failure to deal with the problem and to implement the waste-management strategy following consultation, which will facilitate, among other things, planning decisions on landfill sites.

While everyone agrees that a strategy is required sooner rather than later, the reality is that decisions must be made. Any delay in agreeing this document will create further problems. Urgent action is required.

The responsible Department has always responded to planning applications in the past by saying

"The priority is not to predetermine the balance, nature and number of waste disposal methods and facilities in advance of the waste management strategy".

That is a cop-out. It fails to respond to the growing needs of the community in dealing with a very serious environmental problem.

Because of this ongoing crisis the Department of the Environment has sometimes turned policy on its head. With planning logjams and other problems it has been forced to facilitate Belfast City Council. It was originally required to close the Dargan Road foreshore site by the year 2000. Because of the impending crisis the Department has, at a stroke, given Belfast City Council a five-year extension to the site. Consequently there will be a continuing environmental impact on a partially contained foreshore site. This site is the source of many problems as it is not fully contained and leaks into Belfast Lough. It has been criticised by environmental observers over the years.

Therefore the Department of the Environment, in recognising the crisis faced by Belfast and Belfast alone, is applying double standards. It tells other councils that planning must await a regional strategy document, yet it has given Belfast City Council permission to extend a low-grade, high-impact site for another five years. It makes a nonsense —

The Initial Presiding Officer: The Member is obviously wishing to make an intervention. Two Members cannot be on their feet at one time.

Mr McClelland: I am sorry. I did not realise that I was being asked to give way. Go ahead.

Mr Gibson: I note with great concern the areas mentioned, but I wonder if Members have considered that the Government and its legislators have a greater role in this area than anyone else. The consensus in Europe is to make the polluter pay — those who originally produce the rubbish. I am thinking in particular of those who produce the non-biodegradable polystyrene trays and the cubic

tonnage of non-degradable plastic. Has any Department yet made an effort to encourage the manufacturers to recycle? There was nothing wrong with the old idea that those who returned the bottles were rewarded.

Mr McClelland: I thank the Member for his comments. The concept of the polluter paying is in the document.

I was making the point that the Department of the Environment has employed double standards in allowing Belfast City Council to extend the Dargan Road site. I, as other Members have done, welcome the draft consultant document on a waste-management strategy. It contains a commitment to sustainable development, to the polluter paying, and it combines environmental, economic and social objectives. I also welcome its commitment to the effective protection of the environment and the prudent use of natural resources.

I understand that there are about seven and a half years of remaining landfill capacity for the whole of Northern Ireland. It is costly to the ratepayer. Transporting waste is costly and it attracts considerable public opposition due to the environmental problems.

I am aware, as are other Members, of the problems of pollution, the environmental problems and, as Mr Boyd and others have rightly pointed out, the tremendous problems caused to the ratepayers of Newtownabbey. I am also aware that even if we have a new Waste To Energy

plant in Belfast and ambitious new recycling plans, we will still need landfill sites as an outlet for industrial waste and ash residue.

The reality is that the pace of development by the Department of the Environment in the waste-management sector did not keep pace with the requirements of the community. We have a crisis on our hands which is already presenting itself in the environmental impact in south Antrim and Greater Belfast and will do so in the other areas.

As other Members have said, this region requires a sound waste-management strategy. It is crucial to our social, economic and environmental well-being. The problems which face Newtownabbey and Greater Belfast are there because of the failures of Government Departments. We need this Assembly to start to make decisions and, if I may paraphrase another Member, this problem is not going to go away, you know.

The Initial Presiding Officer: Mr Clyde, another Member for South Antrim, whom you mentioned in your comments, and a number of other Members wanted to speak in this debate. However, the requests were made after the sitting had commenced. That is why it has not been possible for Mr Clyde and other Members to take part. I think it is only fair, from his point of view, that I put the record straight.

Adjourned at 12.52 pm.

THE NEW NORTHERN IRELAND ASSEMBLY

Monday 8 March 1999

The Assembly met at 10.30 am (The Initial Presiding Officer (The Lord Alderdice of Knock) in the Chair).

Members observed two minutes' silence.

PRESIDING OFFICER'S BUSINESS

The Initial Presiding Officer: The Committee to Advise the Presiding Officer, in making preparations for today's sitting and appreciating the number of Standing Orders to be considered, and with a significant number of amendments likely, requested me to write to the Secretary of State asking that her previous determination that the Assembly would be able to meet until 6 pm on 9 March be extended to 10 March.

The Secretary of State has replied as follows:

"By virtue of Paragraph 1 of the Schedule to the Northern Ireland (Elections) Act 1998 it falls to me to determine where meetings of the Assembly shall be held, and when. In my letter of 26 February, I directed that the Assembly shall meet at Parliament Buildings, Stormont at 10.30 am on Monday 1 March until 6 pm on Tuesday 9 March. Having considered your letter of 1 March, I withdraw that direction and now direct that the Assembly shall meet at Parliament Buildings, Stormont, at 10.30 am on Monday 1 March until 10 pm on Tuesday 9 March. I will consider making a further direction as respects this period, in particular in the light of any indication I may receive as to the wishes of Assembly Members after the Assembly has begun to meet."

The House needs to be aware that there are some 71 Standing Orders to be approved. In respect of item 3, the motion to take note of the report, I have received one amendment. However, in respect of item 4, the compendium of Standing Orders, there are some 87 amendments to be considered.

It is impossible at this stage to be sure how long these will take, but as we only have until 10.00 pm tomorrow, unless there were a different determination from the Secretary of State, Members may find as today proceeds that it will be difficult to complete business if the sitting is suspended at 6.00 pm today. Therefore I will take soundings, during the procedures this afternoon, through the usual channels to see whether the Assembly wishes to continue to meet into the later part of this evening and also tomorrow, or whether it wishes to suspend at 6.00 pm this evening, resume at 10.30 am tomorrow and sit until 10.00 pm, or as late as is necessary. I will take

soundings on that as it becomes apparent what we need to do.

Mr Paisley Jnr: Is it in order for the Assembly to congratulate Northern Ireland racing ace Eddie Irvine on his magnificent victory in the early hours of yesterday morning in the Australian Formula One Grand Prix? Over the first months of 1999 we certainly have seen sporting excellence —

The Initial Presiding Officer: Order. The Member has gone substantially beyond a point of order. As he knows, it is not in order for the Assembly to vote on a matter on which a motion has not been tabled in due time. It would be surprising if some personal messages of congratulation were not sent. If the Member wishes to table a motion on the matter he is perfectly at liberty to do so.

At the sitting of Monday 1 March Mr David Ervine asked me to rule on the definition of fronting paramilitary organisations. I have reviewed the relevant extracts from Hansard and have nothing to add to my ruling at that time.

I should like to advise the Assembly on the procedure that I intend to follow on items 3 and 4 on the Order Paper. Item 3 is a relatively straightforward motion to take note of the report by the Committee on Standing Orders. After it is moved by the joint Chairs, I will take an amendment to it before inviting Members to address the general principles of the report. The amendment is for a general tidying-up — if I might put it in that way — and takes the form of a resolution on how the Assembly would treat the subsequent compilation of Standing Orders. I will take that at that time.

Because the report and the motion on it is not a change to Standing Orders, of itself it should not require cross-community support. However, because the amendment proposes to make changes, albeit of a largely typographical nature, to Standing Orders it will properly need to be decided by a cross-community vote. That means that the substantive motion, if the amendment is approved, will also have to be decided by cross-community vote.

Apart from the question of the amendment, I suppose that one might describe the debate as a second-reading type. In such a debate Members can deal with the report's general principles outlined and with any other matters that arise from that.

I shall remind Members of some of what I am about to say at the appropriate point. Item 4 on the Order paper — approval of draft Standing Order — is a substantial piece of business. As I have said, there are some 87 amendments. As Members are aware, amendments can be presented up to one hour prior to the commencement of the sitting, that is to say, until 9.30 am. Amendments were coming in up to that time. I

apologise to Members on behalf of the staff for the fact that it has not been possible up to this moment to provide a full, marshalled list of amendments. That work is in progress, and I trust that a list will shortly be available to Members. I hope that the House will understand that a substantial amount of work was involved.

I have outlined the process that I intend to follow on item 4. We shall take each natural section of the report. Some of those are quite short sections of perhaps half a dozen Standing Orders but other sections are much more substantial, with a considerable number of Standing Orders. However, we shall deal with the Standing Orders as they appear in their natural sections of the report. At each section we shall consider amendments to that section, discuss them in the order in which they are relevant to it, and debate the whole of that section at one time.

We will vote at the end of the debate on that section, and we must vote on each Standing Order. If there are no amendments it will be possible, as in the case of the clauses of a Bill, to take, say, Standing Orders 1 to 4. Strictly speaking, according to the Standing Orders every vote requires cross-community approval. However, if we were to vote on 71 Standing Orders and 87 amendments, about 160 cross-community votes would be required, and that would involve about 40 solid hours of voting. Members will agree that that is not a practical way to proceed.

In the case of Standing Orders that can be taken together because there are no amendments, I propose simply to put the Question and collect the responses. If there is no dissent I shall consider that cross-community support has been achieved. Any dissent on the vote on an amendment or on a Standing Order will allow no option but to proceed to a cross-community vote irrespective of the time that is involved.

When we come to the end of the consideration of the whole compendium of Standing Orders I will take a vote in the full fashion so that we can measure cross-community support for the Standing Orders as

amended in the debate. I trust that that is reasonably clear, but I shall try to draw it again to the attention of Members.

The First Minister (Designate) (Mr Trimble): I have no objection to what has been said about voting. A process that abbreviates the time spent voting is appropriate. Will there be a separate debate on each amendment? Taking amendments in groups means that there will not be a coherent debate on any one of them. We need to have a separate debate on each amendment.

The Initial Presiding Officer: My proposal is to group the amendments according to the grouping of the Standing Orders. For example, the first group contains a small number of Standing Orders, and there would perhaps be some amendments at that point. I would ask the proposers of the amendments to speak to them in order, and we could debate all those amendments at that point.

If Members wish to proceed in another fashion, there will have to be a debate on 87 separate amendments. That would entail a substantial amount of work, and no matter how late we sit tonight and tomorrow we might have some difficulty in accommodating it. Some amendments would be more contentious than others. Each Member could speak for 10 minutes in moving his amendment, and there is the subsequent response. In that sense each will have to be treated as a separate debate. If I do not treat them as separate debates, Members may speak only once for 10 minutes during the consideration of the whole compendium of Standing Orders. That would be a completely unsatisfactory way to proceed.

If Members are content, we shall proceed to the debate on the report. Members will have the marshalled list of amendments delivered to them in the Chamber as soon as it is completed. I appreciate that Members must proceed to debate the report without having seen the list but the only alternative would be to suspend the sitting, and that could be done only by leave of the House. Unless I hear a proposal to that effect I propose to proceed to item 3, the debate on the report.

ASSEMBLY STANDING ORDERS

Motion made:

This Assembly takes note of the report by the Committee on Standing Orders. — [*Mr Cobain and Mr Haughey*]

10.45 am

Mr Cobain: The report of the Committees on Standing Orders is in two volumes. The first volume gives the essential detail, the remit, membership, what we did, how we did it and what we recommended, and so on. The minutes are appended.

The second volume contains the recommended Standing Orders. At our last meeting one might have expected that we would have agreed a cut and dried report — not so. The Committee was actively making changes to the report right up to the final bell.

Members should have also received the inevitable errata that accompanies this type of document. I would like to pay tribute to Denis Haughey, my joint Chair, who has done a marvellous job particularly on those occasions, one of which Members heard about last week, when the Committee found itself all at sea. At all times he has shown scrupulous fairness and a concern to keep the Committee together. I would also like to thank the Members of the Committee and the many substitutes.

Standing Orders is not an easy area for many people — indeed, it is not even an interesting one — but it was an essential area that had to be covered. All those involved, including the observers, must have been totally bemused at times. Our thanks are also due to Murray Barnes and Denis Arnold for all their hard work and support.

The Committee first met on 6 July 1998. We have held 22 meetings and, bearing in mind the diverse make-up of the Committee, we have achieved much in bringing together this agreed report. When Denis Haughey and I were elected as joint Chairs of the Committee we resolved to proceed on the basis of consensus, as far as possible. The documents before the House today are there as a result of consensus.

Party size and the voting power that comes with it was not used to push things through. The smaller parties will testify to this and agree that their concerns were taken on board in a fair way. The Committee had its ups and downs, but everyone, including the substitutes, contributed in a constructive and helpful way. In the minutes Members will see that the 19 strong Committee was well attended at all meetings.

We began by looking at the Standing Orders of different assemblies — the European Parliament, the Commons and the Dáil. In the absence of any guidance, we decided that the best basis on which to

proceed would be to look at the Orders of the 1973 Assembly. We considered these, armed only with our knowledge of the agreement. We also looked at Initial Standing Orders and considered how we could adapt them.

We reported our progress to the Assembly on two occasions. Of course, all of this was overtaken by the Bill and the need to base many Standing Orders on this. The business of devising Standing Orders by committee is not an easy task. For a time some reliance was placed on officials to get on with the job and consult when necessary. The hastily drafted Bill underwent major amendment, as is usual, particularly during its passage through the Lords. Therefore complete clarity could not be expected until it was enacted. Standing Orders are, above all, procedures. Some of these are prescribed in the Act. The rest were devised by the Committee after lengthy deliberation.

We have produced 71 draft Standing Orders over a relatively short period. This compares with the Welsh who have drafted their Standing Orders in advance over a year. The Scots are also in the process of doing something similar. The advantage in our case is that we, the elected politicians, will have had a hand in producing our own compendium and that will result in a greater feeling of ownership.

The Standing Orders in the compendium are divided into nine sections dealing with all facets of the Assembly. The first section deals with preliminary matters that must be addressed at the beginning of any assembly. These Orders stick rigidly to the requirements of the Act, and there is little scope for any fundamental change.

The next section deals with the day-to-day business of the Assembly, and it owes as much to an updating of the 1973 procedures as to anything else. The Clerks at Westminster have been consulted on the updating process.

In respect of voting, we have adopted the Westminster-style Division system. This is not to say that we are against modernisation, and we can certainly look at alternatives in the future, but we have decided to opt for what we believe is a tried-and-tested methodology. For the time being, I believe, this is the safest route to take.

The next section deals with legislation. Once again we have proceeded according to the Act, and because this Assembly is unicameral we have decided to build in safeguards. Bills will normally undergo a five-stage process, which will include a full Committee stage, during which the statutory committee will consider the Bill in detail and may, if necessary, take evidence on the matter. In addition, the Assembly will have the opportunity to examine the legislation in detail. Should issues of equality arise, provision has been made for such issues to be referred to a special Assembly

committee and, where necessary, to the Human Rights Commission. Again, these are requirements of the Act and of the agreement.

There may be incidences where primary legislation has to be passed quickly — for example, on social security matters where the Assembly will want to maintain parity with Great Britain — and so provision has been made for a process we have called the accelerated-passage procedure, which will enable Bills to be enacted within a relatively short period. However, this very necessary mechanism must not be abused. It should be used in exceptional cases only, and a considerable onus will be placed on Ministers to justify using it at all.

We have also given consideration to subordinate legislation. The agreement envisages a role here for Statutory Committees, and we have had to take account of this. But Statutory Instruments are generally of a technical nature. In many ways, they are best dealt with at a technical level, and we recommend the appointment of an examiner of statutory rules to assist the statutory committees in this field. We believe that the provisions of these Orders are capable of dealing with the full range of legislation — including financial legislation — that is likely to come before the Assembly.

The legislation section is followed by a short section on Ministerial appointments. You will note that there is no reference in the compendium to the appointments of the First and Deputy First Ministers. There is no need. Where the Act itself stipulates procedures, we have not repeated these in Standing Orders. Members may be surprised at the structure of the Standing Orders in this section, but I should point out that, like other Orders, they must be read alongside the Act. Here we differ from Westminster. The Westminster Parliament is sovereign, and we are not.

The next section deals with Committees. In addition to the Statutory Committees, we envisage having what we have called Standing Committees; examples of these are given in the compendium. These named Committees will include a representative from each party. We believe that in an Assembly of this type this is important.

There will also be other types of standing Committees in the future. These may be less central to what we do, and we recommend that, like the statutory Committees, they have a fixed membership of 11.

We also see scope for a further type of Committee which we have simply called “ad hoc Committees”. Such Committees would be set up to deal with issues over a specified time and would then be stood down; the present Ad Hoc Committee (Port of Belfast) may well be an example. The Committee membership figure of 11 was arrived at following much debate, and the Committee considered using the matrix at the back of

Volume 1 of the report — the impact that different sizes of committees would have on parties. We believe that the Chair and Deputy Chairs of Statutory and Standing Committees should be appointed using the d’Hondt system, but it will be up to the Assembly to decide on the appointment of Chairs to ad hoc Committees.

There is another issue to do with committees which I must mention. There is no Statutory Committee for central functions. There could be a non-statutory Committee with powers to call for persons and papers, but the Act does not allow for any Statutory Committee. I could say more about Committees, but time is against me.

The next section deals with order and is self-explanatory. The only point I want to make here is that the Keeper of the House, a functionary whom we equate, in some respects, with the Serjeant at Arms at Westminster or the Captain of the Guard in the Dáil, will not have the full powers that are deemed to be necessary in the Standing Orders until the Assembly legislates on this matter. This should not present any problems.

Last week the Assembly adopted the proposals on Members’ interests. I will say something about that because it is a matter for Standing Orders. Ideally the Assembly should have its own Commissioner on standards. This will be the case in Wales and probably in Scotland, and it would be appropriate here also. The Commissioner would have duties similar to those of the Commissioner at Westminster and would report to the Assembly’s Committee on Standards and Privileges. This committee’s principal officer would be the Clerk of Standards and the custodian of the register of Members’ interests. This is the structure envisaged, but, as pointed out by the other joint Chairman, a deeper consideration of the whole issue will have to await the formation of the Committee on Standards and Privileges.

The last section of the report is called “Other Orders”. It contains two late entries on language and the Commission. The language Standing Order is the briefest in the compendium, and its conciseness belies the time spent by the Committee on it.

The Committee has worked for inclusiveness, as is borne out by its decision to recommend that the much over-burdened Commission be given the assistance that is due to it. We suggest that five-a-side is far too strenuous a game for the elderly quantity surveyors, and we recommend a full team of 11.

Mr Haughey: In moving the motion with my Colleague, I commend the report to the House.

The Initial Presiding Officer: I understand that Members have not yet received copies of the amendment that is about to be moved. I have asked, somewhat unusually, that the Doorkeepers make themselves available to distribute it in the Chamber. As soon as we have the

full list of marshalled amendments, I will arrange to have it distributed as well.

Mr P Robinson: I beg to move the following amendment: At the end of the motion add

“and further notes that the Standing Orders, once approved by the Assembly, shall be renumbered where necessary, punctuated and proofed to ensure consistent language”.

As someone who never darkened the door of the Standing Orders Committee, it falls to me to be the first person to welcome the publication of its report. I congratulate the Committee on the very substantial task that it has performed. I would also like to point out that the 70-odd amendments that are down in my name are not meant as a criticism. It is inevitable that any substantial document listing Standing Orders is open to amendment.

Most of the amendments are of a tidying-up nature. The amendment to this motion is of a general character, and there is no party-political edge to it whatsoever. It simply allows me to do what it would otherwise have taken another 200 amendments to do — it is one catch-all amendment.

11.00 am

There is a series of punctuation errors and a proliferation of instances where different terms are being used for the same activity. For example, “lodged” and “deposited” both appear, as does “left with” on one occasion, and there are many similar references. There needs to be consistency. And if any of the amendments are passed, or if any of the initial Standing Orders are deleted, there will have to be a renumbering.

I have no emotional capital tied up in the wording of any amendment. They are there to show that there is a gap to be filled or that a change is required. They can be concluded in whatever terms Members wish. I do not know — and this is a question for the Initial Presiding Officer — what the procedure would be in the House if Members wanted to change the terms of an amendment. I know that Members still have not seen the amendments. They may, however, agree with the thrust of an amendment but find its terminology awkward or unsatisfactory. Will they be permitted to table a manuscript amendment, or is there another way of dealing with such a case?

In the last two meetings of the Assembly we have been dealing with matters that are of equal importance to every Member. The normal party political divisions did not take place, the pro- and anti-agreement factions did not take different sides. That should also be the case in relation to Standing Orders. Although some of us may not have recognised it yet, we all have a vested interest in ensuring that the Standing Orders we produce this week are reasonable, fair to everyone and can stand the test of time.

When we propose an amendment to a Standing Order, we do not know whether it will eventually be used in our favour or against us. At this stage we can only judge what is right and proper and create a set of Standing Orders that ensures we regulate our business in a fair and reasonable way.

The amendments in my name, in general, will not need to be debated. Most of them are self-explanatory and I hope they will be accepted. Most of them are meant to be tidying-up measures, but some might be described as probing amendments. It could be that, in debate, the Committee will be able to show that the substance of an amendment has been dealt with elsewhere, in which case I shall be content to withdraw. However, should we discover that the matter has not been dealt with, I will obviously wish to move that amendment.

As I said, some of my amendments are intended to fill gaps. On some occasions these are gaps that we are required to fill by the Northern Ireland Act. Where the Act requires us to bring in a Standing Order on a particular matter, we must do so. In some instances the first draft of the Standing Orders fails to do this. There are also one or two areas where I have raised new issues. Members will take a view on these as they are raised.

I am concerned about the premise that our Standing Orders must be read alongside the Northern Ireland Act 1998 and the Belfast Agreement. This means that every good Assembly Member is going to have to go around with three documents tucked under his or her arm. We could get to the stage where one consolidated document, even if it only imported the language of other documents which are referred to in it, became a consolidated volume of Standing Orders.

As the Standing Orders Committee has recognised, there is an ongoing role for that Committee, particularly in the early stages of any institution, and no doubt after today, as we work through the Assembly, we will have many occasions on which Standing Orders need to be framed, and the Committee will be able to do that. I hope that in doing so it will also attempt to get a consolidated volume.

In moving the amendment, I was not sure if there was some confusion on the part of some of the officials of the Assembly or of some of the members of the Standing Orders Committee about the process that has to be followed. My concern about that arose as soon as I was handed a copy of the list of errata. An errata list is quite acceptable if one gets it along with a report or printed document that is not amendable, but if it is an amendable document the only changes that can be made to it are by way of amendment, and that has to be done in the Assembly.

Indeed, the reason there is an amendment to the take-note motion is to ensure that: no one outside the Assembly can tamper with the end product of our deliberations after Tuesday evening. That can be done only by ourselves unless we instruct somebody specifically to carry out a task in relation to it. So, in case no amendment was moved by the Committee to agree the errata as a change, one of my amendments is to do just that. However, there should have been an errata to the errata, because there were some errors in it.

Other amendments take account of some matters that should have been included. Whether or not there was a misunderstanding about the process, the only change that can take place to the published document is by way of an amendment during the course of this debate or subsequently in the Assembly.

I should indicate that the general issue behind these amendments is to provide the Assembly with a document that does not require to be amended after each meeting of the House. It is undoubtedly the case that we will have to define further many of the Standing Orders that we are producing or allow the Speaker certain discretion in their interpretations or accept Erskine May or some other volume as a mechanism whereby we can adjudicate on issues not covered by the Standing Orders.

Mr C Murphy: A Chathaoirleach, I acknowledge the work done by the Standing Orders Committee and pay tribute to the officials who have serviced that Committee over the last eight months. The task given to the Committee last July was not an easy one in view of the political importance that is attached to the rules which govern the conduct of the Assembly and the diversity of political opinion around the table. An early indication of this came with the number of meetings that it took to elect the people who eventually became the joint Chairpersons.

Further problems were created by the timescale in which we had to complete our business and by the fact that the legislation, which had a direct impact on the Standing Orders, was processing through Westminster during this time. This caused our deliberations to be suspended for at least two of the eight months during which we were sitting.

Despite all that, in the main the atmosphere in the Committee was constructive and businesslike. There was a great deal of agreement on most issues. We were able to reach compromises on many other issues, although it is a matter of regret that compromise could not be achieved on the recognition of the Irish language within the Chamber. That matter will be dealt with by my Colleague.

I should like to deal with an issue that caused great concern to the entire Committee and which is reflected in paragraph 7 of the report. It is the issue of a statutory

committee to scrutinise the executive functions of the Office of the First and Deputy First Ministers. When the Committee discussed on 11 February the appointment of statutory committees I raised the question of a statutory committee to scrutinise the executive functions of the First and Deputy First Ministers. On my proposal, the Committee agreed to add the phrase from paragraph 8 in strand one of the Good Friday Agreement which states

“There will be a Committee for each of the main executive functions of the Northern Ireland Administration.”

That became part of the Standing Order. At the subsequent meeting on 17 February, we were informed that provisions in the Northern Ireland Act prevent the establishment of a statutory committee for the Office of the First and Deputy First Ministers because they are not considered to be Northern Ireland Ministers. Standing Order 44 (1)(a) was rewritten to reflect the requirements of the Act, and removed the word from the Good Friday Agreement. The detailed explanations for that are in the appendix to the minutes of the meeting on 17 February.

Therefore the Committee on Standing Orders has been rendered powerless by the Act to provide the Assembly with the range of scrutiny powers of executive functions that was envisaged in the Good Friday Agreement. What can benignly be interpreted as a serious flaw or gap in the drafting of the legislation contradicts not only the wording of the agreement to which it was to give legislative effect, but has serious consequences for the ability of the Assembly to provide completely open and accountable government.

Regrettably, that is not the only derogation from the Good Friday Agreement by the British Government. The flying of the Union Jack on this building today is in direct contravention of paragraph 5 of the section on “Rights, Safeguards and Equality of Opportunity” in the agreement. We intend to bring the matter to the notice of the Secretary of State.

If the full impact of this legislation on the Committees had been evident during the negotiations on the departmental structures in December, there would be considerably fewer functions in the Office of the First and Deputy First Ministers. The only slight relief to be drawn from this situation is that the argument to locate Finance and Personnel in the centre did not succeed.

Important executive functions such as those of the economic policy and equality units, liaison with other institutions, international relations, legislation progress unit, office of the legislative counsel, public appointments policy, freedom of information, victims, Nolan standards, public service office, machinery of government, emergency planning, women’s issues, policy innovation unit and an Assembly ombudsman are not, as it stands, subject to the scrutiny of a proper statutory committee. That should not be accepted by the Assembly.

I have heard it suggested that issues such as equality and community relations could be covered by non-statutory committees, but those do not have the same powers of scrutiny as statutory committees, and those two functions are only a small part of the remit of the First and Deputy First Ministers.

It has also been suggested that a single statutory committee would be inappropriate for such a range of executive functions. The Assembly will note that the recommendation from the Committee on Standing Orders is not prescriptive. If a number of committees are needed, so be it, but it is in the interests of the First and Deputy First Ministers, the Assembly and the electorate to ensure that there is proper scrutiny of all the executive functions of this administration.

The Committee has not proposed how this matter will be addressed or who will address it. It may require an amendment to the Act. If that is the case, the Assembly should speak with one voice on the issue to ensure that any such amendment is dealt with as a matter of urgency by the British Government.

The Committee has also expressed the view that its work should not end with the adoption of the report, but it may be the best vehicle to ensure that this issue is dealt with satisfactorily. Whatever the decision of the Assembly this is one issue that should not be allowed to go by default, and we intend to return to it as often as necessary until it is resolved.

The adoption of the report from the Committee on Standing Orders, which I support, is another significant step in the preparation of the Assembly for the transfer of powers from Westminster. The way in which the Committee completed its task with every party in the Assembly represented at the table, with many disagreements — sometimes heated but more often in a constructive atmosphere — is firm evidence of the ability of all parties to agree the way forward. It is further progress in the establishment of the institutions that were envisaged in the Good Friday Agreement. There is no reason why that task cannot be completed in the near future.

11.15 am

Sinn Féin does not have a problem with Mr Robinson's amendment. The document was produced in a rush so that the Committee could meet the deadline. Perhaps that is an example to both Governments. It was inevitable that there would be minor flaws in the document, and we are not opposed to the tidying up of its text. Go raibh maith agat a Chathaoirleach.

Mr Close: It was eight months ago that we set out to produce this compendium of Standing Orders for the good governance and conduct of the House. Today, let us hope, we have fulfilled that task.

It would be remiss of me, on behalf of the Alliance Party, if I did not extend my thanks and congratulations to the co-Chairmen for assisting all of us in the business of this difficult task. As Mr Cobain has said, the devising of Standing Orders and the drawing up of a compendium of Standing Orders is a somewhat tedious and, at times, rather boring task. Thanks to the co-Chairmen's humour and cohesiveness, we managed to get on with the job and produce a report which, I hope, will receive the support of the House.

I also wish to pay a special tribute to the Clerks, and particularly to Murray Barnes and Denis Arnold, who worked, it is fair to say, far beyond the call of duty. The fact that there are errata is no fault of theirs; rather these are the result of the enormous amount of work that they were endeavouring to do in meeting rather strict and at times rather false deadlines.

While I have not seen the amendments, their large number gives me some cause for concern. I hope that they are of the nit-picking variety, the tidying-up type which, essentially, reflect the fact that we were operating under strict and difficult deadlines. If some commas et cetera have been left out, that is perfectly understandable.

The Committee would obviously have been well-served if Mr Peter Robinson had found time to come on to it. The Democratic Unionist Party had five substitutes, as well as their three members, over the 22 meetings. They were well-represented. But it would have been very helpful, and it would have facilitated the speedy agreement of the report, if the Member for East Belfast had graced us with his presence on some occasions and helped us not to make so many mistakes. However, since one of the Standing Orders permits me now to use the language of my choice, *errare humanum est* — we are all human, and we all can make mistakes.

Most of today's debate will be taken up by Members who were not on the Committee and who will want to have their say — and that is right — but there are a number of issues that I would like to flag up.

The first one is in reference to Standing Order 3(7), which refers to designation. I recognise that this cannot be changed strictly through Standing Orders — we will have an opportunity to do that if we review the Good Friday Agreement — but we have always felt that designation represents the institutionalisation of tribalism and that having it in Standing Orders does not augur well.

We have flagged up the problems with designation before, and we will continue to do so, with the ultimate goal of having removed the necessity for people to be bunched into the little tribes of Unionists, Nationalists or Others. To perpetuate tribalism does not help our society.

The other issue that I want to flag up has already been referred to. It is in relation to Standing Orders 42 to 44, which refer to the statutory committees. I was surprised to learn that the functions Department of the Centre will not be, or could not be, subject to statutory scrutiny. It could be that this omission was an oversight when the legislation was being passed, but I question that. Given the number of amendments that were put forward to the Bill on its passage through Westminster, such an obvious and glaring omission suggests a degree of deliberate intent rather than merely oversight.

If I am wrong — and I have already said that to err is human — the First Minister (Designate) and the Deputy First Minister (Designate) will join with the rest of the Members and ensure that a change in legislation is brought about quickly so that there can be proper scrutiny by the House of the Department of the Centre.

When we were discussing the various functions to be held by the Department of the Centre it struck some Members that an attempt was being made to suck too many functions into that Department. Efforts should be made either to withdraw some of those functions from the Centre or to bring about a change in the legislation to enable there to be full scrutiny of that Department.

The final issue that I wish to flag up — and I know that some of my Colleagues will be referring to this by way of an amendment — is the number of members on these committees. It is only fair that there should be the widest possible representation of all Members on the committees of the House. Members from four parties will form the Executive, and it is up to the rest of us to scrutinise fully, with the best possible representation, all the functions that are retained by the Executive. For that reason the number of members on the statutory and other committees should be increased, but this will be discussed later.

The overall job was done well. It will stand the House in good stead, and I look forward to the debate on the various amendments when we are able to see them.

Mr Roche: While congratulating the Committee on Standing Orders, it does seem that an opportunity may have been lost to remedy what is a fundamental fault in the Belfast Agreement. In the agreement we have on the one side the all-Ireland institutions, the North/South Ministerial Council, the implementation bodies and the Intergovernmental Conference. On the other side we have the Assembly, and the link between those two is the Executive.

The North/South Ministerial Council and, indeed, all those institutions appear to have two fundamental features. First, they are embedded in international law. This means that it is absolutely beyond the competence of the Assembly ever to remove them once they are set up. Second, there is something extremely ambiguous

about the functioning of these institutions in relation to the Assembly. Paragraph 13 of the Belfast Agreement states

“it is understood that the North/South Ministerial Council and the Northern Ireland Assembly are mutually inter-dependent, and that one cannot successfully function without the other.”

Whatever that statement means, it does not mean that one cannot function at all without the other. There is a distinction between what someone would perceive as successful functioning and no functioning at all. So this statement does not mean that in the event of the Assembly's being deadlocked or collapsing the institutions would cease to function. That raises the issue of what control the Assembly can have over the all-Ireland dimension of the agreement in the event of these institutions being established and, in particular, in the event of their starting to function.

The key issue is what control the Assembly has over the Executive, because the Executive is the link between the Assembly and the all-Ireland institutions. There are two points of contact between the Assembly and the Executive in terms of control. One of them is the capacity of the Assembly to vote annually on a programme of government presented by the Executive, and the other potential area of control is through the statutory committees. The problem with the Standing Orders is that they specify that the statutory committees are simply to advise and assist each Minister. In other words, they are to be as weak as they possibly can be.

Once this mechanism is up and running, there will be a fault line between the Assembly and the all-Ireland institutions that means that the Assembly will have virtually no control over the all-Ireland aspect of the agreement, and to some extent the opportunity to remedy that situation has been entirely lost by the Committee.

Ms Morrice: I commend the report and the work of the joint Chairmen — Fred Cobain and Denis Haughey — and our very capable Clerks.

A two-day or three-day debate on Standing Orders would not inspire the most intrepid political scientist, let alone our friends in journalism. However, it is important that they stop and read between the lines. This simple, unassuming report is, in fact, a document of tremendous significance as it outlines the rules and regulations that will govern the making or the breaking of new laws in Northern Ireland. The report outlines the procedures to be followed to guarantee that every piece of legislation is in accordance with anti-discrimination, equality and human-rights legislation.

These Standing Orders exist to ensure that every check is balanced and that every balance is checked. It is simply the translation of the Good Friday Agreement

and the Northern Ireland Act into the conduct of business on the Floor of the House.

However, there is an important difference. These Standing Orders were agreed by representatives from every political party in the Assembly. In fact, the Standing Orders Committee is possibly the best example so far of all parties working together for the common good. Unionists, Nationalists, Loyalists, Republicans and “Others” sat side by side on the Committee, and together they wrote, rubbed out and rewrote the rules for the operation of the Assembly.

Mr Boyd: On a point of order, Mr Initial Presiding Officer. It should be on record that the Northern Ireland Unionist Party did not have a member on that Committee. It had only observer status.

The Initial Presiding Officer: That is noted.

Ms Morrice: I thank Mr Boyd for that point of order.

Things started to look good from the outset when it was agreed that the UUP and the SDLP should jointly chair the meetings. At almost every meeting there was an obvious sense of people listening to and learning from each other. It surprised the Committee that political adversaries backed each other on several occasions. It has already been mentioned that there was only one occasion on which the deliberations became uncomfortably tense. That was at the second last meeting, about a week ago, when the sensitive issue of language was broached. At the last and possibly the best meeting, there was a very definite sense of compromise and agreement on the need to move forward.

This is our rule book. Mr Cobain has said that we got here by looking at what happens in Parliaments in London, Dublin and Strasbourg and at what happened in the last parliamentary body in Northern Ireland and by choosing the bits that suited us best. We have in this rule book the potential for a thoroughly modern Assembly. It will place human rights and equality at the very top of the agenda, and cronyism at the very bottom. It will be open and transparent and will allow for a system of government which will be a role model for other Parliaments.

11.30 am

One great achievement, of which we in the Women’s Coalition can feel proud, is the decision to end sittings at 6.00 pm. I was, however, disappointed to learn this morning that a decision could be made to change that, because of the task that is before us, for this sitting. The reason we decided to end sittings at 6.00 pm was that this would represent a family-friendly working day. The problems that have been caused in other Parliaments by the need for Members to stay for late sittings or overnight sittings have been obvious. This applies not just to women with families but also to men with

families. We can leave at 6.00 pm and get home to our families, which is very important. In fact, I understand that the Scottish Parliament will be following our lead in this respect.

I am also especially pleased on International Women’s Day — and let me repeat, for Members who may not have heard, that today is International Women’s Day — to see that the language of the Standing Orders exhibits gender consciousness through the use of “he/she” and “his/her”. I am also pleased to note that Members exhibit a similar consciousness when they are speaking in the Chamber.

I have referred to the tremendous potential which the Assembly has to create a unique system of coalition government, which could be the envy of the world. However, it must be based on the principle of inclusion, which means including the smaller parties as well as the larger ones. Those of us in the smaller parties have demonstrated that we are ready to roll our sleeves up and work hard. We should not be squeezed out of Committees to which we can make a valuable contribution by way of constructive opposition and as another voice that adds breadth to their deliberations.

Mr Cobain, in his opening remarks, said that he felt that the concerns of smaller parties had been fairly considered. However, we in the Women’s Coalition still have some concerns about this, some of which have already been raised by other Members. Standing Orders 43 to 45 refer to the principle of proportionality in the make-up of Committees which will enable them to reflect party strengths in the Assembly. However, if these Committees are to have only 11 members, this will not happen. Number 23(2)(b) of the draft additional Initial Standing Orders drawn up by the Secretary of State says that proportionality will apply to “each Committee” rather than to “all Committees”, as set out in these Standing Orders. Mr Close has said that this matter will be discussed further. Inclusiveness must apply to everyone.

When the Assembly approves this report we will be ready to open for business. The foundations have been laid, and the bricks and mortar are in place. We will have our rule book, and we will be ready, at last, to roll up our sleeves and start working. We have fulfilled our legal obligations under the Good Friday Agreement. It is now up to us to fulfil our moral obligations to the people of Northern Ireland.

Mr McCartney: One of the key issues, as identified by a number of Members, is the relationship that will exist between the Assembly and the Executive. It is very evident from its behaviour that another Executive is becoming increasingly indifferent to the views of Parliament and that the influence which can be exercised by elected representatives on the Government is diminishing. Indeed, it has almost become a habit for the Government to

release to the media what they intend to do before bringing it to the House of Commons. I therefore share the views and anxieties expressed by some Members about the control, if any, which the Assembly can exercise over the Executive.

From the earliest meetings of the Standing Orders Committee, which I attended, I made it evident that there should be a strong committee system to control, insofar as it can be controlled, the work of the Executive. That is particularly so when one realises that the composition of the Executive in the Assembly is rather different from that in most democracies.

We have consensual arrangements here. Consensual arrangements have certain benefits, and they have particular benefits to those who actually exercise power under those arrangements. Put bluntly, that power will be exercised by the larger parties, particularly the Ulster Unionist Party and the SDLP, who will have a majority of members on the Executive. Other parties, such as the DUP and Sinn Féin, will have a smaller membership. What is very important is that the activities of the Executive can be controlled — and controlled effectively.

I therefore have a degree of sympathy with the arguments that have been put forward for a committee to control the activities of the First and Deputy First Ministers (Designate). These Ministers will have a great deal of power outside the remit of the specific statutory Committees. It will be a power over a broad range of issues of important and extreme significance, yet, in formal terms, there is no committee to which these Ministers will be directly accountable. I appreciate that there is no statutory provision for such a committee and that therefore it was not within the remit of the Standing Orders Committee to create a committee specifically charged with the supervision and control of the offices of the First and Deputy First Ministers.

I also appreciate that, subject to that omission, it was necessary for the Standing Orders Committee to make whatever arrangements it could for the control of the powers exercised by the First and Deputy First Ministers. Those Ministers represent the two largest parties, and Members must avoid, in an arrangement which is supposed to be a consensual one for the exercise of power, power being effectively exercised by the two largest parties without a formal means of control.

This principle applies whether one is a Nationalist or a Unionist, though doubtless Nationalists would want different objectives controlled than Unionists. Mr Roche has quite properly pointed out some of his worries and anxieties, which I share, about the Executive's role as the link between the Assembly and cross-border bodies and about the general influence by another independent sovereign state on the internal governance of Northern

Ireland. Those are very important matters and were quite properly addressed.

I also have a deal of sympathy with the views expressed by Sinn Féin about the absence of a specific statutory committee. Doubtless it would have very different objectives from those which I share with the pro-Union community, but the essential element that Members must ensure is that the Executive come under the control of the Assembly. The Executive must be fully accountable to the Assembly, even if it is engaged in activities considered to be inimical to the objectives of the pro-Union community or to those of a more extreme Nationalist view. It must be under control. I share the view, which has been expressed by some Members, that there should be some change in the legislation to ensure this element of control over the two Ministers who will, in effect, exercise more individual power than anyone else.

It is a curious anomaly that even the power of junior Ministers — and I am talking not about junior Ministers within the definition of the Act, whom I once referred to irreverently as the ministerial piglets, but about Ministers who will be in charge of the Departments — will be much more limited than those of the First and Deputy First Ministers.

Presumably the First and Deputy First Ministers — representatives of the largest parties — will have the greatest overall input into the preparation of the annual policy document which the Assembly will subsequently be required to ratify as the Executive's policy objectives and functions for that year. They will be at the centre of power.

In terms of a wheel with 10 spokes, all the Ministries will be accountable down to the central hub, which will be the Office of the First and Deputy First Ministers. As the hub of that governmental wheel, they will control the office which is in touch with all of those Ministries, yet that hub will not be subject to any statutory committee, upon which all parties should have representatives, that could have a direct input and exercise direct control over what those Ministers are doing.

In terms of the matters that were raised by Assemblyman Roche, it seems that the area, functions and powers of the North/South Ministerial Council and of the implementation bodies are necessarily painted in rather vague terms. I was amazed to hear the First Minister (Designate), on the radio programme 'Inside Politics', refer to me, saying "Poor Bob does not seem to realise that international treaties are not written in plain language." Mr Trimble ought to know, because if ever there was an exponent of obscure and obscurantist language, of circumlocution, of fudge, of any form of language that is particularly utilised to ensure that his listeners have not got a damned clue about what he is talking about, it is the First Minister (Designate).

A proposal to set up a committee to ensure that the gobbledegook of the First Minister (Designate) is analysed and examined and turned into plain language that not only the Assembly but the entire electorate of Northern Ireland can understand would be well worth implementing. For the benefit of all parties, whether Republican, Nationalist, Unionist or Loyalist, the Assembly should have a degree of control by way of a strong central committee over the activities of those who will exercise more power than anyone else.

Mr Dodds: I join other Members in paying tribute to the work of those who have been instrumental in getting the Committee's work to its present stage.

11.45 am

Mr McCartney: I omitted to express my sincere praise and commendation for the two Chairmen of this Standing Orders Committee, whose behaviour at the meetings at which I was present was absolutely exemplary.

Mr Dodds: Everybody on the Committee agrees that a tremendous amount of work was carried out, not just by its members, but also by Mr Denis Arnold and Mr Murray Barnes. I am happy to join my Colleagues in paying tribute to them and also to the joint Chairmen, who guided the Committee. I also want to pay tribute to my party Colleagues who, on occasions, substituted for some of us who could not attend — people such as Mr Sammy Wilson, Mr Jim Wells, Mr Mark Robinson, Mr Paul Berry and Mr Edwin Poots. They made a considerable contribution to the Committee, and I thank them.

As the joint Chairman said in his introduction, the original intention was that we should report by 14 September last year. We always thought that this was somewhat optimistic and, as events have turned out, meeting even today's deadline was a bit of a rush, although the interim report, issued on 26 October, dealt with some of the issues contained in the final report. It must be stressed — as it was by the joint Chairman — that not all the issues that the Committee spent much of its time on eventually ended up in Standing Orders. Some ended up in the minutes, some in notes which will accompany the Standing Orders —

A Member: Some ended up in the bin.

Mr Dodds: Indeed.

An enormous amount of work was done, not all of which is reflected in these documents we have before us. We have had to deal with the fact that the Northern Ireland Bill was going through its various stages in Parliament at the same time as we were trying to draw up Standing Orders. There was a period when we were not sure what the legislation would say about the Standing Orders. This led to the suspension of the work

of the Committee in its plenary form, although officials carried on working behind the scenes. That was one reason why the Committee was not able to progress its work as quickly as some of us would have liked.

The Committee also had to deal with additional Initial Standing Orders, sent by the Secretary of State. At the beginning of September, we spent some time debating the draft additional Initial Standing Orders, and we returned them to the Secretary of State. She commented on our recommendations, but we have not heard anything about those additional Standing Orders since. Some of us asked what had happened to them. We queried why, at a crucial time in its work, the Committee was burdened with having to deal with these additional Standing Orders when nothing ever came of them, but to this day, the Secretary of State has not given the Committee a satisfactory answer.

We will be dealing with the Committee's work section by section. There will be specific amendments, and we can, at that time, deal with some of the minutiae and some of the individual Standing Orders as they come along.

I want to make some general points about the more significant issues. Mr Close mentioned the issue of changes in designation. We had this debate, I think, at the 26 October Assembly meeting. Mr Close still maintains that it is a nonsense to have people divided up into tribes — Unionists, Nationalists and Others. He has argued this point in Committee. The difficulty for him, of course, is that he and his party signed up to this designation, this division of people into tribes, under the terms of the agreement.

As we tried to point out on a number of occasions, it was a bit late expecting the Standing Orders Committee to argue about this when the Member had already agreed that tribalism should be enshrined in the Belfast Agreement and, therefore, in the Act itself. There was nothing we could do about it, and the reality is that we now have a system of voting which ensures that we have these designated blocks for ever within the lifetime of the Assembly — Unionist, Nationalist and Other. That is the way in which votes will be taken on key issues.

The Initial Standing Orders which we were given by the Secretary of State included a provision to enable Members to jump from one designation to another — from Unionist to Nationalist and then the following week, if Members so decided, to Other and then back to Nationalist or Unionist. Some Members actually argued in the Committee that we should continue with that — astounding though it may seem.

I am glad that common sense prevailed and that Standing Orders say that while it is possible for someone to change once during the term of the Assembly, it will

be once and once only. There will be none of the nonsense that was intended by the Secretary of State and encouraged by some parties here of Members being able to change their designation with seven days' notice in order to influence a vote in the House. We were successful in deleting that piece of nonsense from the Standing Orders.

The matter of language raised its head in the Committee on numerous occasions, and we had exchanges on this subject at the meeting on 26 October. No special recognition is now given in the Standing Orders to any foreign language that may be used in the Chamber. The Standing Orders provide for Members to speak in any language other than English should they wish to do so, but there is no provision for translation, simultaneous or otherwise, and no special recognition or place is given to any particular foreign language.

I thought that the purpose of debate was to try to influence how other Members vote or think by having one's voice heard and opinions expressed. But if some Members are so discourteous that they want to speak in a foreign language that others do not understand, that is a matter for them. If they want to waste their time in that way, that is a matter entirely for them.

Ms Morrice said that she was glad that the Northern Ireland Women's Coalition had achieved a family-friendly time for sittings: 10.00 am to 6.30 pm. However, I am disappointed that it is a woman Secretary of State who has told the House to meet until 10.00 pm both today and tomorrow in order to get through its business. I am sure that the Northern Ireland Women's Coalition will be taking this up with the Secretary of State, and I hope that they will be as vehement in raising that with her as they are about other issues.

As I understand it, however, this was not an issue. Members from other parties will agree that this was something that found broad agreement among all parties. We all agreed that we should have a sitting arrangement which would be family-friendly and family-orientated — this was not something that just the Northern Ireland Women's Coalition wanted. Indeed, the only dissenting voice on this, as reported by the joint Chairman, was that of the Chief Whip of the Ulster Unionist Party, who proposed that the Assembly meet at 2.30 pm each Monday and finish at 10.00 pm. I am glad to say that the Committee unanimously rejected that view. I do not know whether there is to be an amendment on this or not, but we will wait and see.

A problem has arisen regarding the scrutiny of statutory committees of the Office of the First Minister and the Deputy First Minister, and this has caused the Committee a great deal of concern. I will not rehearse all the arguments. I agree with the arguments that other Members have made about the importance of this issue. It is absolutely unacceptable that the important

executive functions of the First Minister, the Deputy First Minister and the junior Ministers will not be subject to scrutiny by the appropriate statutory Committee. This is a very significant matter. We must address it, and one of Mr Robinson's amendments does just that. The Assembly will have an opportunity to do something about this later in the debate.

There are other issues that I could raise, but I will reserve some of my comments until later when we deal with some of these amendments in detail.

Mr Wells: Mr Initial Presiding Officer — I hope within the next few days to be able to address you as Mr Speaker — I was not a member of the Standing Orders Committee, but, because of the busy nature of the work that the three Members from my party had to attend to, I attended as a substitute on no fewer than six occasions. Indeed, so regular was my attendance that one set of minutes recorded me as a member.

Like many others I am alarmed that the legislation does not enable the Standing Orders Committee to establish a statutory scrutiny committee to examine the powers exercised by the First and the Deputy First Ministers. I am extremely suspicious about how this happened because, while the Standing Orders Committee was meeting, a huge raft of new powers were added to that Office, and it would be total negation of democracy if there were not some controls and checks on that work. There is unanimity in the House on this: if the rights of all parties and the rights of all minorities are to be protected, there must be a brake on the powers, on the almost absolute powers on some very important matters, of the First and the Deputy First Ministers.

The message from the Assembly to the Secretary of State this morning is that new legislation is required on this crucial issue. It is no good saying that we can establish a committee if that committee does not have the power to require the presentation of papers or to request the First and the Deputy First Ministers to come forward and answer questions. It is really a bit of a sham. We must have the same powers as the statutory committees have over the Office.

A Member: Reading?

Mr Wells: I am certainly not reading.

I wish to speak on an issue which I have raised before — the speeches in the Assembly. I am glad to note that under Standing Order 17 this is addressed, but I think it is worth rehearsing the points that I made in the Committee. The present way in which we deal with speeches is strangling this body as a debating Chamber. A Member, unless he is proposing a motion, has 10 minutes in which to speak. The crucial point is that interventions from anyone on the Floor of House are included in that 10 minutes. The result is that Members are encouraged to get the head down and rattle through

their speeches at 100 miles per hour because they have to try to squeeze in the maximum amount of material they can in the 10 minutes.

I got a lot of flak a few weeks ago when I suggested that people glanced at their notes while they were speaking. An all-party delegation came to me and told me that my remark was totally unacceptable, that it was scurrilous, and I was asked to apologise. If I caused offence, I apologise. I now realise that people glanced at their notes not to read them but to try to get as much material as possible into 10 minutes. Benefiting from this were the 'Mourne Observer', the 'Strabane Weekly News' and 'The Londonderry Sentinel' because as soon as a speech is made, the text is rushed by fax machine to the local papers. I am confident that if I miss a speech in the House I will always pick it up in the local papers.

The problem with the 10-minute rule is that people are encouraged to rattle through their speeches at great speed and, because interventions are included in their time, there is no incentive for them to give way. Why would anyone give way, although I always do? Members will not give way because they will lose precious time —

Mr A Maginness: One of the problems about reading or giving a prepared speech, as opposed to an extempore speech, is that the reporters and journalists who cover the Assembly do not write down what is said. They rely on scripts. Some of the Member's remarks should be aimed at the media's reporting of the Assembly rather than at individual Members.

12.00

Mr Wells: That is a valid point. One solution to that problem would be to cut the communication links to the rooms that the media have in this building and force them to sit in the Press Gallery and listen to the debates. A speech never seems as good in cold print as it did on the Floor of the House.

The hon Member for East Belfast, Sammy Wilson, is one of the best speakers in this Chamber. Others are, of course, Dr Paisley, Peter Robinson, Nigel Dodds, Gregory Campbell — to name a few. *[Interruption]* I certainly do not fall into that category.

We are blessed with some Members who speak outstandingly well, but in cold print in Hansard their speeches do not read as well as one typed by a research assistant who dotted the i's and crossed the t's.

This House must act as a debating chamber, where Ministers and Committee Chairmen stand up and are called to account by the Members. If we do not allow interventions during speeches all we will get is a series of monologues. We might as well stand out in the corridor and hand our speeches to the press. There is nothing to be gained by standing and reading 10 minutes of prepared text at great speed.

I proposed in the Committee — and I hope it will become the policy of this Assembly — that an intervention by someone not from the Member's own party should not be included in the 10 minutes and that an intervention by someone from his own party should. I suggested this because there could be an abuse of the situation — for instance, someone representing the DUP could allow 19 interventions.

Mr Campbell: Surely not.

Mr Wells: It could happen, and it would be abuse. If that is allowed to happen that Member could, effectively, have a 29- or 39-minute speech, which would not be acceptable. I suggested in the Committee that interventions, no matter who they are from, be limited to one minute. Any point raised can be made in that time. If it comes from an opponent it does not count, if it comes from someone in the Member's own party it does count.

Mr P Robinson: There is a standard which is used practically in the House of Commons that it is not an intervention unless it is short. A minute would be far too long for an intervention, as mine has proved.

Mr Wells: I bow to the greater experience of the hon Member for East Belfast. I thought when I included him among the best speakers in the House he would have let me have an easy ride, but he has not.

The point is that it is a maximum of one minute. Some of the highlights of Westminster parliamentary debate have been the cutting intervention which have sometimes floored the argument of an opponent, completely smashed it, or enabled the Member speaking to consolidate his argument. We do not want to go down the road of the Dáil.

Occasionally when my TV aerial turns the wrong way and I pick up RTE I have noticed Members in the Dáil reading their speeches. The former Prime Minister, Albert Reynolds was one of the worst examples of this. He would get a sheet of paper, put his head down and read very fast in a totally unintelligible accent. We do not want our Chamber to turn into that. We want to be much better than the Dáil. We should have the same standards as Westminster where some of the best debates ever recorded have occurred. People like Michael Foot, Tam Dalyell, Tony Banks, the Minister for Sport, are able, with a cutting intervention —

A Member: Cecil Walker.

Mr Wells: And Cecil Walker. They are able with a cutting intervention to completely wrong foot their opponent.

The point is that no one listens to a speech that is read. However, a speech that is not read is often listened to. Let us turn this into a debating chamber so that people can turn on their television sets, see this Chamber and say "Those people that we elected are

debating. There is cut and thrust. They are worthy of election. They are not simply forced to read.”

The Initial Presiding Officer: Amendment No. 1 on the marshalled list, standing in the name of Mr Peter Robinson: moved or not moved?

Mr P Robinson: Moved.

The Initial Presiding Officer: This amendment, if carried, would affect Standing Orders and there therefore has to be a cross-community vote. In respect of the amendment, if there are no dissenting voices I will take that as giving cross-community approval, but when we come to the vote on the motion that we take note of the report as a whole, I will have to take a full cross-community vote.

Question That the amendment be made *put and agreed to*.

Mr Haughey: Mr Initial Presiding Officer, is it your intention to allow summation?

The Initial Presiding Officer: If you wish. That may be taken now.

Mr Haughey: I want to refer to a few of the things that were said.

The Initial Presiding Officer: I will put the main question after that.

Mr Haughey: I cannot speak for the Committee, but I will try to reflect the kind of consensus that we achieved. Members will have to speak for themselves if they differ from that. I can only make personal observations on the matters raised this morning.

I would like to pay tribute to Fred Cobain, Denis Arnold and Murray Barnes and, indeed, to the members of the Committee. The working of the Standing Orders Committee has been an example of what can be achieved when people put their best efforts towards achieving consensus.

To refer to the points raised by Mr Peter Robinson, the amendment which he put down and which has just been carried is perfectly sensible and not contentious. He referred to the incorporation of relevant sections from the Act and the agreement into a consolidated volume of Standing Orders. Again, a perfectly sensible and appropriate suggestion which, I imagine, we will follow up.

In relation to the errata which were circulated, he is proposing that they should be agreed as a single amendment. That is also sensible. I am not entirely sure that it is necessary, since the errata are part of the Standing Orders agreed in the Committee and reported to the House. However, this will put the matter beyond any doubt and is not unduly burdensome.

Mr Murphy raised the matter of the scrutiny of the Department of the Centre, and a number of other Members subsequently referred to the matter. Because of the nature of the Act, this is an extremely complicated matter which needs careful consideration. The Standing Orders Committee has properly reported that this issue gave rise to concern, and the Assembly needs to look at it. The point raised by Mr Murphy about flags on this Building is not a matter for the Standing Orders Committee, and that was one of the things we rushed to agree at the very beginning.

Mr Close also raised the issue of the scrutiny of the Department of the Centre. I should point out to Mr Close that amendments to the Bill were taken in the House of Lords. Perhaps he might look within his own party for procedures for dealing with that. My party unfortunately cannot deal with the House of Lords.

Mr Roche suggested that Standing Orders should provide the Assembly with a means of controlling North/South bodies. No doubt he has put down an amendment to that effect, and the House will have an opportunity to consider it.

Ms Morrice raised the question of gender consciousness. A proper appreciation of gender consciousness is, I think, reflected throughout this report. Where it is not, the report can be properly amended under the procedure which has now been adopted subsequent to Mr Robinson's amendment.

Ms Morrice also raised the question of the concerns of the smaller parties, particularly in relation to the composition of Committees. I have to say that strict proportionality could be achieved only if every Member were a member of every Committee. Other than that, it is a question of trying to get proportionality in a manageable way within each Committee. In relation to the statutory Committees it would be an extreme burden, particularly upon the larger parties, if membership of those Committees were to reach a point where the smaller parties would be able to cover every standing Committee. It just would not be possible.

A membership of 11, which was generally agreed in the Committee, will give every Member a fair opportunity, insofar as it is possible, to be a member of a Committee.

Mr McCartney raised the question of the control of the Executive, and he referred to the situation in the House of Commons by way of illustrating his point. However, the situation here will be different in that, first of all, we will have a Committee system which will give a certain degree of control of the Executive, and the Executive Committee itself will give a degree of control over the functions of the First and Deputy First Ministers. The Committee did not find that entirely satisfactory, and this is something that we will have to come back to.

I should also say that, obviously, the First and Deputy First Ministers would have to have won the confidence of their own parties in respect of any proposals they intended to make; they would also have to have won the support of the House. So the First and Deputy First Ministers will not be free agents, able to conduct business as they please; they will have to have the support and confidence of the House.

I would like to thank Nigel Dodds for his kind remarks, particularly in relation to Denis Arnold and Murray Barnes, whose work has been outstanding. The House owes them a debt of gratitude.

Mr Dodds also referred to the additional Initial Standing Orders which the Committee looked at but which disappeared — I think there will be more about that shortly.

In relation to the parallel-consent requirement, I believe that that flows naturally from the agreement, and I can deal only with the Standing Orders aspect of that. I think the Standing Orders we have adopted properly reflect what was agreed in the Good Friday Agreement.

If, in his remarks about foreign languages, Mr Dodds intended to imply that Irish is a foreign language for all Members, I would regard that as unfortunate. Obviously it is not, and if he did intend to imply that, he is making foreigners out of a great many Members.

Nigel Dodds also raised the question of the functions of junior Ministers and the need for their functions to be scrutinised. He pointed out that Committees set up by the Assembly itself will not necessarily have the same powers as the departmental Committees. We need to look at that in some detail and come up with proposals which can be put before the House.

Jim Wells raised the question of extempore speaking in the House, and, in a remarkable tour de force, covered the whole question of speaking from notes and the impact of time limitation on speeches. Over a period of time, convention and usage will lead to a much more satisfactory situation than the one that has arisen from time to time when Members get up and read from prepared scripts. I do not regard that as particularly satisfactory, but you will remember, Mr Initial Presiding Officer, that I and the other joint Chairman, Fred Cobain, raised this matter with you. It is extremely difficult to know how one could legislate for that in Standing Orders.

However, I promise not to breathe a word to anyone — and I think everybody will undertake to do the same — about Mr Wells listening to RTE.

12.15 pm

Main Question, as amended, put.

The Assembly divided: Ayes 84; (Nationalist 31, Unionist 47, Other 6); Noes 0.

AYES

Nationalist

Alex Attwood, P J Bradley, Joe Byrne, John Dallat, Arthur Doherty, Pat Doherty, Mark Durkan, Sean Farren, John Fee, Tommy Gallagher, Ms Carmel Hanna, Denis Haughey, Dr Joe Hendron, Gerry Kelly, John Kelly, Mrs Patricia Lewsley, Alban Maginness, Donovan McClelland, Barry McElduff, Eddie McGrady, Gerry McHugh, Eugene McMenamin, Pat McNamee, Francie Molloy, Conor Murphy, Danny O'Connor, Ms Dara O'Hagan, Eamonn O'Neill, Mrs Sue Ramsey, Ms Brid Rodgers, John Tierney.

Unionist

Dr Ian Adamson, Billy Armstrong, Roy Beggs, Billy Bell, Paul Berry, Esmond Birnie, Norman Boyd, Gregory Campbell, Mervyn Carrick, Joan Carson, Wilson Clyde, Fred Cobain, Rev Robert Coulter, Duncan Shipley Dalton, Ivan Davis, Nigel Dodds, Boyd Douglas, Sir Reg Empey, David Ervine, Sam Foster, Oliver Gibson, William Hay, David Hilditch, Derek Hussey, Billy Hutchinson, Roger Hutchinson, Danny Kennedy, James Leslie, Robert McCartney, David McClarty, Rev William McCrea, Alan McFarland, Maurice Morrow, Ian Paisley Jnr, Edwin Poots, Mrs Iris Robinson, Mark Robinson, Peter Robinson, Patrick Roche, George Savage, Jim Shannon, Rt Hon David Trimble, Denis Watson, Peter Weir, Jim Wells, Cedric Wilson, Sammy Wilson.

Other

Mrs Eileen Bell, Seamus Close, David Ford, Kieran McCarthy, Ms Jane Morrice, Sean Neeson.

NOES

None.

The Initial Presiding Officer: Eighty-four Members voted for the motion, and none against. This being a majority of Unionists, a majority of Nationalists and the majority of the Assembly as a whole, the motion is overwhelmingly carried.

Main Question, as amended, accordingly agreed to.

Resolved:

This Assembly takes note of the report by the Committee on Standing Orders and further notes that the Standing Orders, once approved by the Assembly, shall be renumbered where necessary, punctuated and proofed to ensure consistent language.

The Initial Presiding Officer: It was my intention, as usual, to suspend the sitting at this point until 2.00 pm, but I must seek some guidance from the House because Members have not yet received the marshalled list of amendments. The staff are still working to put

them in proper order, and I am advised that they will be available by 1.00 pm. Suspensions can only be by leave of the Assembly, so we must all agree on whether we wish to suspend the sitting until 2.00 pm or perhaps until 2.30 pm or to 3.00 pm. The later time would provide an opportunity to study the 87 amendments in some detail. Larger parties in particular may be able to give guidance to their members.

Mr McCartney: I propose that we suspend the sitting until 2.30 pm. It is preferable that the entire House have copies of the amendments and have at least half an hour to consider them. That would enable us to continue without the interruption of distributing material.

Mr McGrady: We will not have the 87 amendments until 1.00 pm. Some of us eat lunch, and I suggest that at least another hour up to 3.00 pm would be required to do any sort of justice to understanding the 87 amendments, some of which may be quite complex. I suggest suspending the sitting until 3.00 pm.

Mr P Robinson: The House should bear in mind the fact that additional time at this stage will have to be added at some other stage. It should be possible for officials to provide within the next 15 minutes or 30 minutes a marshalled list of the amendments for the first six Standing Orders. While we are proceeding with those they can prepare the rest. If that were done we could recommence at 2.00 pm.

The First Minister (Designate): I regret to say that I disagree with Mr McGrady. Waiting until 3.00 pm would lose too much time. I would be quite comfortable with 2.00 or 2.30.

12.30 pm

If Mr Robinson's suggestion can be progressed, 2.00 pm is feasible. If not, and we are waiting for the entire marshalled list, we will have to go with Mr McCartney's position. However, waiting until 3.00 pm would leave us desperately short of time.

The Initial Presiding Officer: It should be possible to have the full list of marshalled amendments within the next half-hour. Having put them all down, the staff have to proof read them. That is time consuming but it is virtually complete. The printing will take a little time. It should be available to Members by 1 o'clock.

Mr McGrady: With regard to saving time, I accept the points made by the Member for East Belfast and by Mr Trimble. Some 70 of the 87 amendments are in Mr Robinson's name and, although he already knows what they are about, we have no knowledge of them whatever. That is a substantial advantage. I am prepared to withdraw my proposition on the clear understanding that should the complexity of the amendments make it awkward for my party fully to assess their potential, I will move for a further adjournment.

Mr Irvine: If Mr Robinson's proposal is accepted we will have the first six Standing Orders to go on with. As we are debating those six, how can I as a member of a small party assess the future amendments that we will be debating? Mr McGrady's suggestion of 3 o'clock is eminently sensible.

The Initial Presiding Officer: We have several propositions. I need to seek the leave of the Assembly and there must be agreement or there will be no break for lunch. That would be a tragedy.

I propose that the sitting be suspended until 2.30 pm. The marshalled list of amendments should be available by 1.00 pm, and if at any point in the consideration of the Standing Orders and the amendments it is clear that there is a problem about complexity or other matters, I will accept requests for adjournments of up to 15 minutes in respect of any particular problem.

The sitting was, by leave, suspended from 12.33 pm until 2.30 pm.

Mr McGrady: On a point of order, Mr Initial Presiding Officer. My original proposal that the sitting be suspended until 3.00 pm, which was rejected, was based on the premise that we would receive the list of amendments by 1.00 pm. In fact, we did not receive details of the amendments until 2.05 or 2.10 — an hour later. I therefore request a further suspension of at least 30 minutes to give us a chance to study the list. Given that we have 87 fairly complex amendments, even that time may not be sufficient.

The Initial Presiding Officer: Details of the groupings of amendments are available in the Rotunda, though many Members may not yet have seen them.

I ask for the Assembly's agreement to a further suspension of 30 minutes, as proposed by Mr McGrady.

The First Minister (Designate): Further to that point of order, Mr Initial Presiding Officer. I would like to assure Mr McGrady that most of the amendments are of a nit-picking nature or relate to minor textual changes. We should be able to work our way through them fairly quickly.

The sitting was, by leave, suspended from 2.31 pm until 3.01 pm

The Initial Presiding Officer: I trust that all Members have now received the marshalled list of amendments and the groups. The amendments are numbered in the order in which they were received by the Business Office, but they are marshalled in the order in which they relate to the Standing Orders. The first amendment on the list is number 42, and it comes first because it relates to Standing Order 3(5) and there are no amendments in relation to Standing Order 1 or 2. The marshalled list will be worked through in the order that

is shown, albeit the numbers of the amendments refer to when they were received by the Business Office.

Mr P Robinson: Further to that ruling, Mr Initial Presiding Officer. I thought that you might have more time to consider the matter of the errata. You say that Standing Orders 1 and 2 have no amendments attached to them, but they do under the errata. Standing Order 2 has a change, but if it is covered by the amendment that was made part of the substantive motion this morning, I think Members could accept it as having been passed — depending on your ruling.

The Initial Presiding Officer: I am content to rule that the amendment that was passed in respect of item 3 will subsume all those matters that are referred to in the errata, which were supplied with the Committee's report. All the amendments in the errata will therefore be accepted and actioned on the basis of the amendment to item 3.

The groupings of amendments, which Members have received, refer to the groups of Standing Orders in the compendium. I have not sought to produce any new groupings but have simply taken the sections in the compendium and grouped the amendments so that they relate to the groups of Standing Orders. They are ordered in relation to the individual Standing Orders.

Group 1 covers the first six Standing Orders relating to preliminary arrangements. The amendments which relate to those are amendments 42, 85A, 85B, 41, 40, 38 and 39, and they form the first group on the list of groupings of amendments. Any Member not having a list of groupings can obtain a copy from the Doorkeepers in the rotunda.

When we debate each group of amendments which refers to the group of Standing Orders, the proposers of amendments should speak in the order called. I would request proposers to refer to as many amendments as possible — in some cases it might be possible to refer to all of the amendments in that group. For example, Mr Robinson, in addressing group one, will speak first to amendment 42, but it may also be possible for him to deal with amendments 41, 40, 38 and 39, or to as many of them as is possible. Mr Neeson, or one of the other proposers may speak to both 85A and 85B if it is possible for them to do so.

I do not rule that Members must address all of the amendments in a group. While that may be possible in group one it is very unlikely that it will be possible in group two or in the group of amendments that relate to the Standing Orders of Committees, where there are very substantial numbers of amendments. It would simply not be possible to deal with those within the 10 minutes.

Mr P Robinson: What is the consequence of your suggestion if Members attempt to do that and fail? Does

it mean that they will not be able to speak to their own amendments?

The Initial Presiding Officer: If Members feel that they can speak to the amendment for which they are called at that point and also to two or three other amendments, which may not be substantive amendments, within the 10 minutes, which is the limit to which they can speak at any one point, then so be it. If it is not possible for the Member to deal with it then it would be better if they stood down at that point and were then called later when the other amendment comes up. If I do not deal with it in that fairly flexible way we will find ourselves having a debate on each of 87 amendments, which is not a helpful way to proceed.

Conversely, it would be just as unhelpful if Members only had 10 minutes to deal with all of the amendments in a particular group. In the case of some Members, particularly the Member who has raised the question, and in respect of a number of the groups, that would clearly be unsatisfactory and unfair.

I am trying to encourage Members to get as much as they can into each speech. It is to be hoped that we will deal with things in a thoughtful and flexible manner.

Before putting the Question on any Standing Order where there is an amendment I will ask "Is the amendment moved or not moved?" This will give Members an opportunity to treat their amendment as a probing amendment or to be influenced by the tenor of the debate and to either to withdraw or not move their amendment.

If the amendment is moved and there is any dissent I will have no option but to let the House divide so that we can measure the level of cross-community support. It is very difficult to do anything else if dissent is expressed at the point where an amendment, or indeed a Standing Order, is being voted upon.

I intend to try to enable the Assembly to have completed the approval and consideration of the Standing Orders and amendments up to and including those that relate to ministerial appointments, that is, up to and including Standing Order 41, before suspending today's proceedings and resuming at 10.30 am tomorrow. We will then have dealt with about half of the Standing Orders and amendments. I trust that that will encourage us to proceed as best we can. The sooner we get that far along the road the sooner we can suspend today's sitting.

Preliminary Arrangements

The Initial Presiding Officer: We shall begin by dealing with the amendments to Standing Orders 1 to 6.

The first amendment is No 42, which stands in the name of Mr Peter Robinson.

Mr P Robinson: Amendment No 42 is as follows: In Standing Order 3(5) after “Chamber” insert “during sitting days”.

I am not going to waste any time on dealing with what are simply tidying-up amendments. They stand on their own feet.

I assume that the amendment simply states what was intended by the Standing Order. The Standing Orders regulate the Assembly’s life not just when it is sitting, but when it is not sitting, and therefore the present terms of paragraph 5 could be construed to mean that the Roll of Members is in the Chamber all the time. There are visitors to the building, and we do not want other people signing the Roll. It might be a good idea to have it taken away between sittings. This is a straightforward simple tidying-up amendment.

Amendment No 85B in the name of Mr Neeson contains a mistake. It was probably correct when it was received by the Business Office. I assume that “other” should be “Other” as in the legislation. The effect is to suggest that any other designation can be entered and that, of course, is not what the agreement proposed. It is not what the Act requires, and I suspect that we would be acting outside our legal competence.

Mr Ford: Since the Member has specifically raised the issue, may I make it clear that in the current draft order, the word “Other” appears in quotation marks. Our amendment seeks to remove the capital O and the quotation marks.

Mr P Robinson: That presents a difficulty because that is not what is stated. There are two mistakes here, and there are errors in other amendments. We shall point them out as each amendment is moved. I saw at least two in our amendments. Amendment No 41 contains mistakes that were not there originally. It requires the notification to be in writing, which I suspect will be a safeguard for the Speaker or any subsequent Speaker.

Amendment No 40 indicates the practice of the Assembly to date. Members may change their affiliation at any time, and if they do so they must give seven days’ notification. It puts into our Standing Orders what has been our practice. It is particularly important to do that because elsewhere in the Standing Order there is reference to the identity designation and a time period of 30 days. There might have been a tendency to assume that the party affiliation should follow the same timescale. The amendment makes it clear that the period of seven days that we have applied thus far would continue to apply.

The other two amendments relate to the position of the Speaker. They are probing amendments if either of the joint Chairmen or any member of the Committee wanted to report on the thinking of the Committee on the issue. My reading of the Standing Orders is that only

on the first day of the sitting is it designated that the Speaker, if returned, shall be in the Chair. In his absence there can be a Deputy Speaker or the eldest Member, and there will always be such a person. But they will act only for the business to be transacted in the first day, and the Standing Order does not show a continuing role.

There may be assumptions about that, and the amendment seeks to remove them and make the provisions more solid. If we cannot agree on the election of a Speaker, we can elect a Deputy Speaker or Speakers and they, in turn or the Deputy Speaker could take the Chair until a Speaker is elected. If we cannot elect either a Deputy Speaker or a Speaker, we are down to the eldest Member. Perhaps I may put your mind at ease, Mr Initial Presiding Officer, by saying that those circumstances relate to the procedure at the first meeting of a new Assembly. We are dealing with what happens after the next election.

3.15 pm

It is necessary that we be fairly clear about the procedures. We do not have a satisfactory set of circumstances at present. If we do not define the procedures clearly we could have a less satisfactory set of circumstances where we could not elect a Speaker and would have no procedure to deal with the business that the Speaker would transact, apart from presiding over Assembly sittings. I think that that covers everything in the first section. Mr Initial Presiding Officer, I am looking for assurance. If that is the case, I will formally move the first amendment.

The Initial Presiding Officer: Mr Sean Neeson.

Mr Ford *rose*.

The Initial Presiding Officer: Mr Ford will speak on Mr Neeson’s behalf.

Mr Ford: I gave my name this morning, but I suspect that it has been lost among all the paperwork.

I want to refer briefly to the amendments which stand in the name of Mr P Robinson, and in the spirit of charity with which he referred to ours I would like to give my party’s full agreement to his first three amendments. We have some doubts about the issue of getting a Speaker by the back door. After the next election there is a danger that the oldest Member might find himself stuck in the chair for longer than might be healthy for him. However, given that Mr P Robinson has described those as probing amendments, we shall listen with interest to any response which comes from Standing Orders Committee.

I want to speak to what I thought was one amendment and now stands as two amendments — 85A and 85B. The net effect of those would be to leave out four sets of inverted commas, but those inverted commas go to the heart of our problem, which is the whole issue of

identity and each person's right to define his or her identity. We have already had a minor row about how some Members designated themselves. The Standing Order is based on the Good Friday Agreement. Paragraph 6 of strand one refers to nationalist, unionist or other, with lower case letters and no quotation marks.

The Northern Ireland Act 1998 refers to designated Nationalist and designated Unionist, with lower case "d", capital "N" and capital "U" and no quotation marks. The Initial Standing Orders from the Secretary of State similarly use capital letters but no quotation marks. The difference between the word "Other" without inverted commas and the word "Other" with inverted commas, as it appears in this draft Standing Order, is fundamental. The Alliance Party believes that every Member has the right to define herself or himself. This is quite clear in the Agreement, in the Act, in the Initial Standing Orders and in the current draft, as long as one defines oneself as either Nationalist or Unionist.

It might be thought slightly bizarre that Members of the House, elected on behalf of Sinn Féin or the SDLP, can designate themselves Unionist but that is their right. Similarly, any Member of one of the many parties with "Unionist" in their title can designate himself or herself as Nationalist. That is the current position, but the right of self-designation is no less than the right of self-determination. Every Member must have the right to designate his or her own identity. It is a gross insult to Members from my party and, indeed, other Members who do not put their primary identity in terms of the ancient quarrel to say that we cannot choose our own designation but must adopt the meaningless and offensive term "Other".

Are we to be regarded as what South Africans used to describe as "non-white" because we are neither orange nor green? It is not only Alliance Members or others in the centre who will be affected. Some Members have already designated themselves as Nationalist/Irish Republican, and in the future some Members may wish to define a particular form of Unionism. Neither would be permitted under the draft Standing Order which specifies a single word. Anything other than the single word "Nationalist" or the single word "Unionist" could not be regarded as fitting that designation.

The proposed Standing Order is, however, more than just offensive to some of us. In demanding the use of the term "Other," it contradicts the Good Friday Agreement and also the Act, which is specifically for the purposes of implementing the Agreement. The Agreement and the Act lay down circumstances in which votes are counted which depend upon the votes of Nationalists and the votes of Unionists. There is no

specific counting of the votes of those who do not fit into those two designations.

Therefore there is absolutely no reason to specify how other Members should designate themselves if they do not wish to be regarded as Nationalist or Unionist. Attempting to specify how others designate themselves appears more than a little arrogant.

The draft Standing Order is contrary to the European framework convention on the protection of national minorities which was ratified by the UK in January 1998 and came into force in February of that year — that is before the Good Friday Agreement.

If this draft Standing Order is approved by the Assembly, the next Alliance Member to take a seat will have no choice but to force a determination of the legality of the Standing Order. Standing Orders, I repeat, can only be made within the bounds set out by the Northern Ireland Act 1998. The Act uses the terms "designated Nationalist" and "designated Unionist", which are defined in Chapter 47, clause 4(5). It does not use the term "Other", either with or without inverted commas, and the use of the term "Other", with a capital letter and in inverted commas, in the draft Standing Orders is therefore inconsistent with the Act. It is wrong, and it is ultra vires.

It would hardly be an advertisement for pluralism and new relationships in Northern Ireland if this Standing Order were held to be illegal under any aspects of human-rights legislation, whether domestic or European, because a few inverted commas infringed the rights of a minority of members. I urge Members to amend this Standing Order of their own volition to bring it into line with the agreement rather than wait for the courts to do so.

The Initial Presiding Officer: I have received no further requests from Members to speak on the amendments in the first group. We will therefore proceed to vote on the first group of Standing Orders and amendments.

Standing Order 1 (The Speaker) *agreed to.*

Standing Order 2 (Notice of First Meeting of New Assembly) *agreed to.*

Standing Order 3 (Procedure at First Meeting of New Assembly).

Amendment (No 42) made: In paragraph (5), after "Chamber", insert "during sitting days" — [Mr Peter Robinson]

Amendment (No 85A) proposed: In paragraph (7), line 2, leave out from "being" and insert "nationalist, unionist or other". — [Mr Neeson]

Question put That the amendment be made.

The Assembly proceeded to a Division.

The Initial Presiding Officer: May I have order, please. Will Members please refrain from speaking during Divisions except when responding to their names and make sure that those responses can be heard. It is not always easy for the Clerks to hear what is being said when Members are speaking in different languages.

The Assembly having divided: Ayes 39; Noes 52.

AYES

Nationalist

Alex Attwood, P J Bradley, Joe Byrne, John Dallat, Ms Bairbre de Brún, Arthur Doherty, Mark Durkan, Sean Farren, John Fee, Tommy Gallagher, Ms Michelle Gildernew, Ms Carmel Hanna, Denis Haughey, John Kelly, Mrs Patricia Lewsley, Alban Maginness, Seamus Mallon, Donavan McClelland, Dr Alasdair McDonnell, Barry McElduff, Eddie McGrady, Gerry McHugh, Eugene McMennamin, Pat McNamee, Francie Malloy, Conor Murphy, Mrs Mary Nelis, Danny O'Connor, Ms Dara O'Hagan, Eamonn O'Neill, Mrs Sue Ramsay, Ms Brid Rodgers, John Tierney.

Other

Mrs Eileen Bell, Seamus Close, David Ford, Kieran McCarthy, Ms Monica McWilliams, Ms Jane Morrice.

NOES

Unionist

Dr Ian Adamson, Fraser Agnew, Ms Pauline Armitage, Billy Armstrong, Roy Beggs, Billy Bell, Paul Berry, Esmond Birnie, Norman Boyd, Gregory Campbell, Mervyn Carrick, Mrs Joan Carson, Wilson Clyde, Fred Cobain, Rev Robert Coulter, Duncan Shipley Dalton, Ivan Davis, Nigel Dodds, Sir Reg Empey, David Ervine, Sam Foster, Oliver Gibson, Sir John Gorman, William Hay, David Hilditch, Derek Hussey, Billy Hutchinson, Roger Hutchinson, Gardiner Kane, Danny Kennedy, James Leslie, Robert McCartney, David McClarty, Rev William McCrea, Alan McFarland, Michael McGimpsey, Maurice Morrow, Dermot Nesbitt, Ian Paisley Jnr, Edwin Poots, Mrs Iris Robinson, Ken Robinson, Peter Robinson, Patrick Roche, George Savage, Jim Shannon, Rt Hon David Trimble, Denis Watson, Peter Weir, Jim Wells, Cedric Wilson, Sammy Wilson.

The Initial Presiding Officer: The total number of votes was 91. The number of Ayes was 39 (42%). The number of Nationalist votes was 33 (100% Aye). The number of Unionist votes was 52 (0% Aye).

Question accordingly negated.

Amendment (No 85B) proposed: In paragraph (7), line 3, leave out “ “Other” ”and insert “other”.
— [Mr Neeson]

Question That the amendment be made *put and negated*.

Mr Ford: On a point of order, Mr Initial Presiding Officer. During my speech, I questioned whether that Standing Order was legal in terms of the Act. Can you tell me how I could obtain a ruling on that before we take the final vote on these Standing Orders, presumably tomorrow?

The Initial Presiding Officer: You have raised the question. A number of issues are involved in this. Even when the Assembly takes its vote, that is not, in itself, a determination of the Standing Orders prior to devolution. You can take it for granted that I will be asking for legal advice myself, but that does not preclude you or any other Member also seeking legal advice. Legal advice, of course, is what it says — advice, not a determination.

Amendment (No 41) made: In paragraph (8), after “notification”, insert “in writing is submitted”.
— [Mr P Robinson]

Amendment (No 40) made: After paragraph (9) insert the following new paragraph:

“A Member may change his or her party affiliation at any time. Any such change takes effect 7 days after notification in writing is submitted to the Speaker.” — [Mr P Robinson]

Standing Order 3, as amended, agreed to.

Standing Order 4 (Election of Speaker)

Amendment (No 38) made: After paragraph (6) insert the following new paragraph:

“Where the Assembly is unable to elect a Speaker under the foregoing provisions of this Standing Order, but where a Deputy Speaker has been elected by virtue of Standing Order 5, the Deputy Speaker shall act as Speaker. In the case of more than one Deputy Speaker being elected they shall act in turn until a Speaker is elected.” — [Mr P Robinson]

Amendment (No 39) made: After paragraph 4(6) insert the following new paragraph:

“Where the Assembly is unable to elect either a Speaker, under the foregoing provisions of this Standing Order, or a Deputy Speaker, by virtue of Standing Order 5, the Chair shall be taken, until a Speaker or Deputy Speaker is elected, by an Acting Speaker, who shall be the eldest Member of the Assembly.” — [Mr P Robinson]

Standing Order 4, as amended, agreed to.

Standing Order 5 (Deputy Speaker) agreed to.

Standing Order 6 (Procedure when Office of Speaker becomes vacant) agreed to.

Operations of the Assembly

The Initial Presiding Officer: We now come to the second group of Standing Orders and amendments. I want to draw attention to two matters in this regard. First — and I am indebted to one Member who pointed this out to me earlier — the list includes two amendments numbered 26. The first should be numbered 36.

With regard to amendments 1A, 1B, 2A and 2B, if these are all moved, then we will come first, of course, to the vote on amendment 1A. If amendments 1A and 2A are passed, we need not move to amendments 1B and 2B as they are alternative proposals. However, if amendments 1A and 2A are not passed, amendments 1B and 2B may be moved.

The first amendment is in the name of Mr Peter Robinson.

Mr P Robinson: The purpose of amendment No 37 is to add at the end of paragraph (2) of Standing Order 9 the following words:

“The business adjourned shall be the first business when the Assembly next sits”.

It would be difficult to cover all these issues in 10 minutes. I hope at some stage to speak to the other amendments. There is the further difficulty that there are many issues of more substance in this group, and we might be juggling too many balls at one time. That concerns me.

The Initial Presiding Officer: What the Member says is perfectly reasonable, not only in respect of this group but in respect of the group further down the list, and particularly the group of amendments on committees. I ask Members to speak to the number of amendments that they can reasonably deal with in 10 minutes. We must try to be reasonable on these matters.

Mr P Robinson: Thank you for that ruling, Mr Initial Presiding Officer.

The first amendment in my name in this group relates to the issue of the quorum, and refers to the loss of a quorum during a debate and the possible adjournment of the Assembly. I leave myself open to advice from the joint Chairmen or any members of the Committee, but as I understand it, a Member could wait for some time to bring a matter that is important at least to him, to the Assembly only to find that it is not of the same importance to others who leave the Member almost alone in the Chamber. The quorum is lost, and Members are not interested in returning to the Chamber. Is the business lost or can the Member have his day when the Assembly resumes?

I suspect that a quorum will not be a problem for the four major parties as each of them is capable of providing a quorum, and can do so when they have an

interest in the business. It will be more difficult for smaller parties that could not provide a quorum and could be denied the opportunity to deal with an issue. A similar principle is dealt with in a later amendment to Standing Order 16, which is a delaying motion when a motion is made for the adjournment of a debate. In that case the adjournment is caused not by the loss of a quorum, but through the Question being put. That would be a mechanism that a party or parties could use to avoid a vote during the life of the Assembly.

People who bring a motion or subject to the Assembly have the right to have it decided, irrespective of whether it is decided in their favour. They have a right to a determination, and it is necessary for us to ensure that the Standing Orders clearly provide the right of Members to have a vote and to have the time to make their case. The aim of those two amendments is to ensure that if the House is adjourned for one reason or another, its first business at its next sitting is the business that was adjourned. That might make less likely the use of procedure as a device to curtail debate.

The next amendment deals with public business, and I am again open to advice from the members of the Committee. I assume that we attach some importance to the role of statutory committees. We would consider their reports to be of such significance that they would be included in public business along with stages of Bills and notices of motion. That is a simple, tidying amendment to include statutory committee reports.

3.45 pm

Members may consider that the reports from other Committees should also be included. I have not considered that, but the Standing Orders Committee may wish to consider it at a later stage.

The next amendment affects Standing Order 15(4). I suggest simply taking out the last two words, which indicate that one can only withdraw an amendment during debate. An amendment is usually withdrawn at the end of a debate, and my proposed amendment would simply have the effect of allowing a Member to withdraw an amendment before a Division was called.

My amendment to Standing Order 16(2) takes away the right of the Speaker to make proposals. The Speaker simply puts a Question; he does not propose it. I was pleased to hear that you, Sir, when explaining the various amendments, encouraged everyone to support Standing Order 26. I think his exact remarks were “you can only approve of 26 once”, and I hope that Members follow his advice. So my amendment to 16(2) would have the effect of replacing “propose” with “put”, and that part of the Standing Order would then read “decline to put the Question”. There is a similar drafting amendment to be found later on.

The next amendment deals with statements. The Committee spent some time considering the amount of time to be allowed for questions on statements. As it stands, the Speaker must allow questions on a statement for up to one hour if there are Members still wanting to ask questions.

The Speaker must be given some discretion in this matter. My amendments would introduce two changes. The first amendment would have the effect of allowing questions to last for no more than one hour, and the second would allow the Speaker discretion to curtail the amount of time subject to the content of the statement. If it were a statement of substance, the Speaker would determine that it was a matter on which questions should last for as much of an hour as Members needed for the matters to be elucidated. The Speaker might determine that a statement was not a matter of such importance as to warrant the full hour.

At the moment there are proposals for 10 Departments as well as the central Department. Each of the Ministers could decide, over his cornflakes, to make a statement that day, and we could therefore have ten statements being made in any one day. Do Members really want to have ten hours of questions? No is the answer to that. There must be some discretion on the part of the Speaker to deal with that matter in a way that would reflect the wishes of the House and the importance of the statements being made. I expect that the Executive Committee will organise its business so that we do not have ten statements on one day, but if the Assembly is only going to have two sitting days in the one week, we could still have, on a very frequent basis, a number of statements on any one day.

The next amendment relates to Standing Order 18(5). I have decided, in Churchillian fashion, that this is something up with which I shall not put. As the Standing Order ends with a preposition, I am suggesting a change to correct the grammar.

There are only two amendments that I have not touched on. The Standing Orders do not put any requirement upon a Minister to respond to an Adjournment debate. There is a general view in the Assembly that if a Member takes the trouble to bring forward an issue of importance to him, and perhaps to others, the relevant Minister of the Northern Ireland Executive should have an allocated time slot in which to respond. I suggest 10 minutes, but I am not hard and fast on that. That amendment is put forward on the basis that a Minister should have the right to respond to issues concerning his or her departmental responsibilities.

Finally, and very briefly, I will touch on the matter of questions being placed. As the Standing Orders stand, questions will be taken in the order in which they are put down. This practice did not serve us well in another place because Government Ministers ensured that all

their Back-Benchers placed questions down immediately, leaving them with a friendly set of questions. Were questions to be decided by ballot, held by the Clerk or the Speaker, that would be fair to every Member.

The following amendments stood on the Order Paper in the name of the First Minister (Designate):

No 1A: In Standing Order 10(2), line 3, leave out “10.30 am to 6.00 pm” and insert “2.00 pm to 8.00 pm”.

No 1B: In Standing Order 10(2), line 3, leave out “10.30 am to 6.00 pm” and insert “11.30 am to 7.00 pm”.

No 2A: In Standing Order 10(2), line 5, leave out “10.30 am to 6.00 pm” and insert “2.00 pm to 8.00 pm”.

No 2B: In Standing Order 10(2), line 5, leave out “10.30 am to 6.00 pm” and insert “11.30 am to 7.00 pm”.

The First Minister (Designate): While we have not completely settled our mind, and consultations are continuing, we are favourably disposed to most of the amendments that Mr Peter Robinson has dealt with.

By way of contrast, the amendments in my name were put down to enable me to make some points about the times at which we should be sitting. I do not intend to press any of them to a Division. They were tabled in the spirit, as is often the case on these occasions, of running a flag up the pole to see who salutes it. Very few people saluted these four amendments and that was the case even among my friends around me.

I do, however, have an important couple of points to make which I wish to press on Members. With regard to the sitting times in the House, I believe that a serious mistake is being made, and I expect that in a few months' time we will have to come back to this issue and look at it again.

It may be thought superficially attractive to have sitting hours that correspond to working hours, but that does not work. It is not practical. Members need to consider that if the Chamber is sitting from 10.30 am to 6.00 pm and that if there is serious business in the Chamber between those times, the likelihood is that they will be engaged for some or most of that time in the Chamber. If they are so engaged, when are they going to do their work? And there is work to be done outside the Chamber.

That work involves constituency work, research, reading and thinking. Some of it can be done in the evenings, but how much? Research work and preparation requires access to materials and that material may not always be available in the evening at home. It may be that Members will need time for that other than in the evening.

Then there are those who will have other responsibilities, whether as Committee chairman, vice-chairman or Ministers — when are they going to work if the

Chamber is sitting from 10.30 am to 6.00 pm? They cannot administer their offices during the evening unless Civil Service hours are changed radically, and that might involve a fair amount of overtime.

So there is a serious point here because while the affairs of the Chamber are extremely important, they are only a part of the work that a Member has to do. It is for this reason that almost all deliberative and legislative bodies sit in the afternoon and evening, not the morning. Mornings are required for work, and if Members do not have the mornings for work, there is a problem.

Even the larger parties have problems, particularly in relation to group meetings: if they had to begin before 10.30 am, that would obviously limit the numbers able to attend. This is not a problem for small parties; nor is it a problem for those parties that run on the Führerprinzip, where everybody does what the Leader says, irrespective of circumstances. But not all parties are like that. There is a serious point there too.

There is a not-so-serious point but, equally, it is not an insubstantial one. One of the consequences of an Assembly, legislative body or parliament's sitting in the evening is the growth of a degree of esprit de corps among its members that would not happen were the sittings to be limited to daytime.

I know the objection that will be made to the argument I am putting forward, and I have been told that it was made in the Standing Orders Committee. Members have said that they want family-friendly sitting hours. That argument is also wrong. It is the mornings and afternoons that are needed for those with young children, not the evenings. When Members use the expression "family friendly" they really mean that they want their evenings free for their own social lives, not for families and children. People who enter public life must realise that they do so at the sacrifice of their social life.

Ms Morrice: I am interested to know what exactly the First Minister's children do in the evenings that they do not require parental supervision?

The First Minister (Designate): I am in the very fortunate position of having complete confidence in the good sense of my wife and of all my children.

Mrs E Bell: The First Minister (Designate) has said that he needed to see his children in the mornings and the afternoons, but what happens to their schooling?

The First Minister (Designate): I was making a very simple point which I thought Mrs Bell would understand. Young children need parental care in the mornings and afternoons rather than the evenings. With older children, of course, parental care is demonstrated in other ways.

I return to the primary point that I made earlier. Work has to be done outside this Chamber, and the sittings of this Chamber have to be organised with that in mind. That is why similar bodies have tended towards sitting in the afternoons and evenings. The pattern of sitting from 10.30am to 6.00pm has not been a problem with the Assembly only sitting intermittently, but it will be a problem in the future when the Assembly will be sitting on a regular basis. In time those who do not see substance of my present argument will come to appreciate that this is a matter that we will have to return to.

I wanted to make that argument and to share with Members some of the reasons why experience has led other bodies to sit at the times they do. Experience will also have an impact on what we do in the future. However, I shall not be pressing these amendments to a Division. From my soundings, I have already gathered that the House would be against them.

4.00 pm

Mrs E Bell: There are a few people who would like to comment on the First Minister's proposals.

First, I take on board what has been said about the pressure of business and, as time goes on, about the extension of that. However, we should establish the principle of having hours that will help us both in our professional life and in our family life.

With all due respect, I do not feel that Westminster is necessarily an example which we should follow. Many of the Members at Westminster have flats or town houses. We do not, and most Members here travel to and from their homes. I understand that at one of the earliest meetings of the Committee on Standing Orders there was very little dissent — apart from Ulster Unionist Members — when it was proposed that we should operate according to the current timetable, with, perhaps, a slightly different starting time. The plan was to see how these hours suited the House and to review them in due course, if necessary.

I can be as friendly with people during the day as I can during the evening, so I do not think that that represents an argument in favour of a change. Also, if the House sits from 10.30 am, I have time to do a considerable amount of work, including housework, before I come in, so I do not think that that is a serious argument either.

I appreciate what the First Minister (Designate) is saying about the workload that we will have, but I feel that we should try to operate a system that is both family-friendly and profession-friendly. I will not support this change.

Ms Morrice: I endorse what Mrs Bell has said, and I thank the First Minister (Designate) for deciding not to push this point. The fact that we have agreed to suspend

sittings at 6.00 pm is of great importance to a number of us. This is not just of benefit to people with families — men as well as women — but also more suitable for Members who have to travel considerable distances. Those with journeys of one-and-a-half to two hours will not get home until after midnight if we do not stop until 10.30 pm.

As Mrs Bell said, we can be friendly with our colleagues during daylight hours, not just in the evening. It is important that we move into the modern world. I said earlier that the Scottish Parliament would be following our lead. These old-fashioned times are for the dinosaurs.

Mr McCartney: I do not wish to play the role of referee between feminist obsession and the remnants of male chauvinist piggyery.

The First Minister (Designate): Where is that?

Mr McCartney: The First Minister (Designate) asks where that is. I got the impression that he had consigned responsibility for the care of his children to the lady of the house. Many people, in the modern world, would consider that to be sexist and to have overtones of male chauvinism.

However, I have some sympathy for what the First Minister (Designate) has said. Anyone who is involved in public life, in Government, or in the work of the Assembly, is involved in a public duty. Such public duty, from time to time, calls for sacrifices in our domestic lives. Members of the Assembly who are also Members of the House of Commons will know that. Members, such as Mr Hume and Mr Paisley, who are also Members of the European Parliament have sacrificed a great deal of their domestic lives to public service.

The First Minister (Designate) has a point when he says that there is much business to be conducted in addition to attendance in the Chamber. I think that we should have a trial period for the times given in the proposed Standing Orders, whether they be family-friendly or not, to see if they are suitable. The First Minister (Designate) has agreed not to pursue this issue at this stage. Many Members may well have grave reservations as to whether these times will be suitable in practice.

Those who have spoken about the long distances travelled by some Members should bear in mind that many Members of Parliament have to be away from their families from Monday to Friday.

Ms Morrice: Shame.

Mr McCartney: Ms Morrice shouts “Shame!”, but, if you happen to be the Member for the Outer Hebrides, you may not see your family for three or four days a week — this might even apply to the Member for South

Down. We must accept that, if we are involved in public service and have decided to put other things to one side, there will be a certain degree of domestic inconvenience.

Domestic arrangements should be met to a degree, but it would be entirely foolish to make the work of the Assembly subservient to whether a Member could get home by 6.30 pm to make her husband’s tea or, in the case of a male Member, to do his share of the ironing.
[Interruption]

The Initial Presiding Officer: Order.

Mr McCartney: I make no secret of engaging in quite a few household chores, but ironing is not one of them.

But let me return to a serious note. Being engaged in public service makes demands upon all of us in our private, social and domestic lives. It is impossible to organise public business entirely around the hours that would be convenient and suitable.

As the First Minister (Designate) has suggested — and he is not pushing this — Members should give this a run but keep it under very careful observation to see whether it works. If it does not work, Members will have to revisit the issue.

Mr S Wilson: The First Minister (Designate) has decided not to push this issue to a vote having taken some soundings. I suspect that these were taken among his party as well as other parties. My Colleagues and I have noted that this has become a bit of a habit — his finding difficulty in getting support from his party for some of the things that he has been proposing. I suppose he did not want to embark on another round of letter-writing to give assurances.

I want to comment on the argument put forward that if Members wish to stop the sittings of the House at 6.00 pm it is to allow Members to enjoy an extended social life, get away from work and have a jolly old time. I do not know about the First Minister (Designate), but most Members who represent inner-city constituencies — and I suspect other areas are no different — will find that when they leave here at 6.00 pm on a Monday or Tuesday, they are not going home immediately or to enjoy social life.

In areas of extensive redevelopment there are housing and community groups, and other activities as well, which can only be accommodated in the evening. That is the only time when constituents who are working during the day are available. I wish to dispel the idea that by adjourning the House at 6.00 pm, Members are then free. That is not the case, and if Members were to continue until 8 pm, some very important constituency duties could not be carried out.

Members must be careful not to regard this place as a kind of ivory tower where they are increasingly cut off

from their constituents. The time here must be arranged to allow Members to do the things which are important to their constituents.

The First Minister (Designate) asked when the work was going to be done if Members started at 10.30 am. He wondered how time could be found for reading, thinking and constituency work — especially if holding ministerial office. There are three other days in the week when the Assembly will not be sitting full-time. Committees may be meeting, but there are three days to fit this work in. If Members have research or other work to do, or constituents to see, this is more easily fitted into an evening. So I am not sure that his argument about needing time in the morning for this sort of work is valid. We discussed this in the Committee, and I do not think that there was any great division in the Committee at that stage.

Mr Ervine: Would the Member agree that when this was raised initially it was considered by some people on the Committee essentially to be of benefit to those who had other business and other potential means of remuneration outside the House?

Mr S Wilson: That was a point which was made at that time.

I would make one last point about flexibility. What happens if Government business runs on? The Committee has already allowed for this in the Standing Orders. Standing Orders 10(2) and 10(3) provide for an extension of time into Tuesday evening, Wednesday, or both if business cannot be completed in the allocated time. The flexibility is there. We are mindful that there may well be occasions when the pressure of business will require the House to sit that bit longer, and that is a much more sensible way of facilitating that need.

It was also felt that the sitting hours should be as flexible as possible to allow people with families to have some time in the evening with their families. All in all, the kind of compromise we have reached on timing is a reasonable way to order the business of the House and to give Members the flexibility they need to do their duties to their constituents inside and outside the Assembly.

Mr Weir: Loth as I am to speak against the wishes of the First Minister (Designate), I am minded to agree with the remarks made by the hon Member for East Belfast and also by my Colleagues from North Down. It may well be that in reviewing these arrangements in the future we may find that there is a better way forward and that there are hours which would suit us better. For the moment I am very much persuaded by the views which have been put forward already with regard to timing.

There is a degree of flexibility in the hours we have agreed. Ministers will have full days at work during the

days, two of which will be Committee days, when plenary sessions are not taking place. I assume, and Members may correct me, that Ministers will not sit on Committees. Not only will they not chair Committees, or be Deputy Chairmen, they will not be sitting on them either. Thus Government Ministers' time will be freed up during that period.

With regard to the timings of plenary sittings, it has been suggested that one of the days might run from 2.00 pm to 8.00 pm. As has been indicated by Members, there is a great deal of pressure on them to attend meetings in their constituencies in the evenings if they are to service their constituents in a proper fashion.

Groups of constituents are not usually available during the day. Some people are able to meet Members during the day, but quite often the most convenient time for a group to meet you in connection with a planning issue or an education or housing matter is in the evening. If we are in the Assembly until 8.00 pm it will be very difficult for Members to attend such meetings, and particularly difficult for those whose constituencies are a long way from Belfast. Members who face a one-and-a-half-hour drive, or in some cases a two-hour drive to the most far-flung parts of the Province, will not reach their constituencies until 9.30 pm or 10.00 pm. It would be almost impossible for them to attend any meetings during the evenings of those days.

4.15 pm

A six o'clock close would allow people, including those who live a long way from Stormont, to get home and attend those meetings. The proposal for the times to be 11.30 am to 7.30 pm would afford some opportunity for group meetings, but there is a danger that whenever a group was not in session, and things were only starting at 11.30 am that that would be, to some extent, a waste of the morning. It would be difficult for ordinary Members to get much work done. There is clearly a point in the suggestion that it would enable Ministers to perform their functions, but there is enough flexibility in that.

When the Assembly goes 'live', about 90% of its Members will not be Ministers. We have to think of the work to be done by the Back-Benchers, not just the Ministers — and I speak as someone who is likely to remain a Back-Bencher for the foreseeable future. *[Laughter]*

The hours that have been put forward are sensible; they are, at least, worth trying, although I note the concerns of the First Minister (Designate) who obviously has a lot more parliamentary experience than the majority of us. *[Laughter]*

Obviously some have not been persuaded by my argument.

I am glad to see that the matter is not being pressed to the vote. As someone who was on the Standing Orders Committee and agreed these hours, I think they represent a sensible and flexible way forward. This is probably true of a number of rules, but if we find, six months down the line, that this system is not working, that it would be better to have more evening meetings, the procedures can be reviewed.

Unlike some of the other Standing Orders, where there would, arguably, be some contention between individual parties, this is something which, I think, is non-political in that sense. If we find that the system is not working for the benefit of constituents and in the best interests of the Assembly, it can be reviewed very easily and adjustments made. But as it is, the proposals contained in the current Standing Orders are adequate and flexible enough, and I am glad that the amendment will not be —

Mr Hussey: I thought the Member was drawing to a close. Another factor that has to be taken on board and one that no one has mentioned is Members' safety. Following a long journey here and a day's work, a Member can be tired when returning to his or her constituency. Those of us who live in the west find that travelling home can be quite dangerous. That should be taken into account; when we are returning home, we should be doing so in a reasonably fresh condition.

Mr Weir: I live in the east of the Province and have the good fortune to live relatively close to Stormont — about half an hour's drive away — so I have not encountered this problem directly. However, Members who represent the Greater Belfast area ought to behave in an altruistic fashion and realise that Members who come from the west and, indeed, the north and south of the Province, will have lengthy drives. They should try to avoid situations in which, late at night, their safety is endangered.

I agree with Mr Hussey's point. There is a wide range of issues which would persuade me and the vast majority of others in this Chamber that the proposals, as currently outlined in the report represent the best way forward. They can be reviewed later, but at the moment, I am glad that these amendments are not being put to the vote.

Mr Dodds: I want to deal first with amendment No 27. This is a sensible amendment, in keeping with the thoughts of the members of the Standing Orders Committee. It was the Committee's view that if Adjournment debates were to be worthwhile, a response from a Minister was essential.

One of the difficulties we currently have is that while we have provision for an Adjournment debate, it is very much a case of speaking into the ether. No one takes any notice of what the Member is saying, because there is

nobody of any authority to answer the points being made, although as Mr Wells pointed out earlier the relevant local newspaper will, no doubt, get a copy of his speech within a very short time. It is sensible, and it certainly accords with the view of the Standing Orders Committee that a Ministerial response should be required at the end of the Adjournment debate. I do not know why the Standing Orders did not reflect that.

This is a very sensible amendment, and it should not be left to a Minister's discretion to decide if he wishes to reply to such a debate — the relevant Minister should be required to do so. I also want to deal with amendments 31 and 32, which relate to ministerial statements, as raised by Mr P Robinson, about the time that could be used up if a large number of Ministerial statements were to be put forward for the same sitting.

This was also the subject of debate in the Standing Orders Committee. Indeed, one of the initial drafts suggested that a Ministerial statement would be followed by a debate, but it was, quite rightly, thought that would be improper because many Members would only have received notice of the statement when the Minister stood up or a short time before that. The Committee debated the question of how much time should be devoted to follow-up from the ministerial statement.

In the case of some statements, you would certainly want to use up a full hour, but for others you might not wish to do so. It may be that, out of courtesy, the Minister will wish to draw something to Members' attention, but it would not be sensible to use up a full hour's business. The Member should be given discretion, and it should be made clear that he has no more than one hour. As it stands at the moment, it is normally one hour.

In relation to amendment 34, we have provision dealing with the adjournment of the Assembly in the Standing Orders, and it is clear under draft Standing Order 10 that an adjournment of the Assembly shall mean an adjournment until the next sitting day unless the Assembly, on a motion made by a Member of the Executive, after notice, has ordered an adjournment to some other definite date.

The point we are dealing with is to do with the adjournment of a debate. It would be wrong and an infringement of Members' rights if that debate could be adjourned and adjourned for some time. We have built-in provisions which deal with the adjournment of the Assembly. Clearly, if it is adjourned then it will resume at the point at which it left off when it next sits. But if a motion has been tabled, and there is a debate on it, the Standing Orders should make it clear that that simply cannot be done away with by some tactic.

Regarding the amendment standing in the name of the First Minister (Designate) — and I welcome the fact, like the Member who spoke earlier that these are not going to be pressed to a vote — the Standing Orders Committee considered this issue a number of times. When it first came up, most parties agreed that we should at least aim for this sort of timescale, starting in the morning and ending early in the evening. It was brought to the attention of the Standing Orders Committee that the Chief Whip of the Ulster Unionist Party wanted to have the sort of hours that have been shown in these amendments in the name of the First Minister (Designate). There was no support for that from any quarter in the Standing Orders Committee.

I am somewhat surprised that they even appear on the Order Paper. I have some sympathy with some of the initial arguments advanced by the First Minister (Designate) with regard to how we manage our business and how the work might progress. If we see that there is a need to change because of the requirements of the Assembly then certainly the matter can be placed before the Committee on Procedures which will continue to consider and review the procedures and Standing Orders.

The First Minister (Designate) was on altogether more dicey ground when he started into the whole question of family time. He seemed to be suggesting that after 6.30 pm Members go off to socialise or advocating that we spend more time at home in the mornings and afternoons, which was either an argument for people not going out to work at all or an argument for keeping your kids off school. His arguments did not seem to stack up. We should, in the interests of this House and the management of the work of this House, keep that subject matter under review.

We should try, if at all possible, to make the suggested hours work. It is in the interests of most Members with families to try to stick to them. Mr Wilson's points in relation to the workload of Members was a case in point. Bearing in mind these points, most of the amendments that are going to be moved on the Floor are ones that many of us who are members of the Standing Orders Committee would have no difficulty with.

Mr Dalton: I want to take the opportunity to salute the flag that has been run up by the First Minister. The Assembly should consider that, outside of this place, there are a number of people who work hours that are not social. They do not get to work from 9 to 5 or from 10 to 6. I spent many years working —

Mr Weir: On a point of order, Mr Initial Presiding Officer. I notice that the clock was not at zero at the start of Mr Shipley Dalton's speech.

The Initial Presiding Officer: Thank you for your assistance.

Mr Dalton: I have got extra time now. I thank Mr Weir.

As I was saying, for a number of years I worked both in a daytime job, and served as a part-time member of the Royal Irish Regiment. That meant that I was going home at 6 o'clock to grab something to eat before reporting for duty at 6.30 pm, and then working from 6.30 pm to 3 o'clock in the morning. Then I was going home to get up at 7 o'clock the next day to go to work again. There were many men working with me who were doing the same thing. There were men who worked 12-hour shifts in Shorts, and then put in eight hours duty in the evenings as well. There are a lot of people who —

4.30 pm

Mrs E Bell: As I was listening to the Member I was thinking, as many other Members must have, that we are doing much the same thing. As Mr McCartney said when one takes on a position one takes it on as a matter of duty. That applies to a job or to a Member's commitment to the Assembly, and we did take that into account. The Member may not have meant to but he did sound quite patronising.

Mr Dalton: My apologies if the Member felt that I was being patronising. I was simply making the point that outside of this place there are a number of people who, for reasons of their work or family commitments, have to work unsociable hours. It is a bit rich for the Assembly to decide that we would rather work more social hours so that we can have the evenings available. If we choose to use them for constituency business, that is fine. Many people do.

However, it does not seem unreasonable for us to consider that we leave the mornings available for work in this House in order that Ministers and those who hold positions can carry out those functions. We work through the day and into the evening on two days of the week and leave ourselves three evenings for constituency business. That seems a perfectly reasonable proposal to me.

A Member: What about family?

Mr Dalton: Fortunately, it is not something I have to overly concern myself with because I do not have a family. Apart from feeding the cat, I do not have a heavy domestic burden. The points made by Mr McCartney were relevant. Taking on a public position, taking on a position in the Assembly, is a responsibility that Members choose to accept, and if they choose to accept that responsibility, there is going to be a burden upon their domestic lives. Clearly, in this community, that has been a burden that has gone beyond merely domestic life for many years. We have accepted that

burden; we chose to come here, to put ourselves up for election. If Members would prefer more social hours, let them take another job.

Ms Morrice: Having children is also taking on a responsibility. I take the point that the Member has no family as yet, and I warn him that with this type of attitude, he may have difficulties in the future in that domain. Children are as much a responsibility, if not more so, than duties.

Mr Dalton: I agree that children are indeed a responsibility and one that every person should think carefully about before taking on. But that does not detract from the point I am making that, in taking up a position in public life, a person is accepting additional responsibilities that will have an impact upon his family and domestic circumstances.

I welcome amendment 27. It is quite clear from the comments of Mr Dodds that this was raised in the Committee. Clearly Adjournment debates in this place have been relatively ineffective — one speaks into thin air or gets one's press release into the local papers. For an Adjournment debate to be worthwhile, the appropriate Minister must be present in the Chamber.

Members, especially Back-Bench Members who will not always get the chance to address their concerns to the appropriate Minister, can direct those concerns to the Minister responsible and ask for a reply. That is extremely important for those Members who have vital, pressing constituency concerns or other concerns that they have specialist knowledge in. I do welcome that particular amendment from Mr P Robinson.

Most of the other amendments seem to be corrections of various mistakes or grammatical errors that the Committee has made. It is unfortunate that Mr P Robinson was not on the Committee and could have pointed those out as we went along. We live and learn.

Mr A Maginness: For the record, the SDLP supports the draft Standing Orders that deal with the present hours. We believe that these hours are family-friendly. We also believe that in relation to travelling, for many of our Members, we are putting an extra burden on them if they have to leave the Assembly at a late hour. Members have many duties in their constituencies at night-time.

It is not appropriate to compare what happens here with what happens at Westminster. Many Members of the Westminster Parliament go to London and stay for three or four days. It is impossible for them to leave Westminster and go back to their constituencies on a daily basis unless they live in the greater London area. The circumstances that prevail at Westminster are quite different from those that prevail here. As a new institution we should strive to set standards that have not been set by Westminster or by other parliamentary institutions in Europe or throughout the world. We should try to set a

new standard by which we can afford family-friendly hours to our Members.

Another important point is that, although the Chamber is predominantly male, one hopes that in the future we will have an increase in the number of female Members.

While I emphasise that the hours we have are family-friendly, favourable not only to female Members but also to fathers like myself, it makes it easier for people with young families to come into politics and to be Members of this institution. There is flexibility within our Standing Orders, certainly on Tuesdays, and also on Wednesdays if necessary, to extend the period for debates and plenary sessions. There is a safeguard within the draft Standing Orders to assist us.

Mr Leslie: Does the Member agree that if the hours were extended into Wednesday, it would obviate the argument that has been made that as long as the business is conducted in two days, there are three days left for other business? Extending into Wednesday would be an unsatisfactory trade-off, and Tuesday evening is to be preferred.

Mr A Maginness: I am grateful to the Member for his intervention. The context in which I said that we could go into Wednesday was as a safeguard, increasing the flexibility of sittings. It would not be taken lightly, and it would not automatically follow. It is a safeguard which gives the Assembly extra flexibility to cope with situations that may arise from time to time.

The important thing is for the Assembly to be innovative. The Scottish Parliament will also be addressing the issue of family-friendly hours. We should set an example for other institutions. We should support the present situation and the draft produced by the Standing Orders Committee. If in the future we find that the hours are not working out, we can revisit this, as we can revisit any of the other Standing Orders. For the time being, my party and I believe that we should support this.

Mr C Wilson: On a point of order, Mr Initial Presiding Officer. We are engaged in important work here today on the Standing Orders, but I wonder if Members are aware, and whether it would affect their enthusiasm for the matters before us if they were, that the Secretary of State has decreed in Dublin today that she intends to operate d'Hondt on the 29th of this month and thereby push this process to destruction if necessary —

The Initial Presiding Officer: That is not a point of order. It may be very interesting to Members, but it is not a point of order.

I believe that Mr Robinson, when he spoke earlier, referred to all his amendments in this group save one —

No 26. I will call him now in case he wishes to speak to that, but before doing so, I wish to make two references to the draft before us. One concerns a typographical error: “a petition shall related” should be “a petition shall relate”.

The second concerns a matter on which I am seeking advice. It might be better if the amendment were to say

“within the legal competence of the Assembly as defined by exception in section 6(2)”

rather than simply “as defined”, because section 6(2) of the Act defines by listing the exceptions — that is to say, those things that are not within the competence. That does not create any problems for our considering it or for our voting upon it, because we already have something of a catch-all rewrite clause in the first amendment to the report. In order to ensure that we are legally correct, I am taking advice on the matter.

Mr P Robinson: I am quite content with that. As I have already mentioned to some Members, most of these were drafted either on a flight to or from London at the weekend. Section 6(2) deals with excepted matters but does not include reserved matters which should not be the subject of petitions either. Your advice is sound.

It is a fairly matter-of-fact amendment simply to take account of the fact that nobody should be entitled to petition the Assembly on a matter over which the Assembly does not have any power. That may be our working practice, but it will make matters much easier for Members who will undoubtedly be asked to present petitions on all sorts of issues, some of which may be security related. I was asked today to sign one which I suspect may be outside the Assembly’s competence. There will be a series of issues, and it is better to be able to give the clear answer that it is not within the competence of a Member to bring a petition of that nature to the Assembly.

I trust that the amendment, as redirected, can be approved. I have one comment on the amendments in the name of the First Minister (Designate). I hope that the Committee is right in its judgement. I fear that he is right, and I rather suspect that he will be able to smile broadly at some later stage when we shall undoubtedly have to revisit the issue. We will not get it right first time, but if it is possible to work on what seems to me to be the most appropriate basis, we should do that. Let us see if it works while recognising that we may have to revisit this issue.

We must also appreciate that constituency Members have other duties. I have no doubt that it is not because Ulster Unionist Members want to lie in bed on a Monday morning that the amendment was tabled. I think that there are genuine reasons for it and that in the fullness of time many of us will have to accept them.

Standing Order 7 (Proceedings to be held in public) agreed to.

Standing Order 8 (Prayers) agreed to.

Standing Order 9 (Quorum)

Amendment (No 37) proposed: In paragraph (2), at end add

“The business adjourned shall be the first business when the Assembly next sits”. — [Mr P Robinson]

4.45 pm

Question put That the amendment be made.

The Assembly divided: Ayes 62; Noes 25.

AYES

Nationalist

Alex Attwood, P J Bradley, Joe Byrne, John Dallat, Ms Bairbre de Brún, Arthur Doherty, Mark Durkan, Sean Farren, John Fee, Tommy Gallagher, Ms Carmel Hanna, Denis Haughey, Dr Joe Hendron, John Kelly, Mrs Patricia Lewsley, Alban Maginness, Donovan McClelland, Dr Alasdair McDonnell, Eddie McGrady, Gerry McHugh, Eugene McMenamin, Pat McNamee, Francie Molloy, Conor Murphy, Danny O’Connor, Ms Dara O’Hagan, Eamon O’Neill, Mrs Sue Ramsey, Ms Brid Rodgers, John Tierney.

Unionist

Fraser Agnew, Paul Berry, Norman Boyd, Gregory Campbell, Mervyn Carrick, Wilson Clyde, Nigel Dodds, David Ervine, Oliver Gibson, William Hay, David Hilditch, Billy Hutchinson, Roger Hutchinson, Gardiner Kane, Robert McCartney, Rev William McCrea, Maurice Morrow, Ian Paisley Jnr, Edwin Poots, Mrs Iris Robinson, Mark Robinson, Peter Robinson, Patrick Roche, Jim Shannon, Jim Wells, Cedric Wilson, Sammy Wilson.

Other

Seamus Close, David Ford, Kieran McCarthy, Ms Monica McWilliams, Ms Jane Morrice.

NOES

Unionist

Dr Ian Adamson, Ms Pauline Armitage, Billy Armstrong, Roy Beggs, Billy Bell, Esmond Birnie, Mrs Joan Carson, Fred Cobain, Rev Robert Coulter, Duncan Shipley Dalton, Ivan Davis, Sir Reg Empey, Sam Foster, Sir John Gorman, Derek Hussey, Danny Kennedy, James Leslie, David McClarty, Alan McFarland, Michael McGimpsey, Dermot Nesbitt, Ken Robinson, George Savage, Rt Hon David Trimble, Peter Weir.

The Initial Presiding Officer: There voted 87 Members. Of Nationalists, there voted 34 for and none against, which is 100%. Of Unionists, there voted 27 for and 25

against, which is 51.9% for. The total vote for is 71.26%. I declare the amendment carried.

Amendment accordingly agreed to.

Standing Order 9, as amended, agreed to.

Standing Order 10 (Sittings and Adjournments of the Assembly)

Amendments Nos 1A, 1B, 2A and 2B not moved.

Standing Order 10 agreed to.

Standing Order 11 (Earlier Meetings of the Assembly) agreed to.

Standing Order 12 (Public Business)

Amendment (No 36) made: In paragraph (1), after “Bills”, insert “Statutory Committee Reports”. — [Mr P Robinson]

Standing Order 12, as amended, agreed to.

Standing Order 13 (Private Business) agreed to.

Standing Order 14 (Seconders) agreed to.

Standing Order 15 (Amendments)

Amendment (No 35) made: In paragraph (4) leave out “during debate” and insert “before a division is called”. — [Mr P Robinson]

Standing Order 15, as amended, agreed to.

Standing Order 16 (Delaying Motions)

Amendment (No 34) made: After paragraph (1) insert the following new paragraph:

“Where a motion is made for the adjournment of a debate the motion shall specify the length of adjournment and in any case it shall not be for a period greater than 7 days. The Speaker shall not permit more than one adjournment on the same debate except by leave of the Assembly.” — [Mr P Robinson]

5.00 pm

Amendment (No 33) made: In paragraph (2) leave out “propose” and insert “put”. — [Mr P Robinson]

Standing Order 16, as amended, agreed to.

Standing Order 17 (Speeches in the Assembly) agreed to.

Standing Order 18 (Statements)

Amendment (No 31) made: In paragraph (4), at end, add

“The Speaker shall determine the time period taking into consideration the content of the statement, the number of Members wishing to ask questions and the pressure of other business.” — [Mr P Robinson]

Amendment (No 32) made: In paragraph (4) leave out “be limited to” and insert “last no more than”. — [Mr P Robinson]

Amendment (No 30) made: In paragraph (5) leave out all the words after “Debate” and add

“unless, by leave, the Assembly determines to dispense with this requirement.” — [Mr P Robinson]

Standing Order 18, as amended, agreed to.

Standing Order 19 (Questions)

Amendment (No 29) made: After paragraph (12) add the following new paragraph:

“The sequence that questions are taken shall be determined by ballot carried out by the Speaker.” — [Mr P Robinson]

Standing Order 19, as amended, agreed to.

Standing Order 20 (Private Notice Questions) agreed to.

Standing Order 21 (Adjournment Debates)

Amendment (No 28) made: In paragraph (1) leave out “proposed” and insert “put”. — [Mr P Robinson]

Amendment (No 27) made: After paragraph (2) add the following new paragraph:

“Where the subject matter of an adjournment debate is the responsibility of a member of the Executive Committee 10 minutes shall be allotted for a Ministerial response at the end of the debate.” — [Mr P Robinson]

Standing Order 21, as amended, agreed to.

Standing Order 22 (Public Petition)

The Initial Presiding Officer: In the proposed new paragraph the word “related” on the Marshalled List should be “relate”, and the words “as defined in section 6(2)” on the Marshalled List should be “as defined by exception in section 6”.

Amendment (No 26) made: After paragraph (2) add the following new paragraph:

“A petition shall relate to matters that are within the legal competence of the Assembly as defined by exception in section 6 of the Northern Ireland Act 1998.” — [Mr P Robinson]

Standing Order 22, as amended, agreed to.

Standing Order 23 (Presentation of Papers and Accounts) agreed to.

Voting

The Initial Presiding Officer: We move to the third set of amendments. The first of these is No 83, which stands in the name of Mr Peter Robinson.

Mr P Robinson: This amendment, if moved, would have the purpose of inserting after paragraph (2) of Standing Order 25 the following new paragraph:

“the election of the First Minister and Deputy First Minister shall require parallel consent.”

The amendment relates to a matter concerning the election system that is operating in the Assembly. At least three mechanisms are employed — parallel consent, the issue of cross-community support and the simple majority. I felt that it was important to have the definition of the two less-well-known voting procedures included in Standing Orders.

During the debate on the motion to take note of the report, one of the joint Chairmen said that the Committee would consider producing a consolidated document covering all the matters relating to the Assembly. Therefore it might be appropriate not to move amendment No 83, and leave it to the Committee to work on as part of its consolidation. It deals with one of the areas in which the parallel consent mechanism will operate, but as Mr McFarland has pointed out privately to me, that would take the issue of the election of the First Minister and Deputy First Minister out of its proper sequential position in the Standing Orders.

I am quite content not to move this amendment unless there is any strong feeling that I should.

I want to move the amendments which include definitions of cross-community support and parallel consent, as set out in the Northern Ireland Act 1998 and, indeed, in the Belfast Agreement. There was a heading for amendment No 23, which deals with cross-community support, just as there is for amendment No 50, which deals with parallel consent. This simply reflects the way that it would be set out in the Standing Orders.

There is also an error in amendment No 25 as set out on the Marshalled List. The reference to Standing Order 26(b) should be to Standing Order 26(2)(b)”. I consider Standing Order 26(2)(b) —

Mr Campbell: Or not to be.

Mr P Robinson: It may not be.

Sub-paragraph (b) is unnecessary because paragraph (2)(a) allows the Speaker to determine whether there is sufficient agreement in the Assembly for a Division to be called. If it is not possible for parties to provide two Tellers, clearly there will not be a Division.

We have seen from proceedings to date that there will not be a Division unless Members force one. Some Members said “No” in votes on amendments, but we did not get to the stage where the Initial Presiding Officer felt it necessary to call a Division. Likewise, when Members from one of the smaller parties feel that they would like to have their views on a particular matter recorded, it is quite likely that the Speaker, under the terms of paragraph (2)(b), would decide that there is no

need for a Division, as the number of Members calling for it is so small.

However, if we remove sub-paragraph (b), smaller parties will be able to force Divisions, as long as they can nominate Tellers. That seems appropriate in instances where they feel strongly about a particular issue. The removal of this sub-paragraph would not reduce the effectiveness of the Assembly in that regard, and the Speaker would still have considerable discretion in cases where parties cannot nominate the necessary Tellers.

Those are the only issues I wish to raise on this group of amendments.

Mr Haughey: The SDLP is prepared to support amendment No 83, even though it might be regarded as superfluous. Mr Robinson referred to the fact that I said that we would probably produce a consolidated compendium of Standing Orders, incorporating not only the Standing Orders agreed here, but also the relevant sections of the Northern Ireland Act 1998 and of the agreement. If the Member who moved the amendment is happy to withdraw it, we would be content with that.

With regard to amendment No 25, we have some reservations about the withdrawal of Standing Order 26(2)(b). We would oppose that.

Mr McFarland: I am slightly concerned because there are three areas, and Mr Robinson has referred to them already — amendments 83, 23 and 50 — which repeat sections of the Act. As I understand it — and I am a late arrival to the Standing Orders Committee — the policy of the Standing Orders Committee is clear, and the whole set of Standing Orders is predicated on the understanding that areas of the Act are not repeated in the Standing Orders, except on very specific occasions.

If that policy were to be changed it could have a knock-on effect right through the Standing Orders. If the Member was willing to withdraw those three areas and allow the Standing Orders Committee to re-examine whether there are areas of the Act that need to go into the Standing Orders, that would be a slightly more satisfactory option than voting today.

Mr Dodds: Members have seen today how the initial Standing Orders are operating given that we have to vote by recorded vote. Many Members who are on councils know that that is the way that voting operates, but it is not very satisfactory. It is a long, drawn-out process. The type of voting system set forth in Standing Orders 24 to 26 will mark a major improvement in terms of voting by Division and going through the Lobbies. It will be a much more efficient system, and it is modelled very closely on what happens in other places.

However, the Standing Orders Committee did say — I am sure that the Chairmen will back me up on this — that the question of voting systems would be looked at again, given the advances in technology. Again this is an issue which we will leave to see how it works in practice, but I am sure that it will be a major advance on the current system.

I raised the matter of 26(2)(b) with officials because I, like Mr Robinson, was concerned that it might be unnecessary and might be used against small parties — indeed, any party — which wanted to force a Division in order to have a vote recorded. The Speaker might use this power to deny that opportunity to parties. If parties want their vote to be recorded, that should be their right. For example, in councils if one member demands a recorded vote, the vote is recorded. Therefore in a legislative body a party should have the right to insist that its votes be recorded. That is essentially why the proposal is being made in relation to 26(2)(b).

Amendment No 24, in Mr Robinson's name, relates to a petition of concern. The Standing Orders Committee had included this Standing Order, but it is in the wrong place. If Members look at Standing Order 53(5) as drafted in the compendium of Standing Orders, they will find that the Standing Order has been placed there. Members agreed that there should be a Standing Order in relation to a petition of concern.

I think it was Mr Farren of the SDLP who said that he wanted to come back to this issue. Members looked at this Standing Order and agreed the text of it, but it has somehow ended up in 53(5), which deals with equality. However, it is a much more general Standing Order. Therefore what Mr Robinson is proposing, quite rightly, is to take it out of the equality section and put it into the voting section where it belongs.

5.15 pm

As far as the other matters are concerned, this is a repeat of what is in the Act. I heard what Mr McFarland has said, and this is clearly a matter which the Assembly can decide. It is something that might be more sensible to have complete, in that sense, when we are dealing with voting. But it is a matter for the Assembly to decide. These are important provisions, and the section on voting will mark a major improvement in the way that work is carried out in the Assembly.

Mr Farren: The point relating to the petition of concern is to some extent well-made. Does it not follow that there is no need for the petition of concern in the equality section, in which it now appears, because it is couched in the general terms which are required for its general application to our proceedings? If this amendment were adopted, would this Standing Order be repeated unnecessarily?

Mr Dodds: When we come to those amendments we can look at that.

Mr Durkan: Mr Robinson has proposed an amendment which would remove the duplicated reference.

Mr Dodds: I am grateful to the Member for that.

The Initial Presiding Officer: Mr Robinson referred to amendments 83, 25, 23 and 50, but I do not think that he referred to No 24. I am not sure whether he was to speak to that amendment at this point.

Mr P Robinson: Amendment 24 is one where we do not have a choice. Section 42 of the Northern Ireland Act 1998 says

(1) "If 30 members petition the Assembly expressing their concern about a matter which is to be voted on by the Assembly, the vote on that matter shall require cross-community support.

(2) Standing orders shall make provision with respect to the procedure to be followed in petitioning the Assembly under this section, including provision with respect to the period of notice required."

This is one of the instances where there was a requirement in the legislation which had not been met by the report from the Committee on Standing Orders. Mr Dodds indicated that we had taken from section 53(5). However, subsection (5) relates to paragraph 1 of the proposed new Standing Order under amendment No 24. We have had to add paragraph (2) to comply with the legislation. That fulfils the period-of-notice requirement.

The Initial Presiding Officer: There are no further requests from Members to speak, so we come to the decisions on these Standing Orders and the group of amendments.

Standing Order 24 (Closure of Debate) agreed to.

Standing Order 25 (Voting — General)

The Initial Presiding Officer: Is amendment No 83 moved or not moved?

Mr P Robinson: Not moved.

Standing Order 25 agreed to.

Standing Order 26 (Voting where the Speaker's Decision is Challenged)

Amendment (No 25) proposed: Leave out all the words after "may" and add

"call for the nomination of tellers and divide the Assembly in the manner provided below." — [Mr P Robinson]

Question put That the amendment be made.

The Assembly divided: Ayes 31; Noes 53.

AYES**Unionist**

Fraser Agnew, Paul Berry, Norman Boyd, Gregory Campbell, Mervyn Carrick, Wilson Clyde, Nigel Dodds, David Ervine, Oliver Gibson, William Hay, David Hilditch, Billy Hutchinson, Roger Hutchinson, Gardiner Kane, Robert McCartney, Rev William McCrea, Maurice Morrow, Ian Paisley Jnr, Edwin Poots, Mrs Iris Robinson, Mark Robinson, Peter Robinson, Jim Shannon, Jim Wells, Cedric Wilson, Sammy Wilson.

Other

Mrs Eileen Bell, Seamus Close, David Ford, Kieran McCarthy, Ms Monica McWilliams.

NOES**Nationalist**

Alex Attwood, P J Bradley, Joe Byrne, John Dallat, Ms Bairbre de Brún, Arthur Doherty, Mark Durkan, Sean Farren, John Fee, Tommy Gallagher, Ms Michelle Gildernew, Ms Carmel Hanna, Denis Haughey, Joe Hendron, John Kelly, Mrs Patricia Lewsley, Alban Maginness, Donovan McClelland, Alasdair McDonnell, Eddie McGrady, Gerry McHugh, Eugene McMenamin, Pat McNamee, Francie Molloy, Conor Murphy, Danny O'Connor, Ms Dara O'Hagan, Eamonn O'Neill, Mrs Sue Ramsey, Ms Brid Rodgers, John Tierney.

Unionist

Dr Ian Adamson, Billy Armstrong, Roy Beggs, Billy Bell, Esmond Birnie, Mrs Joan Carson, Fred Cobain, Rev Robert Coulter, Duncan Shipley Dalton, Ivan Davis, Sir Reg Empey, Sam Foster, Sir John Gorman, Derek Hussey, Danny Kennedy, James Leslie, David McClarty, Alan McFarland, Michael McGimpsey, Dermot Nesbitt, Ken Robinson, George Savage.

5.30 pm

The Initial Presiding Officer: There voted 84 Members. All 31 Nationalists voting voted No. Of the 48 Unionists voting, 54.2% voted Aye. The total number of Ayes being 36.9%, the amendment is lost.

Question accordingly negatived.

Standing Order 26 agreed to.

New Standing Order

Amendment (No 24) made: After Standing Order 26 insert the following new Standing Order:

“(1) A Petition of Concern in respect of any matter shall be in the form of a notice signed by at least 30 Members presented to the Speaker. No vote may be held on a matter which is the subject of a Petition of Concern until at least one day after the Petition of Concern has been presented.

(2) Other than in exceptional circumstances, a Petition of Concern shall be submitted at least one hour before the vote is due to occur.

Where no notice of the vote was signalled or such other conditions apply that delay the presentation of a Petition of Concern the Speaker shall determine whether the Petition is time-barred or not.”
— [Mr P Robinson]

New Standing Order

Amendment (No 23) proposed: After Standing Order 26 insert the following new Standing Order:

“In relation to a vote on any matter ‘cross-community support’ means (a) the support of a majority of the Members voting, a majority of the designated Nationalists voting and a majority of the designated Unionists voting; or (b) the support of 60 per cent of the Members voting, 40 per cent of the designated Nationalists voting and 40 per cent of the designated Unionists voting.”
— [Mr P Robinson]

Question put That the amendment be made.

The Assembly divided: Ayes 27; Noes 55.

AYES**Nationalist**

Nil.

Unionist

Fraser Agnew, Paul Berry, Norman Boyd, Gregory Campbell, Mervyn Carrick, Wilson Clyde, Nigel Dodds, David Ervine, Oliver Gibson, William Hay, David Hilditch, Billy Hutchinson, Roger Hutchinson, Gardiner Kane, Robert McCartney, Rev William McCrea, Maurice Morrow, Ian Paisley Jnr, Edwin Poots, Mrs Iris Robinson, Mark Robinson, Peter Robinson, Jim Shannon, Jim Wells, Sammy Wilson.

Others

David Ford, Kieran McCarthy.

NOES**Nationalist**

Alex Attwood, P J Bradley, Joe Byrne, John Dallat, Ms Bairbre de Brún, Arthur Doherty, Mark Durkan, Sean Farren, John Fee, Tommy Gallagher, Ms Michelle Gildernew, Ms Carmel Hanna, Denis Haughey, Joe Hendron, John Kelly, Mrs Patricia Lewsley, Alban Maginness, Donovan McClelland, Alasdair McDonnell, Barry McElduff, Eddie McGrady, Gerry McHugh, Eugene McMenamin, Pat McNamee, Francie Molloy, Conor Murphy, Danny O'Connor, Ms Dara O'Hagan, Eamonn O'Neill, Mrs Sue Ramsey, Ms Brid Rodgers, John Tierney.

Unionist

Dr Ian Adamson, Billy Armstrong, Roy Beggs, Billy Bell, Esmond Birnie, Mrs Joan Carson, Fred Cobain, Rev Robert Coulter, Duncan Shipley Dalton, Ivan Davis, Sir Reg Empey, Sam Foster, Sir John Gorman, Derek Hussey, Danny Kennedy, James Leslie, David McClarty, Alan McFarland, Michael McGimpsey, Dermot Nesbitt, Ken Robinson, George Savage.

Other

Ms Monica McWilliams.

The Initial Presiding Officer: There voted 82 Members: 32 Nationalists, none of whom voted for, and 47 Unionists, 53.2% of whom voted yes. The total percentage of Ayes being 32.9%, I declare the amendment lost.

Question accordingly negatived.

5.45 pm

The Initial Presiding Officer: Amendment No 50: moved or not moved?

Mr P Robinson: This amendment, whose purpose was to insert

“In relation to a vote on any matter ‘parallel consent’ means the support of a majority of the Members voting, a majority of the designated Nationalists voting and a majority of the designated Unionists voting.”

as a new Standing Order, is not moved.

The Initial Presiding Officer: That being the case, we have come to the end of the consideration of this group of amendments and of this section of the compendium. I said at the start, which was about three hours ago although it seems longer, that we would try to get to Standing Order 41, which deals with ministerial appointments. However, with 15 minutes to go we have come to the end of a group.

We have dealt with 28 amendments. There are 65 to go, so we have dealt with just under a third of the amendments. We have dealt with 26 Standing Orders out of 71, which is just more than a third, in about three hours. I sense that at this rate we should be able to finish our business tomorrow. I hope that I have sensed the mood of the House. I suggest that, by leave of the House, the sitting be suspended now and resumed at 10.30 tomorrow morning, continuing if necessary until 10.00 tomorrow night.

The sitting was suspended at 5.48 pm.

THE NEW NORTHERN IRELAND ASSEMBLY

Tuesday 9 March 1999

*The sitting begun and suspended on Monday
8 March 1999 was resumed at 10.31 am.*

ASSEMBLY STANDING ORDERS

The Initial Presiding Officer: Yesterday Mr David Ford asked whether the draft Standing Order referring to “Unionist”, “Nationalist” and “Other” might be in contravention of Her Majesty’s Government’s undertakings internationally. I have sought legal advice on the question, but it may well be that clear legal advice will not be forthcoming prior to our having to take a vote at the end of today’s proceedings.

If such advice is forthcoming I will at a convenient time bring it and, insofar as I can, its consequences to the attention of the Assembly. If such advice has not been received by the time the Assembly votes, the Standing Orders that we will, I trust, approve will not, by dint of that, be determined. They will go to the Secretary of State, who will then make the determination in advance of devolution.

As it is the Secretary of State’s responsibility, as far as I understand it, to ensure that Her Majesty’s Government’s international obligations are maintained she will be scrutinising the Standing Orders that we put forward. If it is her belief that one of them is in contravention of international obligations, she would be within her rights were she to make a determination different from that of the Assembly, either in favour of the Alliance amendment or otherwise. In any case the matter will go to the Secretary of State following any decision of the Assembly.

Of course, if definitive legal advice comes to my attention before we come to the vote, I will at a convenient point bring it to the attention of the Assembly.

Legislation

The Initial Presiding Officer: We move now to the section on legislation. The amendments on the Marshalled List begin with No 22, which stands in the name of Mr Peter Robinson.

Mr P Robinson: This amendment deals with how the Committees will operate when they are considering

matters in relation to, for instance, a Bill brought to them by the Assembly. The words whose removal I am suggesting —

“to be made to the Bill” —

indicate something that definitely will occur. I am suggesting they be replaced by words which indicate that a Bill may be proposed. That would give an option. I imagine that this Committee will make a series of recommendations, which may, indeed, become proposals for amendments, but I suspect that, as the purpose of the Committee is to advise and assist a Minister, it would be a very foolish Minister indeed who would not take the recommendations of his Committee and consider them very seriously.

At that stage he might well agree to adopt some of those amendments as part of the Bill and therefore there would be a Government amendment relating to them. There may be others which he might be able to convince the Committee should not be accepted in the way that it has suggested, and the Committee may decide not to move the amendment.

Amendment No 22 provides for that degree of flexibility which will allow a Minister to adopt Committee recommendations and for the Committee, on reflection, to accept whatever argument is put by a Minister. As it stands at the moment, the amendments have to be made. I am not sure if the word “made” is appropriate. The word “moved” would be more appropriate if one were to stick with the original text. The amendment should allow more flexibility in the working of the Committee system.

I need not spend much time on amendment No 21. A Bill is set down “on” and not “in”.

Amendment No 20 seems to have been caused by an error in the typing of the report or in its compilation. With the erratum being applied to Standing Order 31, the heading is “Public Bills: Human Rights Issues”. The heading for Standing Order 32 is “Public Bills: Equality Issues”. However, in No 32(1) there is reference to “human rights” instead of “equality requirements”. Amendments 17, 18 and 19, whose purpose is to remove the words “and observance of human rights”, are consequential. Legal advice is that if the original Standing Order is clearly wrong some further tidying up might be required, and the Committee might want to look at that. Indeed, it might fall within the context of the catch-all amendment that we had to the notice of motion, which allows some tidying up to be done.

Mr Farren: With regard to Standing Order 32(1), the point which has been made regarding the reference to “human rights” and its replacement by “equality requirements” is one that is well taken. However, with reference to the following amendments that the Member is proposing, would he not accept that all references to

“human rights” might well be required, given that all equality measures may not be covered simply by a reference to “equality rights”?

Mr P Robinson: It is my understanding that the Standing Orders Committee was attempting to divide human rights and equality issues, recognising that a particular statutory responsibility for human rights has been placed on the Human Rights Commission. There is a real legal difficulty if an Assembly Committee seeks to take over responsibilities which have been given to a statutory body, the Human Rights Commission, no matter what one might think of the present composition of it. I am quite happy that the lawyers look at it and tidy it up in whatever way is necessary. It is not that I want particularly to take out the reference, but we may be getting into legal difficulties if we give a task which has to be performed legally by a Human Rights Commission to a Committee of the Assembly.

Mr Haughey: Would Mr Robinson be prepared to withdraw the amendments Nos 17, 18 and 19 on the basis that he has properly brought the House’s attention to what may require some legal expertise? If he were to withdraw them it would save us having to vote them down in order that they go back and be reconsidered. I would be glad to give such an undertaking as joint-Chairman of the Committee on Standing Orders.

Mr P Robinson: I am comfortable with Mr Haughey’s proposal. As I have said, I have no emotional capital tied up in the wording of the Standing Order. We need to deal with it, but I would not like to keep it in and find that we are in conflict with the law. That is the last thing I should want.

Amendment No 16 seeks to replace “bill” with “Bill”. I hope that there is no controversy over that proposal. Amendment No 15 is similar to an earlier amendment, inserting “on” in place of “in”.

Amendment No 14 requires “main” options to be considered. I suspect that when a Department is preparing a Bill it considers a plethora of options. Some of them might not be seriously considered, but if the Department were required to include all the options the Bill would be a very untidy document. Simply to include the main propositions seems sensible. For consistency, a change is required to brackets in Standing Orders 37 and 38. I have not referred to those specifically as they should be included in the catch-all amendment at the beginning.

With regard to amendment No 13, there seems to be an assumption on the part of the drafter of the Standing Orders that there must be more than one reason for everything, because throughout the Standing Orders we have to give reasons. It should be “reason or reasons” in case there is only one reason. I am sure that the Women’s Coalition will applaud me for amendment

No 12, in which I am being gender-sensitive. Mr Sammy Wilson helped me to word the amendment.

Regarding amendment No 11, it is not the responsibility of a Committee to “require” Departments to do anything. The person who is responsible for a Department is a Minister, and the Committee has direct control of the Minister, as the Assembly would. The amendment should tidy up the Standing Order.

Those are all the amendments in my name, and I beg to move them.

The Initial Presiding Officer: I have no requests from Members to speak on this group of amendments, so we shall simply take decisions on them and on the relevant Standing Orders.

Standing Order 27 (Public Bills: Introduction and First Stage) *agreed to.*

Standing Order 28 (Stages in Consideration of Public Bills) *agreed to.*

Standing Order 29 (Public Bills: Second Stage) *agreed to.*

Standing Order 30 (Public Bills: Committee Stage)

Amendment (No 22) made: In paragraph (3) leave out “to be made to the Bill” and insert “, to the Bill, that may be proposed”. — [Mr P Robinson]

Amendment (No 21) made: In paragraph (5), line 3, leave out “in” and insert “on”. — [Mr P Robinson]

Standing Order 30, as amended, agreed to.

Standing Order 31 (Public Bills: Human Rights Issues) *agreed to.*

Standing Order 32 (Public Bills: Equality Issues)

Amendment (No 20) made: In paragraph (1) leave out “human rights” and insert “equality requirements”. — [Mr P Robinson]

The Initial Presiding Officer: Are amendments Nos 19, 18 and 17 moved or not moved?

Mr P Robinson: Not moved.

Standing Order 32, as amended, agreed to.

10.45 am

Standing Order 33 (Public Bills: Consideration Stage) *agreed to.*

Standing Order 34 (Public Bills: Amendments)

Amendment (No 16) made: Leave out “bill” and insert “Bill”. — [Mr P Robinson]

Standing Order 34, as amended, agreed to.

Standing Order 35 (Public Bills: Final Stage)

Amendment (No 15) made: In paragraph (1) leave out “in” and insert “on”. — [Mr P Robinson]

Standing Order 35, as amended, agreed to.

Standing Order 36 (Public Bills: Reconsideration)
*agreed to.***Standing Order 37 (Public Bills: Explanatory and Financial Memoranda)**

Amendment (No 14) made: In paragraph (c), after “the”, insert “main”. — [Mr P Robinson]

Standing Order 37, as amended, agreed to.

Standing Order 38 (Public Bills: Special Scheduling Requirement)

Amendment (No 13) made: In paragraph (2)(a), after “the” insert “reason or”. — [Mr P Robinson]

Amendment (No 12) made: In paragraph (2), after “he” insert “/she”. — [Mr P Robinson]

Standing Order 38, as amended, agreed to.

Standing Order 39 (Statutory Rules of Northern Ireland)

Amendment (No 11) made: In paragraph (3), after “require”, insert “the Minister responsible for”. — [Mr P Robinson]

Standing Order 39, as amended, agreed to.

Ministerial Appointments

The Initial Presiding Officer: We now move to the section on the appointment of Ministers.

Mr P Robinson: Paragraph (1) of Standing Order 40 ends with the words “are as follows”. Either the next two paragraphs must be incorporated into this one or we must make the reference contained in amendment No 45. It is simply a tidying-up amendment.

Standing Order 40 refers to the “Northern Ireland Act”. It should be the “Northern Ireland Act 1998”. I do not believe that there is any substantial point there.

Amendment No 46 proposes that after Standing Order 40(2)(e) we insert a new subparagraph.

There are a number of areas where it is necessary to provide cover in this Standing Order. There is a gap or a route back into an Executive for those who are determined not to be committed to exclusively peaceful and democratic means, for those who are found not to have fulfilled the pledge of office or carried out the task which they were to perform. There was a way of filling a position when a vacancy occurred by retirement, resignation or death. There is no way back.

I shall give some examples of what might arise from a principled decision. None of the examples should be taken as an intention. A party might decide that the Assembly needed a much stronger constitutional and legitimate Opposition, and might decide to move into Opposition rather than remain in the Government. That would be a principled decision. Will the members of that party be given fewer rights than those who were put out of the Government because they were involved in violence or because they broke their pledges? That would be wrong, particularly as all the parties that supported the agreement say that it was about inclusive government. My proposal seeks to fill a gap in the Standing Orders.

Amendment No 47 is necessary because 40(2)(e) is inaccurate. It is prefaced by Standing Order 40(2), which states

“Ministerial offices must be filled by applying the procedures set out in section 18(2) to (6)”.

However, in the circumstances referred to in 40(2)(e) the nominating officer does not go through the procedure set out in 18(2) to (6). He simply appoints a replacement. The amendment corrects that inaccuracy.

I now turn to amendment No 49. Standing Order 40(3)(b) refers to asking

“the Assembly to extend that time limit, and gives reasons for so asking”.

Again, plurality is required by the Standing Orders, though there may be only one reason.

In Standing Order 41, the removal of “(1)” is simply for tidying up. As there is only one part, there is no requirement for “(1)”.

Amendment No 61 is a tidying-up exercise. The reference in the Standing Order to “Minister” should be to “Ministers”.

Mr Haughey: On a point of order, Mr Initial Presiding Officer. There are two elements to amendment No 46, and Members may wish to vote differently on them. I ask you to rule that the two elements can be separated and that separate votes may be taken on them. The first element is to leave out Standing Order 40(2)(e), and the second is to insert a new paragraph (f).

The Initial Presiding Officer: There is a legitimate argument for these two matters to be taken separately. On occasions, amendments have been separated into sections because they could legally be taken as separate matters. I accept that these could be taken as two separate votes. We will take these as amendments No 46(A) and No 46(B) — 46(A) being “Leave out Standing Order 40 (2)(e)”, and 46(B) being the insertion of a new subparagraph. Given that change, Mr Robinson may wish to comment on the difference that it would make.

Mr P Robinson: I do not object to the change. I am not sure whether I had them separated when I submitted them. The request is slightly disturbing because it suggests that people might deal with them in a different way. If that is the case, it would be a remarkable shift in SDLP policy. I hope that if there is a policy shift we will be given an explanation for it.

The Initial Presiding Officer: That, of course, is a political matter.

Mr Haughey: Our view is that it would be proper to accept Mr P Robinson's amendment to the existing paragraph (2)(e), as that provision runs contrary to the provisions of the relevant legislation. We would support that.

It seems to us that the second part of amendment 46, which relates to the rerunning of the d'Hondt system in circumstances where the nominating officer did not exercise his rights under the legislation when the Executive was formed but wishes to do so subsequently by notifying the First Minister, the Deputy First Minister and the Speaker of his intention to do so, requires further thought. If it is left open in this way, it will be open to abuse. Therefore we would wish to consider this matter further and will not be accepting the amendment in its current form.

The Initial Presiding Officer: As I have no further requests to speak, I propose that we proceed to the voting.

Standing Order 40 (Appointment of Northern Ireland Ministers — Time Limits)

Amendment (No 45) made: In paragraph (1) leave out "follows" and insert "set out in Standing Order 40(2), (2a) and (3)". — [Mr P Robinson]

Amendment (No 48) made: In paragraph (1), after "Act", insert "1998". — [Mr P Robinson]

Amendment (No 46A) made: Leave out paragraph (2)(e). — [Mr P Robinson]

Amendment (No 46B) proposed: After paragraph (2)(e) insert the following new sub-paragraph:

- "(f) the nominating officer of a party who did not exercise the power conferred by section 18(2) notifies the First Minister, the Deputy First Minister and the Speaker of his/her intention to do so." — [Mr P Robinson]

11.00 am

Question put That the amendment be made.

The Assembly divided: Ayes 27; Noes 62.

AYES

Nationalist

None.

Unionist

Paul Berry, Norman Boyd, Gregory Campbell, Mervyn Carrick, Wilson Clyde, Nigel Dodds, William Hay, David Hilditch, Roger Hutchinson, Gardiner Kane, Robert McCartney, Rev William McCrea, Maurice Morrow, Ian Paisley Jnr, Edwin Poots, Mrs Iris Robinson, Mark Robinson, Peter Robinson, Patrick Roche, Jim Shannon, Denis Watson, Jim Wells, Cedric Wilson, Sammy Wilson.

Other

Mrs Eileen Bell, Seamus Close, David Ford.

NOES

Nationalist

Alex Attwood, P J Bradley, Joe Byrne, John Dallat, Ms Bairbre de Brún, Arthur Doherty, Pat Doherty, Mark Durkan, Sean Farren, John Fee, Tommy Gallagher, Ms Michelle Gildernew, Ms Carmel Hanna, Denis Haughey, Dr Joe Hendron, John Kelly, Mrs Patricia Lewsley, Alban Maginness, Alex Maskey, Donovan McClelland, Dr Alasdair McDonnell, Eddie McGrady, Gerry McHugh, Mitchel McLaughlin, Eugene McMenamin, Francie Molloy, Conor Murphy, Mrs Mary Nelis, Danny O'Connor, Ms Dara O'Hagan, Eamonn O'Neill, Mrs Sue Ramsey, Ms Brid Rodgers, John Tierney.

Unionist

Dr Ian Adamson, Ms Pauline Armitage, Billy Armstrong, Roy Beggs Jnr, Billy Bell, Esmond Birnie, Mrs Joan Carson, Fred Cobain, Rev Robert Coulter, Duncan Shipley Dalton, Ivan Davis, Sir Reg Empey, David Ervine, Sam Foster, Sir John Gorman, Derek Hussey, Billy Hutchinson, Danny Kennedy, James Leslie, David McClarty, Alan McFarland, Michael McGimpsey, Dermot Nesbitt, Ken Robinson, George Savage, Peter Weir.

Other

Ms Monica McWilliams, Ms Jane Morrice.

The Initial Presiding Officer: There voted 89 Members. Thirty four Nationalists voted, all of them Noes. The number of Unionist votes was 50, 24 of them Ayes, and 26 Noes. The total number of Ayes is 30.33%. The amendment is lost.

Question accordingly negated.

Amendment (No 47) made: After paragraph (2) insert the following new paragraph:

"Where the office becomes vacant as mentioned in section 18(10) the nominating officer of the party on whose behalf the previous incumbent was nominated shall nominate a person to hold the office within a period of seven days." — [Mr P Robinson]

Amendment (No 49) made: In paragraph (3)(b), after "gives", insert "a reason or". — [Mr P Robinson]

Standing Order 40, as amended, agreed to.

Standing Order 41 (Junior Ministers)

Amendment (No 44) made: Leave out “(1)”.
— [Mr P Robinson]

Amendment (No 61) made: In line 3, leave out “Minister” and insert “Ministers”. — [Mr P Robinson]

Standing Order 41, as amended, agreed to.

Committees

The Initial Presiding Officer: We now come to the section on Committees.

Dr Hendron: On a point of order, Mr Initial Presiding Officer. This is a point that I should have raised yesterday, but it only occurred to me a while ago. I have not discussed it with either Chairman of the Standing Orders Committee. I am thinking of a vote where the cross-community aspect was important to either side. If a Member were suffering from a chronic illness and unable to attend the Chamber, he or she could come by car, as happens in the House of Commons — and you will be aware of this — to the precincts of the Building. An officer appointed by the Speaker could go out, see the person and record his or her vote. That should happen here. I am not proposing an amendment, but could the Chairmen of the Standing Orders Committee take that on board for the future?

The Initial Presiding Officer: Your remarks, while strictly speaking not a point of order, raise a useful question of procedure. Since the matter is now on the record, I am sure that it will be given consideration by the joint Chairmen.

We now come to the section on Committees — a substantial section from Standing Order 42 to, I think, 56 — and there is a considerable number of amendments. There may be matters arising which we will have to address.

11.15 am

I want to draw Members’ attention to amendments 3A through to 3E, which were submitted as a single amendment. They have been divided up for ease of reference as Members go through the Marshalled List, but I will take them as a single amendment.

Amendments 4, 7, 8, 9 and 10 refer to precisely the same matters as amendments 3A to 3E. When we come to the vote — and it makes no difference in terms of our consideration of the matter — I will take amendments 3A to 3E as a single vote. If Members are agreed on that, amendments 4, 7, 8, 9 and 10 will therefore not be moved as they will have already been agreed.

If, however, Members do not agree to take amendments 3A to 3E on the first and single vote, then amendments 4, 7, 8, 9 and 10 may, if the proposer

wishes, be moved separately, and there will be a separate vote on each of them. I trust that this is clear. When it comes to the vote, I will draw it to Members’ attention again in order to avoid confusion.

The first amendment in this group is No 60, which stands in the name of Mr Peter Robinson.

Mr P Robinson: I will not try to speak to all of the amendments in my name in this section. It might make more sense if I were simply to address the issues relating to the establishment of Statutory Committees in Standing Order 44 and resume my seat at that stage. There is a substantial piece of business to be transacted on that single Standing Order, and it might be appropriate for Members to look at this one — even to vote on it — before coming back to the others.

Of the amendments that I have, the substantive one is No 59, which is to do with the setting up of a Special Scrutiny Committee to deal with the Office of the First Minister and the Deputy First Minister. The other two or three amendments immediately surrounding it on the list of groupings are consequential amendments.

This subject was discussed during our meeting yesterday, and considerable concern was expressed at the gap in the legislation in relation to the setting up of the Statutory Committees. It is clear — and cannot be disputed — that the legislation specifically requires the Assembly to set up statutory committees dealing with all the subjects that are the responsibility of Northern Ireland Ministers. I think that the legal advice correctly defines them as being the Ministers responsible for the 10 new Departments. Therefore there is no statutory requirement — I use the word “requirement” advisedly — to set up a committee in relation to the First Minister and Deputy First Minister.

Having looked at the synopsis of the legal advice given to the Standing Orders Committee, I am not clear if the legal adviser was asked if a Statutory Committee was one which was required by statute or one which was permitted by statute. I have no doubt that, under the Standing Orders provision contained in the Act, permission is given to the Assembly to set up committees of whatever shape and variety. Whether it is a statutory committee because the statute so permits, I am not legally competent to answer. I have asked those who should be legally competent, and they are unsure as to the position.

Therefore instead of tabling an amendment, which I think I could have done, stating that a Statutory Committee is one that is permitted rather than required by statute, I have taken the softer option, which is not to attempt to call it a Statutory Committee but to set up a special scrutiny committee. We are empowered to do that by the legislation. That committee will have all of the powers and functions of a Statutory Committee and

will look at the roles of the First Minister, the Deputy First Minister, and junior Ministers within their Department. It is a Statutory Committee by another name, but it is within the Assembly's legal competence.

Being charitable, I imagine that the wise owls in London who drafted the legislation made a mistake when they did not insert a clause to cover this matter. Perhaps they never considered such a possibility. It could be that they did not expect the First Minister and Deputy First Minister to grab so many functions and place them in the central Department. As it stands, the First and Deputy First Ministers, who have the authority to issue determinations, could take more and more responsibility to the central Department. Without scrutiny, they could take key government issues away from the eyes of Members and the public.

I cannot imagine anyone being prepared to state publicly that the actions of the First and Deputy First Ministers are such that they should not be scrutinised. In a general acceptance that there should be scrutiny, the only two not fighting hard for it would be those two Ministers. They might enjoy the chance to justify their actions to a committee. A more malevolent view creeping around the Assembly is that we are witnessing part of a conspiracy. It is said that it is impossible for legislative draftsmen not to have foreseen the possibility, and that there was a deliberate exercise to ensure that there would be no scrutiny, or inadequate scrutiny, of what the First and Deputy First Ministers are doing.

I do not need to take sides on this issue. It is sufficient to say that the amendment suggests a mechanism by which we can fill this unfortunate gap until such times as the legislation may change. The Assembly has the power to do that. I hope that the committee wants to do it and that there are no vested interests in the Assembly that would seek to protect the First and Deputy First Ministers from scrutiny. There will certainly be matters under the control of the central Department that will need to be scrutinised. The equality agenda will clearly require scrutiny. Those who are the guardians of equality would place themselves in a weak position if they were not prepared to have their actions scrutinised.

There has been an attempt to withdraw powers from the Department of Finance and Personnel, especially in relation to the Economic Policy Unit. That key government function — the strategy for the Northern Ireland economy — will be determined by that body. Is it conceivable that the Assembly would be unable to scrutinise such an important function? There is a clear requirement to scrutinise, and my proposal allows the Assembly at least a stop-gap measure until the legislation is corrected.

There are one or two other amendments in my name in relation to the setting up of the Statutory Committees.

Standing Order 44 requires the speaker to supervise the establishment of Statutory Committees. The word "given" in 44(2) suggests that Members must accept, but that may not be what every Member wants. Amendment No 57 seeks to insert the word "offered", which would allow Member to decide whether to accept.

Also, the Speaker should be excluded from being a member of a Statutory Committee, yet the Standing Order does not specifically indicate that. That is normal practice and that should be reflected in the Standing Order.

Standing Order 44(5) says

"For the purposes of paragraph (4) a nominating officer has a party interest in a Committee if it is established to advise and assist a Minister who is a member of his/her party."

The present thinking of the current First and Deputy First Ministers (Designate) is that there may not be junior Ministers in Departments, but the Standing Orders that we are devising are not simply for the first term or for the duration of their tenure. They will go beyond that, and it is conceivable that, in the future, the First and Deputy First Ministers (Designate) will change their minds and there will be junior Ministers in Departments. I do not believe that any party should nominate a Chairperson or a deputy Chairperson to a Committee if it has a junior Minister from its party in the Department that that Committee is to scrutinise. This amendment is not for immediate use, it is for the future.

That covers all the amendments in my name to Standing Order 44, and I beg to move them.

Mr McFarland: My comments refer to amendment 59. A situation has arisen that means that some areas are not going to be scrutinised because of the legislation which was passed in November 1998 before the parties' negotiations in December 1998 which led to an agreement on 18 December 1998 to move various areas of responsibility from Departments into the centre. That is the reason for this anomaly.

This is not a simple issue. It is complicated in that the First Minister (Designate) and the Deputy First Minister (Designate) will clearly have a view on this. While I agree that there are areas that appear to require some degree of oversight by the Assembly, it would be sensible to discuss this with the First and Deputy First Ministers (Designate), obtain their views and reach an agreed outcome. This is something that requires further scrutiny and should be referred back to the Committee.

Mr Haughey: The SDLP feels that with regard to amendments 60, 59, 56 and 55, which have to do with oversight of the Executive functions carried out by the First and Deputy First Ministers, there is a lack of clarity in the Act. Whereas the Good Friday Agreement makes reference to the need for scrutiny of the main Executive functions of the new Administration, it is not clear how

this can be done in a way that is consistent with the legislation. I agree with Mr McFarland that this is a matter which requires further study to enable us to come up with a formula which would accomplish the purposes of the Assembly.

The SDLP also feels that amendment 54 is a matter that needs to be looked at more carefully. As the amendment is currently drafted, it could be restrictive and, in certain circumstances, impracticable.

Mr C Murphy: Go raibh maith agat, a Chathaoirleach. One of my Colleagues will speak to the amendments on the special scrutiny committee proposed by Mr P Robinson. I wish to address amendment 84, put forward by the Alliance Party, which will alter the number on the Statutory Committees from 11 to 12.

Mr Ford: To save Mr Murphy's time, the Alliance Party does not propose to move that amendment, given the assurances it has received.

11.30 am

Mr C Murphy: That is fine. I was going to put on record our position. We supported 11 but were prepared to go to 14 to accommodate the smaller parties such as the Women's Coalition and the PUP. The amendment, as suggested, would accommodate the Alliance Party but not these smaller parties.

On amendment 52, proposed by Mr P Robinson, the issue is whether committees should be forced to suspend their business when a vote is being taken in plenary session, or whether they have discretion. Members may be stuck dealing with a vital vote in a committee when there is also a vital vote in the plenary session. Our opinion is that committees should retain discretion in such cases. Our experience is that most of the committees have operated sensibly to date. If there are vital votes being held in plenary session, Members should be allowed to leave.

There are a number of amendments regarding deleting the reference to membership of non-statutory committees. We will not support these, on the understanding that the issue will revert to the Standing Orders Committee who will deliberate further on it and that it does not go back to 11.

Mr Wells: I support Mr P Robinson. Mr McFarland felt that the First Minister (Designate) and Deputy First Minister (Designate) would have a view on this matter. I am sure that they do. Human nature is such that their view would be that they will not want to be scrutinised. They will want to hide behind the privilege of being able to control a huge section of the Government of this Province without being subject to adequate scrutiny.

No one will want to be brought to account before a Statutory Committee of this Assembly. That is the nature of politics. If they have a view on the subject,

they will have realised weeks or months ago that this issue was going to come up. They have had plenty of time to consider their view. The matter came up several times at the Standing Orders Committee when I was present. They will have seen that there are a whole series of amendments on the subject, and they should be in the Chamber to give us their considered view.

My concern is that if we take up the suggestion made by Mr McFarland and Mr Haughey — if we sideline this issue and go on — an attempt will be made quietly to forget it. This is our opportunity to get the Standing Orders that this Assembly needs and to get them right. This was one of the most debated issues in the Committee and one of the most important matters that we discussed. We cannot allow a huge section of the Government of the Province to be controlled by those who are not accountable to this body.

Mr Ervine: I concur with what the Member says and with the sentiments contained in this amendment. Given that it says there will be a committee for each of the main executive functions of the Northern Ireland Administration — and that wording means that there must be — does the Member share my concern that if we set up a committee which is different from the statutory committees it will be a diluted committee, that it will not be a committee with the proper standing? Given the speed with which the political development Minister was able to put proposals before Parliament last evening, should we not wait for proper legislation?

Mr Wells: The hon Member for East Belfast is reading from the agreement, not from the Act. It is the Act which gives us our statutory powers to scrutinise the work of the various Departments. My view is that this issue will be gently pushed aside, and we will not have an opportunity to get it right from the start.

Mr McFarland made the point that various powers were added to the central control of the First and Second Ministers; that is true. That happened — very conveniently — after the establishment of the Standing Orders Committee and before the issue of its final report. I wonder if that happened by chance. Did they realise, as the legislation was going through, that they could get away with not having a statutory scrutiny committee? Did they, therefore, take the opportunity to add on as many powers as they could to their control so that they had absolute authority on a whole range of issues?

Now, not only have we to be fair in the Chamber, but we have to be seen to be fair. We have to be able publicly — and it is very crucial that it is publicly — to bring the First and Deputy First Ministers to book on issues and guard the rights of minorities. This is the first opportunity we have had to address this issue, and it may be the only one we will have.

Mr Leslie: Does this mean that the Member and his party are abandoning their adherence to the principle of majority rule?

Mr Wells: The hon Member is showing his inexperience. Scrutiny committees are there to see that justice is done for everyone. We as a party have never stood in the way of adequate scrutiny of the Executive. During the last Assembly from 1982 to 1986 we were the strongest proponents of scrutiny committees. The rights of every party in the House have to be guarded, and, as things stand, if we do not have some form of control over the central Office of the First and Deputy First Ministers, they will be able to ride roughshod over the rights of all the parties in the Assembly except their own.

I am deeply suspicious when Mr Haughey and Mr McFarland, who are known to be the lieutenants, the right-hand men, of the two Gentlemen concerned, are quick to their feet to say that we must wait for the considered views of Mr Trimble and Mr Mallon. It is only about a three-minute walk from their offices to the Chamber, so let us have them here, hear their considered views and vote on this important issue.

The Initial Presiding Officer: It is clear from comments that were made earlier, particularly by the Members who moved this list of amendments, and from the number of Members who want to speak that there is very considerable interest on the part of the Assembly in addressing this matter.

The proposition was made that we would speak to this matter rather than consider the whole raft of amendments for this section on Committees as one piece and then vote on all of them right at the end. It does seem to me that that proposition has some merit. We are going to be debating for some time, before and after lunch, and then voting later on.

I therefore rule that we will now take all the speeches on the set of amendments up to amendment 54, that is the amendments to Standing Orders 42 to 44. A substantial number of Members have indicated that they wish to address those matters. We will then vote on them and then continue with the rest of the amendments to the section on Committees.

If we do not do this we will be debating backwards and forwards on a whole series of matters and then voting on them very much later in the day.

Mr Close: I find myself in total agreement with the sentiments that have been expressed by the Member, Mr Peter Robinson, particularly on amendment No 59. There is a responsibility — indeed, a duty — on all Members to ensure that all areas are subject to proper scrutiny. I hope that there will be no dissent from that view. It should be a matter of principle on the parts of everyone that all Ministers, be they the First Minister or

the Deputy First Minister, be subject to the utmost scrutiny by all elected representatives who operate on behalf of their constituents. I have no difficulty with amendment No 60 at all.

While agreeing with the sentiments, I do have a difficulty with the proposal that this special scrutiny committee should have the same powers and perform the same functions as a Statutory Committee. I question if that is not *ultra vires* in respect of Standing Orders.

I am not legally qualified, and I recognise that I speak in the presence of people who are qualified in law. However, it is my contention, and I am subject to the correction of those eminent lawyers in the Chamber, that to try to give the same powers to a scrutiny committee that have been given by the Act to another type of committee is really cutting across the point of the Act itself. Why have an Act at all, if, through Standing Orders, we can give the same powers to committees as those set up and empowered by the Act?

I have difficulty with that. I want the centre to be scrutinised, and it must be subject to exactly the same scrutiny as all other Statutory Committees. I share the concern of Members who question whether this was some sort of an accident or an oversight. I am on record as saying that I believe that it is probably deliberate.

Mr P Robinson: I think that I am right in saying that he is a member of a district council. District councils decide their own standing orders, and can draw up whatever standing orders they want, provided they do not conflict with legislation. We are in exactly the same position. Section 41 of the Act allows the Assembly to determine its Standing Orders, provided it does not go beyond its powers. By carrying out the job that the Act asks us to do, we can hardly be *ultra vires*.

Mr Close: I understand Mr Robinson's point. Section 29 of the Act gives the statutory powers for the establishment of the committees. If we try to establish committees that have the same powers as those Statutory Committees, I question whether we would be operating *ultra vires* the Act. Perhaps we both require legal advice on that matter.

Mr P Robinson: Section 29 requires the Assembly to do something. Nowhere does it try to stop it from doing something else. It is a requirement, but it does not take away the permissive powers within the legislation for us to set up committees.

Mr Close: The Act is establishing Statutory Committees. Now it is really getting difficult.

Mr McCartney: The provisions in the Act relating to the establishment of the Statutory Committees are mandatory. Those committees must be established. Mr Robinson is referring to the fact that although it states that some must be established and therefore

cannot be done without, that is no bar to the creation of others should the Assembly, under its inherent statutory powers, decide to do that.

Mr Close: I know when I'm bate — to use a well-known Ulster expression. I do not propose to take on an eminent QC.

I share the view that the utmost scrutiny should be applied to those who will be at the centre, and they should not run away from that fact. If amendment No 59 enables that to happen, I shall be content to go along with it. If it is ultra vires, I will have difficulty with it.

I understand that on the completion of our discussions on the report it will be subject to full legal scrutiny. In that context, I am prepared to go along with it because I feel strongly that there must be power to scrutinise the centre. Neither I nor any member of my party believes in dictatorship, be it benign or otherwise. The more power that is sucked into the centre, the more difficult it will be to hold people to account without proper Statutory Committees.

On the clear understanding that the report will be subject to legal scrutiny and advice, my party can go along with the amendment.

11.45 am

Mr McCartney: In my speech yesterday I referred to the balance between the legislative process and control of the Assembly and the Executive. This has, to a degree, been recognised in the legislation itself, in as much as the Act provides that the 10 Ministries be subject to the scrutiny of 10 committees. As I have already indicated, the fact that the Act requires, in a mandatory fashion, that committees be established to supervise and scrutinise each of the 10 Ministries recognises the principle that there must be control by the legislature and by Assembly Members over those exercising executive power.

It follows inevitably from that principle that there should be a scrutiny committee for members of the Executive, as they are collectively exercising more power than any Minister of a Department. Whether one believes in the conspiracy theory or in the "cock-up" theory, it may be that it was originally intended no such scrutiny committee would be required. It may not have been envisaged that the First or the Deputy First Ministers would have control of a specific department, but rather that their work would be more like that of a Prime Minister, supervising the whole range of Cabinet activities under other Ministers. However, during the passage of this legislation, the Centre was clearly given a full range of powers over some very fundamental and essential areas of government.

It is an established principle of democratic government, no matter where it is practised, that the legislative

process, the judicial process and the executive process should be subject to a series of checks and balances, a principle already recognised in the legislation that set up the 10 Ministries. Members must realise that we have one thing in common in this Chamber: we are all elected representatives and Members of the Assembly as a legislative body before we are members of individual parties. It is as a Member of the Assembly, rather than as a member of a party, that I strongly recommend the amendment that would create a scrutiny committee specifically to check the activities of the two Ministers who will exercise the most central and fundamental power in the Executive.

It is an established principle in the United States that the Executive, the legislature and the judiciary all have to be totally independent in order to work. Indeed, the French political philosopher Montesquieu misunderstood the British constitution, which in a sense is flawed in this regard, in that he believed that the British legislature and its Executive were separate. We know that Labour, with a majority of 176, can control the legislature and can make it nothing more than a rubber stamp, that the Executive is currently triumphant and virtually uncontrolled in the House of Commons — save for the intervention of the fourth estate, and even that safeguard has been seriously weakened by the partnership between Mr Murdoch and Mr Blair.

We must not make that mistake here: it is vital that a scrutiny committee be established to check the activities of the First and Deputy First Ministers. These Ministers have significant executive power over areas, such as equality, that are likely to be the subject of conflicting views and interests. The Assembly, if it is dedicated to the equality agenda in the way that has been suggested it is, should also have control of these areas.

Some Members may feel that equality is being sidefooted for political expediency. Others may think that servicing another political agenda is thrusting further into the agenda of our politics than is required. In either event it is an area that ought to be scrutinised and brought within the control of the Assembly. If we fail to do that we shall throw away one of the few elements of control that lie within the Assembly.

Members should seriously consider whether they are content to be treated as lobby fodder for the SDLP or the Ulster Unionist Party. Independent voices must be raised, not only in the smaller parties within and without the Executive, but by those of independent mind who have a specific and honourable view which may not, in all circumstances, be shared by their party leaders. The only place where their voices can be heard is within either the Assembly or in a scrutiny committee that can call to account all those who will exercise executive power.

Members voting on this amendment should vote as democrats, as individual elected Members of the Assembly. They should bear in mind that their duty is to the entire people of Northern Ireland, and that we must serve their interests. Those may not necessarily accord with party interests, should they conflict with a broader, wider and much more important public interest.

Mr Farren: I rise not as a piece of lobby fodder, but as one who subscribes fully to the principles of accountability which, having formed the approach to the establishment of the committee system, will be very much at the heart of the operation of the Assembly.

I wish to dispel any notion that the First and Deputy First Ministers do not want to be accountable. The present holders of those offices would certainly want to make themselves fully accountable to the Assembly in all aspects of their responsibilities. I also wish to dispel the notion that the office of the First and Deputy First Ministers has been endowed with powers and functions that will enable it to minimise the powers and functions of Departments that will be established by the Executive.

There is a danger of Members exaggerating the range of powers and functions that will rest with the First and Deputy First Ministers. As my Colleague Denis Haughey has said, we recognise that we need to address the accountability gap which became apparent to the Standing Orders Committee in respect of some aspects of the work of the Office of the First and Deputy First Ministers. We have highlighted on a number of occasions our intention to ensure that the issue of equality is adequately scrutinised and addressed. We want a committee established with responsibilities for that.

We do not believe it is necessary, and this brings me to the heart of our opposition to the amendment.

We do not want all the detail of the First and Deputy First Ministers' responsibilities to be subject to the type of scrutiny that is implied by the proposal. Again, I emphasise that that is not to say that they will not be accountable. Indeed, the Act itself prescribes just how accountable they will be on some matters. For example, on matters relating to the North/South Ministerial Council, matters that excite and concern some Members, the Act clearly lays down the manner in which the First and Deputy First Ministers are to be accountable to the Assembly. Part 5, section 52 of the Act states the manner in which some of that accountability is to be discharged.

We need to look carefully at how we can ensure that the main Executive functions which now lie within the Offices of the First and the Deputy First Ministers can be subject to scrutiny, but the manner in which they will be subject to scrutiny should be much more discrete than that which is proposed by this catch-all amendment.

The Ministers will ensure full accountability to the Assembly and to the Executive in general. With regard to discrete functions — and I highlight equality in particular — the House can ensure, by way of a dedicated committee, that such responsibilities are adequately and effectively subjected to the type of scrutiny that we all wish to see established.

Mr Poots: As a member of a “No” party, I have always suggested that the agreement was fraudulent. I am not surprised that Members from the “Yes” camp are trying to avoid scrutiny of the First and Deputy First Ministers. Not all the “Yes” parties are trying to do that, but the two main proponents, the Ulster Unionist Party and the SDLP, are. I am peeved about that since for years the Ulster Unionist Party has talked about accountable democracy. I have already raised this in the House: if the people of Northern Ireland are to believe that we carrying out our duties effectively, accountable democracy is essential.

From the beginning of the Assembly, the areas of responsibility of the First and Deputy First Ministers have increased and it has been agreed that they should appoint junior Ministers. It was noted that on 18 December 1998 and on the 15 February 1999 the main increase in departmental responsibility was in the Department of the First and Deputy First Ministers.

I ask the Assembly, the Members from the Ulster Unionist Party and from the SDLP, why the Ministers for Regional Development or the Environment or for the Culture, Arts and Leisure need to answer to a scrutiny committee when the First and Deputy First Ministers do not have to? Open and accountable Government should start at the top. The First and Deputy First Ministers must be held to account for the decisions they make. Their reasons should be made public, and nothing should be decided behind closed doors.

Those decisions will be made by the First Minister and the Deputy First Minister without reference to the Assembly. Therefore I support Mr P Robinson's amendment establishing this committee to scrutinise the work of those two Ministers. Much of what they do will be supported by the Assembly, but there may be things which will cause concern to my party or to other parties, so it is essential that this scrutiny committee be set up.

12.00

Ms Gildernew: Go raibh maith agat a Chathaoirleach. I wish to speak against amendments Nos 60, 59, 56 and 55, relating to the formation of a committee to scrutinise the work of the First Minister and the Deputy First Minister. The creation of a scrutiny committee would only create another tier of committee work. It is the view of Sinn Féin that what is required is an amendment of the relevant legislation to create a Statutory Committee, or committees, to scrutinise the work

of the First Minister and the Deputy First Minister. Such a committee would have full powers of scrutiny and would ensure that there was accountability and transparency in relation to the work of the Offices of Trimble and Mallon.

The proposed amendment may not be sufficient to scrutinise the work of the Offices of the First Minister and the Deputy First Ministers. Therefore this amendment should be referred back to the Committee on Standing Orders to allow it to analyse and assess whether or not it provides the level of scrutiny envisaged in the Good Friday Agreement. I am greatly concerned that the kind of detailed scrutiny envisaged in the agreement for the work of other Departments will not apply to the central Offices.

I am particularly concerned that matters relating to the rights of women and gender equality issues are to fall within the remit of the Offices of the First Minister and the Deputy First Ministers. This will mean that Trimble and Mallon will have *carte blanche* to decide whether or not to act on a particular issue, and there will be no safeguard in the form of a scrutiny committee. I fear that issues relating to the rights of women will be placed far down the list of priorities if they are left in the hands of these two Gentlemen.

As evidence for this, I would like to remind Members that yesterday I hosted a discussion in the Long Gallery, attended by women from all sectors of society, the purpose of which was to acquaint the Assembly with their concerns and aspirations. Each delegate had a number of issues to which they felt the Assembly should attend. These included matters as diverse as health, education, violence against women, telecommunication masts situated close to homes and schools, childcare, poverty, prisoners and hospital closures.

With the exception of my Sinn Féin colleagues, no male Members of the Assembly attended. The fact that neither the First Minister (Designate) nor the Deputy First Minister (Designate) attended gave a very clear message to those hoping to address them that they were of little or no consequence. In the limited time available to us, we agreed some very valuable points. However, most of those at the meeting were already converted, and our discussions would have been of most benefit to those on the other Benches.

The disregard shown to this gathering of women, on International Women's Day, gives us an indication of the importance attached to gender equality by the Assembly. This is why I am arguing strongly against amendments Nos 55, 56, 59 and 60. I want to ensure that adequate attention is given to the rights of women, victims, minorities and to the whole issue of equality.

Any body with responsibility for scrutinising the work of the Offices of the First Minister and the Deputy

First Minister must have real powers to protect the rights of the individual. There is a great need for this scrutiny, and we cannot accept a half-hearted attempt at this. We must get it right, and we cannot allow this issue to be sidelined. We must ensure that the necessary structures are in place to scrutinise the work of the First Minister and the Deputy First Minister.

Go raibh maith agat.

The Initial Presiding Officer: I would like to remind Members that we should refer to each other using whatever title or office is appropriate, in whatever language, and not just by surnames alone.

Mr Weir: As someone who, to use the analogy used by the Member for South Down, was not so much a lieutenant as the defendant in a recent court martial, I feel that I can bring a reasonably independent perspective to this issue. Some might suggest that I found myself with a weapon by my side, but that the police are not investigating any suspicious circumstances.

I find a great deal of merit in the proposals that have been put forward in terms of amendment 59. I take on board the comments made by, among others, Mr McFarland and Mr Haughey that there will be a re-examination of the issue. I welcome that. The amendment, as drafted, is perhaps not perfect, but in the absence of any other specific proposals on the matter the Assembly should support it.

The Assembly represents a rather unique form of government, which is designed to include some 80% of Members in a "Government party". That has its merits and also its problems. One of the weaknesses with the Government's being so overwhelmingly supported in the Assembly is that there is a lack of coherent opposition. The Alliance Party, with the greatest respect to it, is the largest opposition party in the Assembly, and I am sure that it will provide constructive opposition, but it is only a very small party.

Therefore the only way in which the normal notion of government and opposition can operate is by a very strong committee system, with strong Back-Benchers exercising control over the Ministers. It is utterly illogical to suggest that the vast range of functions, spread over the ten Departments, will be scrutinised — as they should be — while no method has as yet been put forward to scrutinise the most important Department, that of the First and Deputy First Ministers.

If the situation were akin to that at Westminster, and the First and Deputy First Ministers retained essentially only the role of Prime Minister, one could perhaps see a degree of logic in not having a specific scrutiny committee. However, there have been allocated to the First and Deputy First Ministers, I think with some logic, powers over issues such as equality and certain

finance matters. Given this, it is equally logical that there should be proper scrutiny of these issues.

For example, there are grey areas between the economic policy unit of the Offices of the First and Deputy First Ministers and the responsibilities of the Minister for Finance. It would be entirely illogical to scrutinise fully a function of the Finance Minister but not to scrutinise that same function if it were performed by the junior Minister in the Offices of the First and Deputy First Ministers. In the latter, it would either receive no scrutiny or perhaps, under the proposals that will come forward, a lesser degree of scrutiny. To use the classical analogy, no one should be above suspicion, not even Caesar's wife.

To go down the route suggested by the Standing Orders, and not have direct scrutiny of the First and Deputy First Ministers, is to leave a very black hole.

Mr Haughey: As Mr Weir said, this is going to be a unique form of administration. That being so, it is not appropriate to import notions of government and opposition. Members here will belong to parties which are in the administration and, in a sense, also in opposition. The scrutiny committees may well take a form that will result in Ministers getting a rougher ride from members of their own party than from members of other parties. That would constitute an opposition process.

Mr Weir: I agree that we should not import certain things from elsewhere. At Westminster there is no Select Committee to deal specifically with the Prime Minister's affairs. Members are in a different situation here, and there should be proper scrutiny of the issue.

In terms of opposition, there needs to be proper scrutiny. While some degree of opposition will be created by parties which are also in government — perhaps in different Departments — we need to strengthen that role so that Back-Benchers can ensure that proper democratic scrutiny takes place.

As I have indicated, if proposals come forward — and I will certainly accept the thinking that even this amendment is not perfect — we should look at them. There may well be members of the SDLP and the Ulster Unionist parties who feel that the current arrangements suit them in some regards because that is their parties' position at the moment. However, in addition to what has already been said about ensuring that there is proper scrutiny and that the Assembly should be able to tell the public that all matters are being properly considered, I caution those members of the Ulster Unionist Party and the SDLP who feel that these arrangements suit them to take a more long-term view.

At the moment the First Minister (Designate) is a member of the Ulster Unionist Party and the Deputy First Minister (Designate) is a member of the SDLP.

However, no one can guarantee that that will be the position in the future, and that is not to draw any conclusions about future events. If any Member can tell me precisely how everything is going to go over the next five to ten years, I will let him complete my lottery ticket on Saturday.

The reality is that none of us can foretell the future, and any party, whether it be Unionist, Nationalist, Conservative or Labour, that assumes that it will always be the largest party in any bloc is taking a very arrogant view of its electorate, and parties that do that can head for a fall. We should look at the situation in which one or other of the main parties was not the largest party. If the Ulster Unionist Party turns out not to be the largest party in the future, and this goes for the SDLP as well, it will be extremely difficult for either party then to say that there should be a proper scrutiny committee for the Offices of the First and Deputy First Ministers. Power will then have passed to another party.

I caution Members to look at the long-term objective. We have to be fair in order to ensure that we do have proper accountable democracy. There has to be proper scrutiny of the Offices of the First and Deputy First Ministers, whether it comes about by means of this amendment, which is the best one available at the moment, or whether it comes about by means of other proposals which will come forward via the Committee on Standing Orders. We must not have the black hole of an unaccountable Government.

Mr Durkan: Much has been made of the need for scrutiny of the functions of the First and Deputy First Ministers at the Centre.

Mr Wells: I find it very suspicious that all the lieutenants have been dragooned into supporting the First and Deputy First Ministers (Designate). Are we going to hear the views of any of the Ulster Unionist or SDLP Back-Benchers? Why is it that we only hear from the "Yes" men in both camps?

Mr Durkan: Thank you, Jim. This is the first occasion on which I have actually sat on the Front Bench, and not on the basis of being a "Yes" man — that is not a precondition for my getting here. I prefer to sit on the Back Benches. As everyone knows, that is where I always sit in the Chamber.

Let me address the issues raised. Is there a need for scrutiny? Yes. There is no doubt or argument about that. All Members supported amendment 27 which provides that any Member of the Executive Committee — not a departmental Minister — responsible for a matter which is the subject of an Adjournment debate shall respond to it. That will include the First and Deputy First Ministers. If we were minded to say that everything that was done by the First and Deputy First Ministers was entirely up

to them and not subject to any reference to this House, we would be opposing that amendment.

Standing Orders also provide for weekly question times. The balance of those question times is obviously something which we are going to have to look at and determine. One would think that very regular and significant scrutiny, and questioning, of the First and Deputy First Ministers will form part of that.

12.15 pm

Mr P Robinson: I suggest that the Member should not speak too loudly about his desire to remain on the Back Benches; it might be the wrong time to do so.

He identifies one mechanism, and there are many within Standing Orders, which would allow scrutiny of the First Minister and the Deputy First Minister in the House. But is that a satisfactory way of doing it? It is a most untidy way. It would be far better to have it all contained within a committee.

Mr Durkan: If the Member would allow me to continue, I have been generous in giving way so far.

That is one area. The allegation has been made that we have been trying to keep the First Minister and the Deputy First Minister immune from any check, any scrutiny, any accountability. I am simply pointing out that that is not so.

Secondly, with regard to functions remitted to the First and Deputy First Ministers, most of what they do relates to the particular operating needs of the Executive Committee and those requirements that arise specifically from the Committee. Any other function will be discharged on the basis of approval of the House. That should be remembered and recognised.

Thirdly, an argument has been made that all sorts of functions have been "hoovered" to the Centre. However, when one looks at those functions, they are seen to be the normal functions of the Centre. If one tries to identify the functions that have come from existing Government Departments, one finds that only a handful are currently remitted to specific Departments. The case has been made that all sorts of things were brought in, but one would be very hard pushed to find more than a handful of functions that have been taken from particular Departments into the Centre.

One is the issue of equality, which is currently discharged by the Department of Economic Development. We have already seen legislation passed elsewhere that gives much wider terms of reference and application than could ever have been covered by that Department. The idea of equality now encompasses more than employment and the provision of goods and services. It would have been wrong in those circumstances to have allowed the issue of equality to remain with the Department of Economic Development or its equivalent.

Similarly, community relations came under the Department of Education where it did not fare too well in the eyes of many people working in that area. That Department has now been broken up and reorganised, and no strong argument can be made for that function remaining there. It should move to the Centre.

Public appointments policy is another area which properly lies in the Centre and, indeed, was there previously. Most of the functions that lie with the First Minister and the Deputy First Minister relate to the requirements of the Centre and of the Executive Committee. We argued in the negotiations for and stand by the concept of the Executive Committee as an inclusive exercise. We want it to be inclusive on a proportional basis. We want the Executive Committee to work as a committee. We want it to be a live and significant entity. That was the difference between many of the parties during the talks.

We argued very strongly for a significant Executive Committee. The circumstances of the negotiations required that part of the compromise was that particular functions and responsibilities for the co-ordination and operation of the Executive Committee be discharged by the First Minister and the Deputy First Minister. Thus in that sense they are accountable to the Executive Committee and through the Committee to this House.

If we were to say that there has to be a specific scrutiny committee for the functions of the First Minister and the Deputy First Minister, that would be grand. That would make it very easy for those parties who say "We will take ministerial office but not sit on the Executive Committee. We will send our people to the scrutiny committee to try to kick the traces through every matter that is before or is coming before the Executive Committee."

A Member: Who?

Mr Durkan: Yes, who would do that? I just wonder.

I cannot believe that I am the first to suggest that any such thoughts are creeping into the minds of any of the Members in that corner, but that is precisely what this scrutiny committee would be used for. Those parties that were not content with being able to scrutinise the business of the North/South Ministerial Council through the relevant departmental Ministers could use it to undertake a wholesale challenging exercise. It could be used, for instance, to frisk the First Minister and the Deputy First Minister on details concerning the Civic Forum. That would be an abuse of such a scrutiny committee.

We have agreed the necessity for particular functions to come within the remit of the Centre and that they be subject to dedicated scrutiny committees. For example, we have already agreed that that is what must happen with the issue of equality, and when we talk about a

scrutiny committee on equality, we mean one that is additional to the special committee on conformity with equality requirements referred to in the Standing Orders. That is a separate procedural device provided for in the agreement that allows for equality readings for measures that are before the House. So we are talking about there being two different committees in respect of equality issues, not none as some seem to be suggesting.

There are other issues — the Public Service Office, for instance — that rest with the Centre. The scope of that office, which will be encompassed within the Economic Policy Unit, may also be a very suitable function for a scrutiny committee to address.

Many of those functions are being placed at the Centre, not so that they will be with David Trimble and Seamus Mallon but because the Centre, rather than a specific department, is the appropriate place for them.

That does not mean that the ministerial responsibility for those functions cannot be discharged by other Ministers. The Departments (Northern Ireland) Order 1999 specifically provides for the fact that a Minister, including the First and Deputy First Ministers, can delegate authority in respect of certain functions to another Minister or junior Minister — functions in relation to women's issues, for instance. There is nothing to prevent the First and Deputy First Ministers designating another member of the Executive Committee to be responsible for women's issues.

Under The Departments (Northern Ireland) Order 1999, it can be done. The allegation has been made that all these issues are left with Seamus Mallon and David Trimble alone, but that is not the case. Junior Ministers can be appointed, and there is nothing stopping the First and Deputy First Ministers appointing other Ministers to discharge certain discrete elements of these functions. In that case, the idea of one scrutiny committee dealing with, potentially, a number of Ministers simply would not stand up. This deserves further and deeper consideration than the amendment allows.

Mr Dodds: Mr Durkan did his chances of being promoted permanently to the Front Bench a power of good with that speech in support of his Deputy First Minister. I am glad to follow him and Mr Weir also, who forecast the future in a very interesting fashion.

However, he makes the point — the serious point — that we are setting the permanent Standing Orders for this Assembly and we want to get them right, no matter which party they may apply to. When Mr Robinson introduced the debate, he said that in many cases Standing Orders can be used for a party and against a party, and we do not know what circumstances may prevail on any given day.

We want to try to draw up Standing Orders that are in the best interests of individual Members, and I think that

this whole issue of scrutiny goes to the very heart of the Assembly's work. Many of today's speeches were all for scrutiny. In his speech, Mr Durkan was saying "yes" to scrutiny, but the rest of it seemed to be a list of arguments as to why, at this stage, we should not proceed to set up a scrutiny committee.

Reference was made to the fact that as a result of the amendment which was agreed yesterday, Ministers can and will be called before Adjournment debates and will be asked to give answers. However, that is no substitute, in any shape or form, for having a scrutiny committee; all a Minister will do in a 10-minute speech will be to answer the points raised. Members need to be able to call them or not, as the case may be. They need to have the opportunity to call for papers, to examine in detail what Ministers are doing, and that includes the First and Deputy First Ministers.

I was surprised to hear Mr McFarland and Mr Haughey suggest that we should leave this to allow for consultation with the First and Deputy First Ministers (Designate). This issue has been kicking around for some time. On 11 February, it was raised in the committee, and it was raised again on 19 February when the joint Chairmen undertook to discuss it then with the First and Deputy First Ministers (Designate). On 26 February, it was reported that it had not been possible to arrange a meeting with the First Minister (Designate), but that some discussion had taken place with the Deputy First Minister (Designate). He had agreed that there was a problem and said that his officials would look at it.

To date we have had no comeback from the Office of the First Minister (Designate) and no further comeback from the Office of the Deputy First Minister (Designate). We have now reached 9 March — one month on — and this is an issue which is extremely important to the workings of this Assembly. Almost all-party concern was raised about it at the committee meetings. Some Members are understandably reluctant to have this issue taken back to the Offices of the First and Deputy First Ministers (Designate), the ones most affected, or to wait for a committee on procedures to deal with it.

I am concerned by Mr Ervine's suggestion that we should await legislation. It is true to say that when the Government wish to do so, they can rush legislation through very quickly, but there are other occasions when they do not wish to move so quickly, and in these instances it can be very difficult to find a slot in the timetable.

We have been given to understand that this legislation has been gone through with a fine-tooth comb by Mr Trimble's party and by Mr Hume's party, so we are understandably suspicious about how the problem arose in the first place. It cannot be by pure accident that we have been left with this problem, with the fundamental

job of scrutinising the Executive functions of the First and Deputy First Ministers being messed up in this way and with no proper legislative base to enable us to set up a statutory committee to deal with the matter.

I do not believe that this was an omission or a mistake. I do not believe that parliamentary draftsmen would be guilty of this kind of mistake had they been correctly guided. We need to try to fill this gap and not simply leave it in the hope that in due course things will be put right. We have the opportunity now to try to do something. Perhaps this is a stop-gap measure, but it is better than having nothing at all in place. This is what Members need to consider.

I was staggered at the attitude of Sinn Féin. It was vehement on this issue in the committee but today one of its members said that she did not wish to support the amendment. The amendment states that a committee, such as the one proposed by Mr Robinson, shall exercise the same powers and perform the same functions as a Statutory Committee. Sinn Féin's attitude is that we should wait until we get a Statutory Committee.

Mr S Wilson: Does the Member agree that it is even more strange that Sinn Féin, which had called for a separate equality committee, a function now of the Department of the First and Deputy First Ministers, is suddenly content that that Department, with its equality role, should not be scrutinised at all?

Mr Dodds: The Member's point is a good one. It exposes the hypocrisy of some Members who have said that they intend to vote against this proposal which would ensure that there was scrutiny from day one of the range of functions in the Offices of the First and Deputy First Ministers.

Mr McElduff: Will the Member give way?

Mr Wells: Will the Member give way?

Mr Dodds: No, I will not. Oh, I am sorry. I did not know where the request was coming from. I am always happy to give way, but not to members of Sinn Féin/IRA.

12.30 pm

Mr Wells: Is it not also strange that in the six meetings of the Standing Orders Committee that I attended, the Sinn Féin representatives fought this issue tooth and nail and raised it constantly? They said that they were going to table an amendment at this stage calling for a scrutiny committee to deal with the powers controlled centrally by the First and the Deputy First Ministers. Why have they changed their minds?

Mr Dodds: I thank the hon Member for that intervention.

I want to deal with the issue that Mr McFarland raised. He said that some functions had been taken into

the Offices of the First Minister and the Deputy First Minister after the Act had been published. This is precisely the point. It is even more suspicious that this should have happened after the Act was published. The Departments (Northern Ireland) Order 1999, in article 8, paragraph 1, makes it clear that

"The First Minister and the Deputy First Minister, acting jointly, may by order —

(a) assign to any Department; or

(b) transfer to any Department from any other Department,

such functions that appear to them to be appropriate for such assignment or transfer."

The reality is that even the functions that have been assigned to Departments at present can be taken out of those Departments by order of the First Minister and Deputy First Minister and taken into their Offices. It would be quite wrong to have this power residing in the Office of the First Minister and Deputy First Minister without having, from day one, the scrutiny mechanisms set up and in place. Junior Ministers who may be appointed can be in those Offices as well, and their responsibilities will not be subject to scrutiny either.

It is essential that we do something about this. It would be incomprehensible to argue, on the one hand, that we agree there should be scrutiny and, on the other, that we do not want it yet. Let us have scrutiny from day one and when the Committee on Procedures is set up it can look at it again to see if improvements and changes need to be made. Why leave a vacuum? Why have a situation where every other Minister is subject to proper Statutory Committee scrutiny except the First Minister and Deputy First Minister?

It is simply illogical to say "We believe in scrutiny, it is so important, it is vital, but we are going to have a gap, wait for legislation, wait for the First Minister and the Deputy First Minister to come back to us on this — if they ever do — and then act." Why not act now? Why not put in place arrangements which will kick the issue off and allow us to get down to work as soon as there is some sort of devolved Administration and when the First Minister and the Deputy First Minister start to exercise these powers?

The Initial Presiding Officer: There are still several Members on both sides of the argument who wish to speak, followed by the votes. I seek leave of the Assembly to suspend the sitting until 2.00 pm.

The sitting was, by leave, suspended from 12.33 pm until 2.01 pm.

Mr Byrne: Mr P Robinson's proposed amendment is timely. I welcome debate on the issue of a scrutiny committee of the Assembly to advise, assist and possibly to moderate the First Minister and the Deputy First Minister in the discharge of their Executive functions. The House must examine how the Government

are to operate and take decisions given the individual and collective views of the Members.

The statutory departmental committees will be a vital element of our new political structures, critical to the success of the Assembly. The all-party committees in particular will give Back-Benchers a positive, constructive and meaningful role in policy formulation and in examining the performance of Ministers. They will provide for a more inclusive and collective Assembly view of the discharge of each Department's functions on behalf of the people.

The Executive Committee, comprising the First Minister, the Deputy First Minister and the 10 departmental Ministers, will be, in effect, a four-party body made up of the Ulster Unionist Party, the DUP, Sinn Féin and ourselves. Surely this Executive Committee will have to function in a collective way. Surely the DUP Ministers, or the Sinn Féin Ministers, or indeed any other Ministers, will argue a strong case in that committee to make sure that fair and equitable decisions are taken.

If they do not question the First Minister and the Deputy First Minister and make them think seriously about the consequences of any initiatives they take, we will have a major problem even before we get this new political vehicle on the road. I have every confidence that the Executive Committee will function effectively, without the First Minister and the Deputy First Minister having to contend with a specific, statutory committee of the House. The collective decisions of the Executive Committee could be torpedoed by a statutory scrutiny committee of the Centre, and that would be dangerous and troublesome.

A Minister could argue his case through his departmental committee, and then through the Executive Committee, and have his proposal accepted as Government policy.

However, the committee to scrutinise the work of the First Minister and the Deputy First Minister could then decide to tackle the First Minister or the Deputy First Minister and disable the whole policy decision. At best this could be cumbersome and awkward, but I am afraid that it could be very destructive to the Government's performance. I firmly believe that a scrutiny committee as proposed by Mr Robinson could end up strangling the effective operation of the entire Executive Committee's decisions.

We all know that individual Ministers must act in the best interests of agreed Government policy, made, in our case, by way of collective decision making. It would be farcical if Back-Benchers on a scrutiny committee of the Centre tried to overturn the Government's collective decision through a strong challenge to and decision against the First Minister or the Deputy First Minister. I understand the sentiments of those who would like to see a specialist scrutiny committee, but as we embark

upon setting up these new structures it would be stupid to strangle the effective operation of the new Government that we are trying to establish.

I know that the First Minister and the Deputy First Minister have been given certain functions at the Centre, but some of those, as was said earlier by my Colleague, could eventually be directed to some other Ministers. Some Ministers, for example, could be charged with the responsibility of looking after women's affairs. I am quite confident that within the departmental committees there will be strong and effective discussion, but the vital committee for the overall functioning of the Government will be the Executive Committee.

The First Minister and the Deputy First Minister have to act in co-ordination and reflect the collective decisions of the Executive Committee. Every Minister in that Committee will argue the case strongly, and I hope that a collective decision will be made. If we impose another committee purely to examine the functions and deliberations of the First Minister and the Deputy First Minister, we could make this whole operation unworkable.

Mr Ervine: I have some disquiet about this and hope that the Member will share it. I thank him for giving way.

I am a member of the Standing Orders Committee. There was a serious debate on this issue in the Standing Orders Committee. We spoke for a long time about a formula of words that could be incorporated in the Standing Orders showing Members that, because of the legislation, there is a gap in our provision. It is not there, and one wonders why it is not there, given that it was agreed by the members after long deliberation that a formula of words would be found and incorporated. That lends people to the belief that there may be those who do not want full scrutiny of the First and Deputy First Ministers' Offices.

Mr Byrne: I thank the Member for his intervention. I was not a member of the Standing Orders Committee so I cannot answer for what took place or did not take place there. I am looking at this from the outside, as a Back-Bencher. Many commentators, conscious that we are setting up a smooth functioning Government — and this is a completely new experiment — keep asking me and others if this new system will work. I keep saying to them that it will work.

However, it is a new model of government that we are setting up here with a new way of taking decisions. It is an all-party system of government. Let us not shackle the First Minister and the Deputy First Minister at the outset. I feel confident that there are enough checks and balances with the statutory committees at the moment to make sure that nobody will over-exercise his executive responsibilities.

Mr Haughey: With regard to the point that my Colleague is developing and Mr Ervine's intervention, may I point out that I chaired the last meeting of the Standing Orders Committee, and we agreed in precise terms the wording of paragraph 7:

"Concern was expressed by the Committee that important discrete executive functions of the office of First Minister and Deputy First Minister would not, under current legislation, be subject to the scrutiny of a Statutory Committee. The Committee recommends that this matter be addressed as soon as possible by the Assembly".

Mr Byrne: I am grateful for the clarification. This is a good debate about this issue, and I thank Mr Robinson for bringing forward many of these amendments.

This one, however, is in danger of suffering from an acute case of "Committeeitis". My worry is that were we to set up this committee, we could shackle the discharge of duties at the Centre.

The Economic Policy Unit (EPU), which is at the Centre, has no statutory function as laid out in the report of the First and Deputy First Ministers (Designate). Essentially it has a servicing role in relation to its work as part of the Executive Committee. Indeed, the Executive Committee itself will, I am sure, have to carry out a critical examination and formulate an effective role for the EPU once the Executive is up and running.

The Initial Presiding Officer: Please bring your remarks to a close.

Mr Byrne: Yes. Thank you.

Mr Roche: I support amendment 59. Mr Close referred to the sentiments expressed by Mr Robinson. In fact, Mr Robinson put forward very powerful and compelling arguments for a committee to scrutinise the core — the most powerful part of the Executive — and that is the Department of the First and Deputy First Ministers.

In the absence of any normal Opposition in the Assembly, it seems to me that that form of scrutiny is crucial. That was the point made by Mr Weir, and the only reservations I have about what I now accept as Mr Weir's very sound judgement on most matters under discussion in the Assembly is that he seemed to be designating the Alliance Party as the nearest thing to an Opposition that we have. The problem with the Alliance Party is that since it is absolutely impossible to determine what it is either for or against, it is difficult to see how it could fill that role. If I had to speak —

Mr Close: Will the Member give way?

Mr Roche: Yes.

Mr Close: Would he like to tell Members where he has been for the past 24 months?

Mr Roche: Another important consideration in respect of the type of committee suggested by this amendment is that it could remedy what I described

yesterday as a fault line between the Assembly and the all-Ireland aspects of the agreement. This committee could help to give the Assembly some real influence over decision making within the Offices of the First and Deputy First Ministers in relation to the all-Ireland aspects of their policy.

Mr Durkan commented on that point, but it struck me that his speech consisted of comments that were entirely irrelevant to the issue. He spent a considerable amount of time outlining why the Offices of the First and Deputy First Ministers have the functions they have, which is not what we are discussing. We are discussing how, given that they have those functions, the Assembly can carry out an adequate scrutiny.

He expressed something that is crucial to his position, that within this scrutiny committee, there could emerge some real opposition to the all-Ireland aspects of the Offices of the First and Deputy First Ministers.

Given that he wants to prevent that opposition from emerging, and that the facility for that type of opposition and the scrutiny that would be involved is crucial to any authentically democratic Assembly; the trade-off is to try to minimise the democratic aspects of the Assembly in order to maximise the all-Ireland aspects.

2.15 pm

Mr Farren: Is the Member saying that he might want to use the sort of scrutiny committee that is proposed to inhibit the exercise of the functions of the North/South Ministerial Council, irrespective of the fact that the overwhelming majority of people on this island, North and South, endorsed the co-operation between both parts of the country that was envisaged in the Good Friday Agreement?

Mr Roche: They have not endorsed the detail of the working out of the agreement. The scrutiny committee would simply scrutinise, and it could cut two ways. It would enable the Assembly to exercise a real influence over the policies that were being pursued by the Department of the First Minister and the Deputy First Minister. I should stress that Mr Durkan's proposal was an attempt to minimise the Assembly's democratic aspect in order to maximise the Nationalist thrust of the Department in question.

There is some political timidity by the Assembly with regard to the scrutiny committee. Members' reservations about the scrutiny committee are based on the failure to distinguish between what an Act requires and what it permits. In the initial stages of establishing the authority of the Assembly, we should use what legislation permits to maximise the status of the Assembly in relation to the Executive.

Mr Farren made the amazing suggestion that Members should not only wait until the First Minister

and the Deputy First Minister had time to consider the matter, which implies allowing them to make the decision for us, but that we should trust them to ensure full accountability. That is not the role of the Assembly. The Assembly should maximise its authority in relation to the Executive. Now is the time to do that. We should not rely entirely upon the Executive somehow to police itself, which, I think, is what Mr Byrne was saying. Members have an opportunity to establish the full authority of the Assembly in relation to the Executive, and the means of achieving that is contained in amendment No 59.

Mr Beggs: I listened to the comments by Jim Wells before lunch. I am a Back-Bencher, and the only other person to speak from the Back Benches on this issue was also a member of the Ulster Unionist Party. I assure the Member and my electorate that I am able to assess issues for myself and wish to ensure that I can carry out the necessary, responsible scrutiny as a Back-Bencher.

I agree that there is a need for scrutiny of the centre. Originally, there were very limited statutory functions at the Centre, and according to the Act, there would have been no need for scrutiny of the Department of the Centre. However several additional functions have been transferred to the Centre, and there is a clear need for scrutiny of those functions.

On a wider issue, I wish to highlight the need for more frequent periods to be set aside for questioning of the First Minister and the Deputy First Minister. Once every three or four weeks, as currently envisaged, is not sufficient.

Amendment No 59 does not propose particular scrutiny; it is much wider than that. There are no boundaries to its scrutiny. Tony Blair, my Prime Minister, does not have a committee scrutinising his every action. A scrutiny committee is needed, but it should have clear guidance on the areas of its operation. The issue of scrutiny of the Centre should go back to the Standing Orders Committee so that a new amendment may be prepared for our consideration.

Rev William McCrea: This issue is not one that divides the Assembly into the “Yes” and “No” camps. This is not about that at all. There are those who have opinions, conscientiously and with conviction, about the agreement. Our genuinely held views about the matter under discussion differ from the views of those who hold the same opinion as we do about the agreement. They differ from us on the matter of scrutiny of the Offices of the First and the Deputy First Ministers.

The heart and crux of the matter is open and accountable government. It never ceases to amaze me how the foot soldiers of the Ulster Unionist Party and the SDLP have been shuffling around, even squirming at times, with the Front Bench having to help some of its Members through their difficulties when any awkward

question is asked. They faithfully try to save the faces of their First and Deputy First Ministers, and many do not believe what they are saying. Many of them in their heart of hearts believe in open Government, so how can they honestly say that they are trying to ensure that this is what we are getting?

Some Members have said that this will strangle the effective operation of the First and the Deputy First Ministers. The Member from West Tyrone came out with that sort of weak statement — he did not say it with conviction. If he is saying that scrutiny will shackle the First and the Deputy First Ministers, and that that should not be, should we then have shackles upon the other Ministers? Should we have shackles upon the Minister for Agriculture? Should we have shackles upon the Minister dealing with education? Or is it only certain individuals who are lacking in confidence or conviction that should not be scrutinised? That is a very weak argument, and, as the hon Member for North Down pointed out, many could find that the positions that they are trying to hold today are ones which they will want to change in a short period of time.

Mr P Robinson: The Member for West Tyrone is speaking against the agreement that he heralds as the best thing that we have had since tatie bread. The agreement, as Mr Ervine pointed out earlier on, clearly requires scrutiny of every function of the Government, so he is not only attempting, rather lamely, to prop up the First and Deputy First Ministers, but, in doing so, he is railing against the agreement that he supports.

Rev William McCrea: I agree with my hon Friend. There is embarrassment — you have only to look at some of the faces to see it — because they have not a leg to stand on. They genuinely do not believe in what they are saying.

Dr McDonnell: On a point of order, Mr Presiding Officer. Is it in order for Mr McCrea to make these points without naming names? Name the names.

The Initial Presiding Officer: I think the Member in speaking is giving evidence of that already.

Rev William McCrea: I do understand the hon Member's lack of experience in parliamentary procedure.

Every Member from the Ulster Unionist Party who has spoken, bar Mr Weir, and every Member from the SDLP who has spoken, has spoken with embarrassment.

Mr S Wilson: I know that the Member was in full flight there. Does he accept that there are Members, and maybe Dr McDonnell is one such on the SDLP side of the House, who are incapable of embarrassment? Maybe that is why he feels that Mr McCrea was wrongly accusing him.

Rev William McCrea: I will not attribute that to the hon Member at all. The SDLP Members and certainly

the Ulster Unionist Members have not spoken with conviction. They have spoken like sheep, totally devoid of conviction. They have not presented their case well, and it appears that they really do not believe what they say. They have to save the faces of the First and the Deputy First Ministers who are unwilling to grace the Assembly with their presence. They feel strongly about this issue, yet they cannot come and present their views to the Assembly.

The Member from East Antrim, who has now disappeared, said “Tony Blair is not subject to scrutiny, so why should Mr Trimble and Mr Mallon be?”

What Department does Tony Blair run? Is he the Minister of Education? He is the Prime Minister of the United Kingdom, and we are not, therefore, comparing like with like. Do not bring false arguments into this. Let us face the issues as they really are.

Mr Farren talked about a gap in the position — there is a gaping hole here. He knows what the legislation and the Standing Orders are devoid of. He is suggesting that we ask the First and the Deputy First Ministers to go away and then come back and tell us how they would like to be scrutinised, but he does not want us to put too much pressure on them or ask difficult questions that they might not have an answer to. I have never heard of anything so ludicrous in a debating chamber.

Then the Members on the Front Benches are attempting to justify — *[Interruption]*

Mr Farren: Will the Member give way?

Rev William McCrea: The hon Member has already spoken, and he made a mess of that. He should not attempt to justify that which is unjustifiable.

It does not matter whether people said “Yes” or “No” in the referendum, and those who are attempting to bring the referendum into this are trying to create a division that is not here. We are talking about open and accountable Government.

The real gem from the debate has come from IRA/Sinn Féin. It does not agree with the amendment by my hon Friend, Mr Robinson. It wants to do away with the scrutiny committee that would help with women’s rights and help other individuals who believe that they need assistance. I am amazed at the rationale behind such thinking. Nevertheless, I suppose muddled minds can only come up with muddled suggestions.

This is something that should not be divisive. Here is an opportunity for the open and accountable government that the people of Ulster expect and have a right to. This amendment would certainly help to bring that about.

Mr S Wilson: Many of the points have already been covered well. I asked to speak because, having listened to the last two speeches from those who oppose the

amendment, I was bewildered by one and amused by the other.

I was bewildered by the speech from a member of the SDLP. The more he spoke, the more he seemed to be taking a position which was totally contrary to the position which was adopted in the committee by his party, by the co-Chairman from his party and, indeed, by other Members. This afternoon is the first time that I have actually heard anyone oppose the idea of scrutiny of the First and the Deputy First Ministers’ Offices.

We heard people making excuses this morning, along the lines that we should have scrutiny but not now, or not until we have had time to think about how it should be done, or not until after we have asked the First Minister (Designate) and the Deputy First Minister (Designate) how they would like their work to be scrutinised. Those are the arguments which we heard this morning. This afternoon, having had a little chat over a good lunch with the First Minister (Designate) and the Deputy First Minister (Designate), they are now questioning the whole concept of scrutiny of the Offices of the First Minister and Deputy First Minister.

2.30 pm

Those of us who wish to see such proper scrutiny are now being told that to do so would gum up the whole process of government. That is what the Member said, and that is totally contrary to what we heard this morning. No one spoke then of gumming the process up; it was simply a case of trying to find the best mechanism. We are told now that the effect of setting up structures to scrutinise the work of the First Minister and the Deputy First Minister would be to gum up the process of government, but it has not been explained why this should be so.

I find it strange that anyone should suggest that there is no merit in having proper structures for scrutiny, given the amount of power which the First Minister (Designate) and the Deputy First Minister (Designate) have assumed.

I see that Mr Beggs has left the Chamber again. That is a pity, as I wanted to address some of the points he made. I appreciate Mr Beggs’s position within the Ulster Unionist Party. He is regarded as a bit of rebel; he has given Mr Trimble some headaches. Indeed, I understand that Mr Trimble has had to sit down and produce written assurances for him. Nonetheless, he is going a bit far in ingratiating himself with his party Leader by defending him over an issue on which his position is indefensible. One of the points made by Mr Trimble, in defence of his decision to sign the agreement, was that

“This agreement will allow us to have accountable government in Northern Ireland.”

Yet, we see members of his party defending the idea that the First Minister should control a Department

which would not be subject to scrutiny by the Assembly. I would have thought that if you were trying to wheedle your way back into the party fold, as Mr Beggs is trying to do, you could have chosen a better issue upon which to make a stand than this.

Rev William McCrea has already addressed the point made by Mr Beggs that the Prime Minister is not subject to scrutiny, and he pointed out that the Prime Minister does not have a Department. Between the presentation of their first report and their second report, the First Minister (Designate) and the Deputy First Minister (Designate) doubled the extent of their remit.

Let us look at the areas that will not be subject to scrutiny — the economic policy unit and equality. At one stage, Sinn Féin was so exercised about the issue of equality that it was demanding a completely separate Department, including a Minister and a scrutiny committee. Now it has no Department, no scrutiny committee, yet it is going to vote against this amendment. We should ask ourselves what the real motives of the pro-agreement parties are.

We must look at the areas that are now not going to be subject to scrutiny. They include the Economic Policy Unit, equality, liaison with the North/South Ministerial Council, liaison with the British/Irish Council, liaison with the Civic Forum, liaison with the Secretary of State on reserved and excepted matters, European affairs and international matters, the Policy Innovation Unit, Information Services and community relations. There will be no scrutiny in any of these areas, and that is only half the list — I cannot remember the other ones.

All those areas of the Government are not going to be scrutinised properly, yet the First Minister stood on an electoral platform saying that he was all for accountable Government. Now he, his party, the SDLP and Sinn Féin are all saying that they do not want that part of the Government to be accountable to the House.

I find that very strange. This morning's excuses have been scraped away, and Back-Bench Members from both the Ulster Unionist Party and the SDLP are saying —

Rev William McCrea: I thank my hon Friend for giving way. When matters arise within the remit of the First and Deputy First Ministers which affect constituents, and the constituents believe that the issues have been wrongly dealt with, how will these Members justify the lack of scrutiny to their constituents?

Mr S Wilson: They will have no defence, and they have already admitted in the committee that it is important that they should have a scrutiny role. But now, between the meetings of the committee and today's Assembly meeting, something has changed. Who has nobbled them?

Mr McCartney: I am grateful to the Member for giving way. He has referred to the committee. Is it his memory as it is mine that members of the Ulster Unionist Party and the SDLP were in favour at one stage of the Assembly's meeting twice a month, thus indicating the importance, or lack of it, that they thought the Assembly had to the activities of the Executive?

Mr S Wilson: That is quite right, and their emphasis at that stage was that the work would be done through the scrutiny committees, but there will be no committee to scrutinise the work of the First and the Deputy First Ministers.

I have no doubt that this vote will be taken strictly on party-political lines. But, as was pointed out by Mr McCartney this morning, if Members were to vote on this amendment from the point of view of giving sound and accountable government rather than pleasing the party Whips and ingratiating themselves with the party Leader, I have no doubt that this amendment would be carried.

The Initial Presiding Officer: I sense that most of the arguments for or against this amendment have been made, and I am therefore only going to take the two Members whose names remain on the list.

Mr Attwood: Before getting into the detail of the debate, there is a broader point which needs to be made. Members are discussing scrutiny mechanisms for the Chamber and the Government, but one of the issues which the Assembly will ultimately have to address is "the people's scrutiny mechanism". That will require a Freedom of Information Act to enable the people whom Members are elected to serve to have their own methods of scrutinising the work of the Assembly, the work of all the other institutions of Government in the North, and the work of the public service generally.

I find some DUP comments rather superficial. If Members thought more broadly for a minute they would realise that the pro-agreement parties, which created the Good Friday Agreement, and the pro-agreement community, which endorsed the agreement, endorsed, among other things, the building into the political society that we are creating of fundamental scrutiny mechanisms. I am referring to the Equality Commission and the Human Rights Commission.

It is somewhat superficial and obvious to criticise people who have a different view on how that scrutiny is carried out. Those same people struggled over many weeks and months to create an agreement which included scrutiny mechanisms for equality, policy, practice and human rights generally in the North.

That is the starting point for all the pro-agreement parties on the scrutiny of Government, human rights practices and equality issues. The anti-agreement parties were hostile to the agreement and those specific

proposals, and it is somewhat obvious, cheap and superficial now to criticise us when we speak about scrutinising mechanisms.

Mr McCartney: Does the Member not appreciate that the commissions to which he refers, will be scrutinising policy after it has been made, and that the purpose of a scrutiny committee would be to scrutinise those who are making the policy that those commissions would subsequently deal with?

Mr Attwood: With all due respect to Mr McCartney, his intervention reveals that he does not understand that the Human Rights Commission has the power to review draft legislation and not just that which comes from the Chamber and the House of Commons. In that regard the role of the Human Rights Commission is above that of the Assembly and the Commons in terms of legislation which affects the quality of life in the North. Mr McCartney should read the powers of the Human Rights Commission and come back to me when he has done so.

To some degree, Members miss the point. While we are discussing how we will scrutinise Government, which is a very proper objective, the Civil Service, that other government in the North, is not subject to scrutiny in relation to fundamental decisions that will affect the quality of people's lives over the next four to five years.

The Northern Ireland Civil Service is currently conducting a so-called consultation exercise in relation to the next tranche of structural funds, and that so-called consultation is not subject to public or political scrutiny or to any meaningful public or political input. As I have said before, if we are not mindful, the victory that we won in the Good Friday Agreement will be reclaimed by the old men who will remodel it in the image of the old order that they knew and loved. They are doing that at present in many ways, not least in respect of future European structural funds in the North of Ireland.

I have three points about the debate. First, in an interjection on his Colleague Mr Wilson, Mr P Robinson correctly invoked the Good Friday Agreement when he correctly said that it requires the scrutiny of all functions of government. He somehow translated that into meaning a scrutiny committee in the terms of his amendment. There is no mention in the Good Friday Agreement of the word scrutiny meaning a scrutiny committee. It is mischievous and misleading to suggest, as Mr Robinson suggested to his Colleague Mr Wilson —

Mr P Robinson: It was Mr McCrea.

Mr Attwood: Whoever it was, the point remains the same. Scrutiny is for us to determine: it is not prescriptive in the agreement.

Mr Close: Which of the powers that are described in, I think, paragraph 9 of the Good Friday Agreement

which outlines the scrutiny powers of the committee, does he not wish to apply to the Office of the First and Deputy First Ministers?

Mr Attwood: No one denies the principle of scrutiny. We are debating the method. As those who oppose the amendment have said in substantial detail, in addition to the use of existing mechanisms, which were detailed earlier by Mr Durkan, the matter can be revised and reviewed to ensure that legitimate concerns can be legitimately expressed. It is incorrect to translate the agreement's use of the word scrutiny into scrutiny committee.

The second point is that a scrutiny committee, which would deal more substantially with the matter, should act as both sword and shield. It should fulfil both purposes. As a sword it should result in the exposure *[Interruption]*

2.45 pm

The Initial Presiding Officer: Order. I draw to Members' attention that it is usually accepted that when a Member is named and his views expressed through the mouth of the Member who is speaking, some opportunity ought to be given for that Member to respond. I have already made it clear that I have taken all the speeches that I am prepared to take on this matter, and in any case, Mr Robinson is not entitled to speak again because he has spoken already. Therefore I draw to the Member's attention that in the balance of his time — and we are, at present, on a point of order, so no time is being used — he might wish to take that into consideration.

Mr Attwood: I will honour that interpretation and give way to the Member.

Mr P Robinson: I am very grateful to Mr Attwood for giving way. I simply want to put on record that he is completely wrong in his remarks. Paragraph 8 of strand one of the Belfast Agreement says

"There will be a Committee" —

Committee, specifically —

"for each of the main executive functions of the Northern Ireland Administration."

Is he arguing that equality is not a main function? Is he arguing that the Economic Policy Unit is not a main function? The agreement continues

"Committees will have a scrutiny ... role."

Mr Attwood: No one is denying what the agreement says. But what *[Interruption]*. If you want to listen, listen; if you want to jeer, go somewhere else.

The full interpretation of that and its operation in practice is the subject of this debate. What concerns people, I suggest, is that there is a motivation in some of the comments that might have given rise to the conclusion that people wish to use the scrutiny committee

more as a sword — or only as a sword and not a shield. It is an attempt to cause damage rather than expose the truth and ensure accountable Government.

There is a requirement that the principle of scrutiny and the operation of the scrutiny committee should not end up being abused, misused or being used in some way to frustrate the proper and necessary functions of Government *[Interruption]*. Excuse me if some people have doubts about some people's motivation when it comes to what they mean, what they intend and what they say. Having heard what the people opposed to the amendment have said, I think that there is, within that amendment, an adequate opportunity to ensure that people's concerns will be answered, and answered fully in due course.

Mr Morrow: I want to make one or two comments. I am absolutely astounded at some of the arguments that have been put forward here today, in particular by those who are the greatest exponents of the Belfast Agreement.

I listened with interest to the comments of those who were most vociferous in their support of the agreement. When the Unionist side of the equation was going round the streets selling the agreement, one of the arguments that they kept putting forward was that, at long last, transparent Government was going to be part and parcel of Northern Ireland's future, but it is interesting to note that the two largest parties within this Assembly, who were the greatest advocates of it, want to put a shield around the First Minister and the Deputy First Minister for reasons best known to themselves. In all their arguments they have not been convincing as to why they want to do this, but even more puzzling, I think, is the stance that Sinn Féin has taken. Michelle Gildernew read out a speech. Obviously someone had written it for her, and she did not read it before she came in, because she started off on one trend — *[Interruption]*

I am coming to it now. And then she contradicted herself.

The Initial Presiding Officer: Order. I have pointed out that I expect courtesy to be extended to all Members and that they should be given their title. It is only fair that this is also done in respect of Ms Gildernew.

Mr Morrow: What I was saying was to her credit. I thought she could have done even better if she had written it herself, but I take your point.

Yesterday evening in my council —

Ms Gildernew: On a point of order, Mr Initial Presiding Officer. Mr Morrow, thank you for your kind comments on my ability but I have to disagree with you. I was making very relevant points in my speech and did not contradict myself.

The Initial Presiding Officer: Again I would like to encourage Members to speak through the Chair; it helps to ensure the propriety of debate.

Mr Morrow: Yesterday evening, when members of Dungannon Council were discussing how we wanted to call in and question the Minister responsible for Health and Social Services in relation to the pending rundown of acute services in the South Tyrone hospital, it was interesting to hear one of the Sinn Féin members saying "These Ministers come over here and nobody — but nobody — can scrutinise anything they do. They just act as dictators." What is happening in this Assembly today? We are now in the same situation where we are placing the First Minister and the Deputy First Minister in the very same, unique position — and it is an enviable position. They will be able to carry out functions and nobody — but nobody — in this Assembly will have any right whatsoever to cross-examine them on any matter that they —

Mr Birnie: Will the hon Member give way?

Mr Morrow: Yes.

Mr Birnie: I thank the Member for giving way. Does he not agree that the fundamental difference between Northern Ireland Office Ministers and the First Minister and the Deputy First Minister is that the First Minister and the Deputy First Minister are answerable to the ultimate authority — the electorate in Northern Ireland — and, therefore, that his comparison is not relevant?

Mr Morrow: I do not see the relevance of that, but sometime, in privacy perhaps, the Member will point it out to me.

But surely the Member has heard enough today to help him change his mind, to ensure that people like myself, and others who are a bit sceptical, will have no room for scepticism in the future. I assume, therefore, that he will be voting with us in a few minutes time.

I find the attitude of Members from the SDLP who claim to be all for transparency in every other avenue but not in this one very hypocritical.

Mr Haughey: Does the Member not agree that I, along with other main spokesmen for the SDLP and, indeed, Mr Cobain, Mr McFarland and other main spokesmen for the UUP, have not taken the view that there should be no scrutiny of the functions of the First and Deputy First Ministers? What we have said is that we do not accept that the amendment proposed here is the best way of going about this. It is a complicated matter; the agreement provides for such scrutiny, and the legislation does not. We need legal advice; we need to consult; we need to engage in dialogue about the matter and come up with a comprehensive proposal. Does the Member not agree that that is what I and other main spokespersons for our two parties have said?

Mr Morrow: In addressing that, perhaps I should give Mr Haughey an opportunity to repudiate the Members from his own group who said there should be

no scrutiny, and if he wants me to give way so that he can do that, I will be quite prepared to do so. *[Interruption]*

Mr Haughey: Thank you very much, Jim. The hon Member (Mr Wells) has encouraged me to get to my feet. I did not understand my Colleague the Member for West Tyrone (Mr Byrne) to say that there should be no scrutiny of the Offices of the First and Deputy First Ministers. What I understood him to say was that it was the intention, in his view, of the proposers of this amendment, to devise ways and means by which the Offices of the First and Deputy First Ministers might be shackled, that we had spotted it, that we were on to it and that we would not tolerate it.

Mr Morrow: Mr Haughey is being extravagant with words, but he is very weak on facts. When Mr Byrne was speaking what he was saying was evident to those of us on these Benches. Indeed, when Mr McCrea, I think it was, pointed to the Member and addressed him directly, Mr Byrne was observed dropping his head, and we detected it. *[Interruption]*

Mr Byrne: It is wonderful to rise to the bait after three or four invitations. I am not against scrutiny of the First and Deputy First Ministers. I said that I do not think that a specific scrutiny committee for the Centre would be the most effective way to control them. It will be up to the Executive Committee to make sure that the First and Deputy First Ministers do not over-exercise their functions.

Mr Morrow: I am not sure whether that is what Mr Haughey said or alluded to, but I am delighted to hear that Mr Byrne has changed his mind on the issue. I look forward to having him vote with my party in a few minutes' time when he will have the opportunity to put his money where his mouth is.

Mr McCartney: Does the Member agree that the principle that was expressed by Mr Byrne is equivalent to the allegation that the RUC is responsible for its own internal investigation of the behaviour of its members? He is saying that the Executive should be responsible for the behaviour of the chief constable of the Executive and his deputy. Does he further agree that the amendment is phrased in almost exactly the same terms as the powers that are to be given to the other scrutiny committees? One can only wonder why refinement is required.

Mr Morrow: I thank Mr McCartney for putting those two points in such an excellent manner. Only someone with his experience and expertise could have put them so well. His point about the RUC is well made. The SDLP and Sinn Féin have asked on too many occasions "How can the police police themselves?" There is some logic in that.

Mr Haughey: Can we take it that Mr Morrow is now arguing for independent scrutiny of the police force?

Mr Morrow: In a few minutes, all Members will have an opportunity to vote with us for proper scrutiny. I have listened to the arguments, and I look forward to Members changing their minds.

The Initial Presiding Officer: We come now to the approval of the Standing Orders and amendments in the first group, which relates to committees.

Standing Order 42 (Committees of the Assembly: General) *agreed to.*

Standing Order 43 (Statutory Committees) *agreed to.*

Standing Order 44 (Establishment of Statutory Committees)

The Initial Presiding Officer: Is amendment No 60 moved or not moved?

Mr P Robinson: For the convenience of the Assembly, I will consider amendments 60, 59, 55 and 56 to be subject to one vote. If amendment 60 falls, I will not move the other three because they are consequential amendments.

Amendment (No 60) proposed: In the Title, after "STATUTORY", insert "AND SPECIAL SCRUTINY". — *[Mr P Robinson]*

3.00 pm

Question put That the amendment be made.

The Assembly divided: Ayes 34; Noes 57.

AYES

Nationalist

Nil.

Unionist

Fraser Agnew, Paul Berry, Norman Boyd, Gregory Campbell, Mervyn Carrick, Wilson Clyde, Nigel Dodds, Boyd Douglas, David Ervine, Oliver Gibson, William Hay, David Hilditch, Billy Hutchinson, Roger Hutchinson, Gardiner Kane, Robert McCartney, Rev William McCrea, Maurice Morrow, Ian Paisley Jnr, Edwin Poots, Mrs Iris Robinson, Mark Robinson, Peter Robinson, Patrick Roche, Jim Shannon, Denis Watson, Jim Wells, Cedric Wilson, Sammy Wilson.

Other

Mrs Eileen Bell, Seamus Close, David Ford, Kieran McCarthy, Sean Neeson.

NOES

Nationalist

Alex Attwood, P J Bradley, Joe Byrne, John Dallat, Ms Bairbre de Brún, Arthur Doherty, Pat Doherty, Mark Durkan, Sean Farren, John Fee, Tommy Gallagher, Ms Michelle Gildernew, Ms Carmel Hanna, Denis Haughey, Joe Hendron, John Kelly, Mrs Patricia Lewsley, Alban Maginness, Alex Maskey, Donovan McClelland, Dr Alasdair McDonnell, Eddie McGrady, Gerry McHugh, Mitchel McLaughlin, Eugene McMenamin, Pat McNamee, Francie Molloy, Conor Murphy, Mrs Mary Nelis, Danny O'Connor, Ms Dara O'Hagan, Eamonn O'Neill, Mrs Sue Ramsey, Ms Brid Rodgers, John Tierney.

Unionist

Dr Ian Adamson, Roy Beggs, Billy Bell, Esmond Birnie, Mrs Joan Carson, Fred Cobain, Rev Robert Coulter, Duncan Shipley Dalton, Ivan Davis, Sir Reg Empey, Sam Foster, Sir John Gorman, Derek Hussey, Danny Kennedy, James Leslie, David McClarty, Alan McFarland, Michael McGimpsey, Dermot Nesbitt, Ken Robinson, George Savage, Rt Hon David Trimble.

The Initial Presiding Officer: There voted 91 Members. Of Nationalists, there voted 35 all against. Of the Unionists, there voted 29 for and 22 against, a total of 51. The total vote for is 37.4% and the amendment therefore falls.

Question accordingly negated.

The Initial Presiding Officer: Is amendment No 57 moved or not moved?

Mr P Robinson: Moved.

Amendment (No 57) made: In paragraph (2) leave out "given" and insert "offered". — [Mr P Robinson]

The Initial Presiding Officer: Is amendment No 58 moved or not moved?

Mr P Robinson: Moved.

Amendment (No 58) made: In paragraph (2), after "members", insert "other than himself/herself". — [Mr P Robinson]

Amendment (No 54) proposed: In paragraph (5) add

"or the Minister is responsible for a Department in which a junior Minister is placed who is a member of his/her party." — [Mr P Robinson]

Question That the amendment be made put and negated.

Standing Order 44, as amended, agreed to.

The Initial Presiding Officer: Before moving on to the rest of the amendments, may I make one brief announcement at this point for the information of Members. In a letter dated 8 March, headed 'Additional Standing Orders', the Secretary of State says

"As you know, it is my responsibility, under paragraph 10 of the Schedule to the Northern Ireland (Elections) Act 1998, to determine the Standing Orders of the Assembly during its shadow period.

It is therefore hereby determined that Additional Standing Orders on the appointment of Ministers (designate), the establishment of shadow statutory committees, exclusion or removal from office and determination of Junior Ministers (designate), attached as Annex A, should become Standing Orders 22, 23, 24 and 25 respectively."

Copies of this letter and the Annex are available in the Printed Paper Office for Members.

3.15 pm

Mr P Robinson: Could you indicate, Mr Initial Presiding Officer, if, therefore, you are deeming those Standing Orders to be in effect from this moment?

The Initial Presiding Officer: That is correct. I have received them, they are titled as having been hereby determined, and at the first point when I have had the fair copy of the letter from the Secretary of State I have brought them to the attention of the Assembly.

Mr Dodds: On a point of order, Mr Initial Presiding Officer. Members will recall that last week when this matter was drawn to the attention of the House, I rose to ask one of the joint Chairmen whether it would be possible for the Committee on Standing Orders to look at these draft Additional Standing Orders and the undertaking was given that that would be done. I am somewhat surprised that the Committee has not looked at those Additional Standing Orders and I would like to place on record that that should have been done. There was opportunity to do so, especially in light of the undertaking that was given.

The Initial Presiding Officer: I recall your making that point at the time. I do not know whether either of the joint Chairmen wishes to address the point at this stage.

Mr Haughey: The Additional Initial Standing Orders became available to us quite late, and it was not possible to call a meeting, especially in view of the work that needed to be done for this sitting. We would need to call a meeting of the Standing Orders Committee subsequent to the work of this plenary session on these Standing Orders, and the matter could be addressed then.

Mr P Robinson: Mr Initial Presiding Officer, could you give us your interpretation of the Additional Standing Order 22(1), which says

"Where a determination has been made and approved in accordance with Standing Order 21" —

I assume that has been done in the Chamber —

"the Presiding Officer shall, at the next meeting of the Assembly after 9 March, supervise the allocation and taking up of the Ministerial offices (designate) in accordance with the procedure set out in this Standing Order."

Is it your interpretation, Mr Initial Presiding Officer, that that will be your first duty at the next meeting of the Assembly?

The Initial Presiding Officer: That is my understanding. If I may, I will read a further passage from the Secretary of State's letter as I did not go through all of it. She says

"Consequently paragraph 1 of Standing Order 22 now refers to the procedure being run at the next Assembly meeting after 10 March. Furthermore, in order to avoid indefinite delay, I have told the parties that I shall call a meeting of the Assembly for the purposes of running D'Hondt in the week beginning 29 March. I shall confirm the exact date and time of that meeting with you in the normal manner."

The reason the Secretary of State refers to it in this fashion is that we have been given leave to meet until 10 o'clock this evening in respect of Standing Orders. It has been indicated to me, and I am somewhat hesitant to convey this to the Assembly, that if it were necessary, it might be possible for the Assembly to meet even longer.

The reason the Secretary of State has put it in that fashion is to make clear that, even if it were the case that we needed to transgress into tomorrow for the continuation of this process, it would be the next Assembly meeting after 10 March at which d'Hondt would be run. That is to say, we do not currently have leave from the Secretary of State to have a meeting of the Assembly beyond 10 March. And when she does give leave she is making it clear that it will only be given for a meeting of the Assembly in the week beginning 29 March and that she will inform us as to when such a meeting is possible. I trust that is clear.

Mr P Robinson: Does that mean that the Secretary of State is giving the Assembly a compulsory two-week holiday?

The Initial Presiding Officer: I am sorry I was not able to hear the Member because the Clerk was advising me.

Mr P Robinson: Under these Standing Orders we could sit tomorrow, but after that the Assembly cannot sit until the week commencing 29 March. That is the case if there is any consistency between the Secretary of State's letter and the Standing Orders.

The Initial Presiding Officer: That is correct, and that is why I drew the information to Members' attention immediately it became available.

Mr McCartney: Do you understand from the communications or intelligence that you have received from the Secretary of State that, after tomorrow, if we run into tomorrow, the next meeting of the Assembly will be on 29 March or on some date as yet not specified in the week beginning 29 March?

The Initial Presiding Officer: The passage in the letter from the Secretary of State says that she has told the parties that she shall call a meeting of the Assembly

for the purposes of running d'Hondt in the week beginning 29 March. It could be on 29 March or, I assume, on another day that week.

We shall continue with the approval of Standing Orders and amendments. I understand that amendment No 84 has been withdrawn.

Mr Neeson: We have withdrawn it on the understanding that no Member or political party will be excluded from any of the Statutory Committees.

Mr P Robinson: What was the source of the assurances on which the intended mover of the amendment can rely to withdraw it? That should be on the record for his sake as well as ours.

The Initial Presiding Officer: I am hesitant about permitting this. I might even have ruled the previous Member out of order. When an amendment is withdrawn, there is no right to speak to it. It is possible to speak to an amendment and not move it, but to withdraw it precludes the possibility of debate on it. I am afraid I cannot permit further discussion on this matter. Not all Members may have been aware of the position. I draw it to their attention now and hope that it does not cause undue difficulty. I repeat that when a Member chooses to withdraw an amendment without speaking to it or does not move it, there is no debate on it.

When a Member speaks to an amendment, he may or may not move it. Members will be aware that before we move to the vote, I ask the Member whether he wishes to move his amendment. The reason for that is that some Members may wish to table probing amendments to draw matters out. Members will have noticed that there has been no debate on Standing Orders. I have simply taken the vote on them. There has been debate only where Standing Orders have amendments. Amendments are often tabled to trigger a debate, but they may not be moved. When they are withdrawn, there is no debate.

Mr C Wilson: It was a qualified withdrawal. The Member said that he was withdrawing it on the basis that he had undertakings and understandings that all parties would be represented on all the committees. There is an onus on you, Mr Initial Presiding Officer, to place on the record the fact that those were not given to the Assembly.

The Initial Presiding Officer: There is no such thing as a qualified withdrawal. The amendment was either withdrawn or it was not. As it was withdrawn, I granted some flexibility in permitting the Member to comment upon the matter. To go further would be quite improper.

There is still a substantial number of Standing Orders and amendments in this group. However, many of them are technical, some are largely typographical, and some 10 amendments effectively form one large group. The series of amendments 3(a) to (e) form a single amendment,

although they are divided for the sake of clarity. There are also the relevant amendments that are the same, but form individual amendments.

I trust that we will be able to get through that matter as one debate. As there is one proposer for a considerable number of the amendments, he may need to propose them and then speak again. The first amendment in the group is amendment No 62, standing in the name of Mr P Robinson. I call on him to deal with it and with any others that he finds it possible to address.

Mr P Robinson: I will get into fifth gear very quickly.

Amendment No 62 simply seeks to replace an upper case A with a lower case a — I do not think we will fall out about that one. It will be a small allocation rather than a big one.

Amendment No 53 to Standing Order 46(2) seeks to reflect what is more likely to be the working practice of committees. If a committee that is responsible for taking the lead on a piece of legislation that also covers a topic falling more properly into the remit of another committee, rather than taking the views and establishing the interests of the other committee, it ought to be able to ask the other committee to investigate and take evidence on that element which falls into its remit. The other committee would then provide the lead committee with a draft report, and it would have the final say as to whether to adopt the draft report in its entirety. In terms of working practice it would allow the experts in a particular subject to deal directly with that subject rather than delegating it to another committee. The amendment simply takes into account good working practice.

Amendment No 52 to Standing Order 49 seeks to remove the ability of a committee to continue to sit while a vote was taking place in the Assembly. That is entirely necessary, particularly in circumstances where, for example, a Member from a small party had not arrived when a vote was being taken, or came in or had left a meeting when a vote was being taken.

Without the amendment, two Divisions could take place at the same time; one in the committee and one in the Assembly. A vote in this Assembly should always have precedence over any business that is being carried out in the precincts of the House. A committee should automatically, without any alternatives being offered, be suspended to allow everyone to vote.

Amendment No 51 relates to Standing Order 50. It was the committee's intention to ensure that any sub-committee would have a balanced membership, that there would be proportionality. My amendment does not specify the nature of the proportionality or balance, but requires it. Without that, a committee could consist of members from one or two parties, and I do not think that anyone would regard that as fair, given the nature of the structures that are being set up.

Amendment No 82 to Standing Order 53 seeks to tidy up a very awkward heading. I am sure that no one particularly likes a heading such as "Conformity with Equality Requirements – Special Committee On". I note that the facing page shows the headings "Public Accounts Committee" and "Committee on Standards and Privileges". I see nothing wrong with "Special Committee on Conformity with Equality Requirements".

Amendment No 81 seeks to bring consistency elsewhere. In referring to the European Convention on Human Rights, we have talked about "including rights under". That is to conform with other parts of the Standing Orders.

I come to amendment No 80. Rather than giving the Assembly a choice in dealing with reports, the amendment requires it to deal with all reports. I hope that that was the intention of the draftsman.

3.30 pm

With regard to the petition of concern, amendment No 79 simply points out that we had actually transferred that sub-section of the Standing Order to the voting section. It is incorporated elsewhere and is, therefore, being deleted at this point. Incidentally, in the renumbering paragraph (6) will become paragraph (5).

The Public Accounts Committee is one of the most important committees of the House or any other elected body. It is where all spending and the processes which give rise to spending are scrutinised. The intention on the part of the draftsmen, as I read it, was based on a misunderstanding of what a Public Accounts Committee does. A Public Accounts Committee does not simply take account of finance in the context of the Department of Finance and Personnel, it takes account of finance in every Department. All Ministers dread being called before the Public Accounts Committee to give account of the expenditure in their Departments.

Rather than excluding only those who are in the same party as the Minister or a junior Minister of the Department of Finance and Personnel from the Chairperson and Deputy Chairperson posts, I am suggesting that those in the same party as any Minister or junior Minister should be excluded. That would ensure that there was proper scrutiny and that party colleagues would not be in the position of questioning the Minister and taking the lead in determining issues.

Amendment No 77 deals with the Committee on Standards and Privileges, and the term in paragraph 1(a) should be "privilege" rather than "privileges".

There is a fairly innocuous change in the section on the Audit Committee. Under the Standing Orders as it stands, it does not outline how the committee is to be established, only that it shall. The purpose of Standing Orders is to advise us on how this will be done.

Therefore it has been changed to say that the Assembly shall, by resolution, establish a committee to exercise the functions. That simply is a tidying-up amendment. I am not sure whether that is the end of that series of amendments. If so, I beg to move.

The First Minister (Designate): Mr Initial Presiding Officer, I will speak to amendment No 3. Although it refers to five different Standing Orders, No 3 was, as indicated earlier, submitted as one amendment. However, it refers to the same point in each of them. The principle is entirely the same, and it is preferable that the matter be taken as a single issue, as you indicated.

Following the good old practice of belt and braces, my Colleague Mr Davis has also tabled amendments to the same effect. I am pleased to record that I got my amendments in before his, but that was purely just a matter of minutes. Most of Mr Davis's amendments are to the same effect and consequently this does make a single issue.

There is, in my view, a serious anomaly in the Standing Orders with regard to non-Statutory Committees. In fact, there is a serious anomaly which is contrary to the agreement and contrary to the Act, and that is something that we have to look very carefully at.

With regard to Statutory Committees, there are provisions in Standing Order 45, which we have approved, which apply the principle of proportionality to committees and provide for the distribution of posts, offices, Chairmanships, vice-Chairmanships by the d'Hondt formula and which also apply proportionality to the membership of the committees. That, of course, is entirely in accordance with the agreement.

Standing Order 47 applies the d'Hondt formula to Chairs and deputy Chairs of non-Statutory Committees to ensure that proportionality applies with regard to offices. It does have a general provision in paragraph (4) that Standing Committees, unless otherwise specified, shall be constituted in the manner prescribed in Standing Order 45.

So, the effect of Standing Order 47(4) by itself is to apply the principle of proportionality to the non-Statutory Standing Committees. Unfortunately, when we turn to Standing Orders Nos 51, 52, 53, 54 and 55, dealing, respectively, with the Committee on Procedures, the Business Committee, the Special Committee on Conformity with Equality Requirements, the Public Accounts Committee and the Committee on Standards and Privilege — and I adopt the language suggested by Mr P Robinson here, as it is correct — we find that there are sub-clauses in them which do not apply the terms of Standing Order No 45, and, consequently, do not apply the principle of proportionality.

The provisions contained in the clauses which my amendment would remove do not apply the principle of

proportionality and produce a result which is not proportional. The amendment I have tabled would remove those clauses and bring into effect Standing Order 47(4), which imports Standing Order 45, which would, in turn, import the principle of proportionality.

It all comes down to the very simple question of whether or not we abide by the principle of proportionality in the Standing Committees. The Standing Orders, as drafted, depart from this principle, but my amendment would ensure that this principle was applied with regard to the other Standing Committees. I submit that that is precisely what we should be doing, according to the terms of the agreement and of the Northern Ireland Act 1998. Paragraph 5 of the section of the agreement which deals with strand-one institutions states

"There will be safeguards to ensure that all sections of the community can participate ... including:

(a) allocations of Committee Chairs, Ministers and Committee membership in proportion to party strengths".

All those who were involved directly in the negotiation of the agreement will know that the principle of proportionality was absolutely central to our decisions on strand-one institutions. Proportionality was to apply in the operation of the Assembly and to the allocation of Offices within it. The very first safeguard contained in the agreement is the application of proportionality to the appointment of committee Chairs, Ministers and committee members.

The provisions, as they currently stand, would apply proportionality to the appointment of committee Chairs but not to committee membership. In my view, that departs from the agreement, and it departs from the relevant provision in the Northern Ireland Act 1998, paragraph 4(1) of schedule 6 of which states

"The standing orders shall include provision for ensuring that, in appointing members to committees, regard is had to the balance of parties in the Assembly."

The use of the phrase "balance of parties" clearly implies the application of the principle of proportionality.

It is a very simple, very clear point. I do not need to elucidate it further. Do we stand by the principle of proportionality? I believe that we ought to. I believe that, as a matter of law, we have to, but I also believe that we ought to, because that is the fundamental principle on which the provisions of the agreement relating to this body are based.

This Standing Order departs from that principle, and, consequently, I urge the House to accept this amendment, so that the principle of proportionality will apply to those five Standing Committees in exactly the same way in which it will apply to the Statutory Committees. No distinction should be made between these committees, and to make such a distinction would

be to run counter to the principle upon which the Assembly was established. This is simply a matter of adhering to the terms of the agreement.

Mr Davis: I wish to move the amendments which are down in my name.

Mr McGrady *rose*

Mr P Robinson: On a point of order. I am sorry to interrupt just as the Member was about to get into top gear.

There are some errors in the amendment sheet which Members need to take account of. Amendment 78, as I submitted it, was to Standing Order 54(3), line 2, and it was to leave out all the words after “party as” and to insert “any Minister or junior Minister.” That should make more sense to Members than the original.

In amendment 65, relating to Standing Order 66, the reference is to “to” in the fourth line, not the “to” in the second or third line. It should say Standing Order 66(6), line 4, after “to” insert —

The Initial Presiding Officer: Which amendment are we at?

Mr P Robinson: That one is 65.

The Initial Presiding Officer: This is amendment 65, on page 19 — the last page of the Marshalled List. Could you give us that one again please, Mr Robinson?

Mr P Robinson: It is Standing Order 66(6), line 4, after “to”. There is also a “to” on the second and third lines so it is to ensure that everyone is amending the right one.

The Initial Presiding Officer: I am grateful to you for bringing that to Members’ attention. I shall try to draw it to Members’ attention when it is time to vote on those amendments.

Mr McGrady: Mr Initial Presiding Officer — for the second time — I commend to the Assembly amendment 86, standing in my name, which is a very modest intrusion into this debate on my part. It is a probing amendment seeking clarification and interpretation, which I hope will inform the Assembly of the mind and will of the Standing Orders Committee through its co-Chairmen. It refers to draft Standing Order 52(1), which refers to

“a Standing Committee of the Assembly to be known as the Business Committee which shall arrange the business of the Assembly”.

This Committee will obviously be the successor of the Committee to Advise the Presiding Officer, known as CAPO. CAPO is a purely consultative body, which advises the Initial Presiding Officer. This Standing Order assumes, subject to explanation and interpretation, an entirely different meaning when it says

“the Business Committee ... shall arrange the business of the Assembly”.

Normally, apart from Private Members’ business, the business of the Assembly is arranged by the Government — in this case, I hope, the four major participating parties in the Executive Committee.

In proposing this probing amendment I am conscious of Standing Order 12(4), which lays down that the Executive Committee

“shall have the right of placing its business in any order that it pleases prior to the issue of the Order Paper”.

I hope to make it more evident by changing the word “arrange” to “make arrangements for”. This means taking on board that which is required and recommended from other sources such as the Executive, public business or private business, so that the appropriate logistical arrangements can be made for debate. I would like clarification from the co-Chairmen of the Standing Orders Committee that that is what was intended, that the Committee would arrange the business presented to it, rather than dictate what the public, personal, private or other business of the Assembly would be.

I think that there is a most important distinction here and if the Initial Presiding Officer could provide either of the joint Chairmen with the opportunity to express the mind of the Standing Orders Committee on this matter, Members could decide if this matter should be voted upon.

3.45 pm

Mr Ervine: I rise somewhat reluctantly to discuss this issue — I did not expect that I would have to do so. There was a quite serious and heated debate in the Standing Orders Committee around the issue of membership of committees. First, it was about the membership of Statutory Committees. It seemed that the larger parties had difficulty with going beyond the figure of 11, including a Chairman and a Deputy Chairman, because of the stress, strain, and difficulty it would cause to their large number of members to facilitate a series of committees, potentially three or four committees.

We can argue about the week’s work. Members pointed out earlier that we have three days other than the two sitting days, and there seems to be plenty of opportunity for Members to be gainfully employed on a large number of committees. However, it was deemed by the larger parties that that should not happen, even though the smaller parties argued that they could facilitate more than one committee, which is their allocation — one each for a party the size of the Progressive Unionist Party — across the ten Committees.

In some respects that is worrying because the make-up of the 11 committees will include a tiny minority, and I emphasise “tiny minority”, of those who

are not members of the Government. Indeed, different parties may be represented on a committee which scrutinises a Minister, but their representatives will also be part of the collective Government of which that Minister is a part.

We have consistently pointed out our fear of the absence of a reasonable Opposition. Others, including members of the larger parties on the Standing Orders Committee, have done the same. It was consistently pointed out with regard to the Statutory Committees, but I am sure that some of the other smaller parties will concur with me in saying that we had to concede because we had no choice but to concede.

The theory of the larger parties seems to be that there should be lots of consultation, but that back at the ranch they will do what they want to do anyway. We found that that was the case among the larger parties in relation to statutory bodies. We gave up the ghost somewhat and found ourselves — and this is reflected adequately in the minutes — leaving the committee meeting of 26 February thinking that Statutory and non-Statutory Committees would have 11 members including the Chair and the Deputy Chair.

However, in the inimitable words of the BBC's Mark Simpson, "compromise broke out at Stormont". An SDLP member of the Standing Orders Committee, unsolicited I have to say, said "Well, I might have been a bit harsh last week and those committees — " and he went on to name the four committees that Members have in front of them as non-Statutory Committees, " — may well be looked at somewhat differently." We thought that that was great. I had intended to place an amendment on the make-up of the Statutory Committees before the Assembly. However, since there seemed to have been a reasonable degree of concession from all of the large parties, we did seem to have agreement. I quote from the minutes of the meeting that was held on 2 March 1999:

"It was agreed that there should be two types of Standing Committee as follows:

Committees that would fall into the category of Rule 45 on Statutory Committees and special Standing Committees that required a representative presence of every party in the Assembly."

I am somewhat disappointed to find out not only that amendments have been tabled but that some of the larger parties seem likely to vote in agreement with the amendment put forward by the First Minister (Designate).

Mr Farren: I am a member of the Standing Orders Committee. The minutes of the meeting of the Standing Orders Committee are as the Member has stated. Does he agree that the numerical composition of the committees which are listed for Procedures, Standards, Privilege and so on is not specified? Therefore my point stands. I think that I used the Public Accounts Committee as an exemplar. All parties should be represented on these

committees, but what is before us may not effect that in quite the same way.

Mr Ervine: The Member makes a fair point. I will be loath to give way in future for such an intervention. I make no criticism of his having, on that day, put forward, without solicitation, what I thought was some form of compromise towards the smaller parties. My difficulty is with the Standing Orders. I accept that there was no determination of the numbers or the specific size, although it was accepted that it would be larger than the non-Statutory Committee and would, as far as possible, have a broad representation.

Where did the figures come from? I do not criticise those who imported the figures. My criticism is of the larger parties that allowed the amendment to be tabled but advocated a different formula. However, they did not propose a formula to show the proportionality they were prepared to accept irrespective of that which the First Minister wants. The First Minister has addressed a specific issue relating to the Act and the agreement, and has given his reasons for tabling the amendment. I wish that it were the only issue that I think exists, but I am somewhat concerned over the carve-up of the Speaker.

I am concerned by the fact that there will be 11 members on a committee and the minimum number possible of those who could conceivably provide opposition. That begins to worry me in the context of collective governance — if we ever get to that. I am somewhat dismayed by the fact that the amendment essentially abandons an agreement while there is no counter amendment from parties who created a situation that could have led to proportionality which was different from that in the Statutory Committee.

I appeal to Members with a fair point. It is that those who vote against this and support the amendment will deny the small parties the representation that they deserve.

I shall extrapolate from a point that the First Minister made when he talked about proportionality. If I am not mistaken, the Act and the agreement do not preclude every Member of the Assembly from being on a committee. When he talks about his level of proportionality, he does not consider the fact that other committees have functioned very well. Examples are the Committee to Advise the Presiding Officer, the Standing Orders Committee and the Ad Hoc Committee on the Port of Belfast. They have not been that unwieldy, and they offer a genuine opportunity for greater participation by those who are in opposition. In the light of our debate about the lack of scrutiny of the central Department, this proposal will not go down that well. It represents suppression of the smaller parties.

It is a degree of closing down the opportunity, or, dare I use that well-worn word in Northern Ireland, a

“perception”. But the UUP and the SDLP did carve up the position of Speaker, and it will be perceived — and is by me — that the main reason given for putting down the amendment is not the real reason behind it.

Mr Dodds: In relation to the amendments in Mr Trimble’s name, I want to draw the Assembly’s attention to the fact that in the Standing Orders laid before the House, there are matters that were never agreed by the Standing Orders Committee.

At the Standing Orders Committee meeting of 2 March, we discussed which of the non-Statutory Committees would have a representative from every Assembly party. It is stated explicitly and was agreed explicitly that these committees would be Procedures, Standards and Privileges, Public Accounts and Equality. The rules are to be reworked to reflect this.

In this document — which members of the Standing Orders Committee did not get in final form before any other Member — we discovered that draft Standing Order 52 also includes the Business Committee as one of those committees. That is clearly a mistake; that was not what the Committee intended or agreed.

Mr Ervine pointed out that there was, however, an agreement in relation to the other four committees, and he is quite right about that. It was discussed and agreed that because of the particular nature of those committees, they should have a representative presence from each party. But that did not include the Business Committee, and I am amazed to find it included in this draft. I do not know who inserted it, but it should not be there; it was not agreed by the Standing Orders Committee.

It is quite in order, of course, for a Member to have an amendment to that effect put down, but it should not have been included in the draft. Therefore the amendment that is in Mr Trimble’s name in relation to the Business Committee is a valid one. However, the nature of the other four committees was discussed at some length by the Standing Orders Committee, and it was felt that there should be a representative presence of every party, and I think that that is quite reasonable in relation to those specific committees.

I listened with some considerable degree of interest to what Mr Trimble said on the basic principle of proportionality. He spent a long time labouring the fact that proportionality was central to the agreement and that it would be quite wrong to do anything contrary to the principle of proportionality. He laboured this point time and time again in his remarks in relation to committees of this Assembly. Yet it is interesting that on the main committee of this whole process — the Executive Committee — we do not have proportionality. When Mr Trimble agreed the make-up of the Executive Committee, he agreed to a committee with a make-up

which is totally out of proportion to party strengths and to the party votes in the Assembly.

The First Minister (Designate): I am sorry to have to say that the Member’s point is entirely wrong and completely misconceived. Proportionality does apply to the Executive Committee, because the d’Hondt formula applies to it. If the Member is saying that it is strange that a proportional principle would produce an Executive that might be fifty-fifty, whereas in terms of this Chamber there are 58 Unionists and 42 Nationalists, he should ask his party Leader why he threw away one seat, why he did not stand with his Colleagues in the election as a united Unionist.

Had he come into this Chamber as a united Unionist, as a block of 28, he would have been entitled to three seats on the Executive, not two, so why did his party and Mr McCartney’s party decide to disaggregate themselves and throw away a seat?

Mr Dodds: I am very glad that I have got so much under the skin of the First Minister (Designate). He is so worked up about this that he is now in a sedentary position — obviously the point I made has struck home. We do not have a fifty-fifty split between Unionists and Nationalists in the Assembly, so there should not be a fifty-fifty split on the Executive. We do not have a fifty-fifty split between Unionists and Nationalists in the electorate. *[Interruption]*

4.00 pm

This is the argument we hear from the First Minister (Designate) all the time. When something he has agreed to goes wrong, he blames everyone else. He says “It is your fault that prisoners are getting out; it is your fault that the RUC are under attack; it is your fault that there is a fifty-fifty carve-up in the Executive.” The reality is that Mr Trimble agreed to this — he is responsible. He is becoming very agitated, Mr Initial Presiding Officer, and I urge him for the sake of his health to calm down — *[Interruption]*

The Initial Presiding Officer: Order. Some Members have been complaining about the tedium of dealing with Standing Orders. Perhaps we can return to the tedium.

Mr Dodds: This proportionality principle that Mr Trimble waxed so loudly and lyrically about just a short time ago does not apply to the Executive. If he had followed our advice — *[Interruption]*

He is off again. He is really getting terribly excited about this. It has struck home. He is not behaving himself terribly well. The reality is that if he had followed our advice and opted for seven Ministries, as was his initial position and that of members of his party, we would have a proportionate make-up in the Executive. We would have an Executive which reflected the balance of the parties in this House, and a balance of

political identity. However, Mr Trimble threw that away, having argued —*[Interruption]*

They are all getting terribly excited about this and trying to put the blame on everyone else when it was they who made this agreement. They were advised against it by Mr Ken Maginnis and other members of the party, including Mr Nicholson, but they ignored that advice and opted for a Committee which is not proportionate, which is half and half, and on which Unionists do not even have a majority of seats.

Then the First Minister (Designate) stands up and talks about proportionality for these committees, which are far less important than the main Executive Committee which will have responsibility for governing Northern Ireland. He does not understand what proportionality is. He has applied a principle which means that Nationalists, although they cannot command a majority in this House, will have half of the seats on the Executive.

The Initial Presiding Officer: Order. I ask Members to do other Members the courtesy of listening to what they say.

Mr P Robinson: On a point of order, Mr Initial Presiding Officer. There is a parliamentary precedent that where the disruption and loutish behaviour is coming from one particular quarter—*[Interruption]*

The Initial Presiding Officer: Order. The Member is making a point of order, and other Members should listen.

Mr P Robinson: As I was saying, where the disruption is coming from one particular quarter then the Speaker should direct the admonition to that quarter. The First Minister (Designate) is behaving in a most appalling fashion, which is not in keeping with his Office, and I think that you should exercise your authority to stop it.

The First Minister (Designate): I appeal to those Members who were upbraiding the Member as he spoke — although it was my impression that he was managing very well — to bring some degree of decorum to the debate. I ask that the Member is permitted to continue with what he has to say without inappropriate interruption.

Mr S Wilson: Does Mr Dodds agree that it is just as well that we have not yet agreed Standing Order 57 because, had that been the case, the First Minister (Designate) would have already breached paragraphs 57(1)(a), 57(1)(b), 57(1)(c) and would have been reprimanded by the Speaker?

Mr Dodds: I could have understood the First Minister (Designate)'s getting excited, had I not been prepared to give way to him. I allowed him to intervene but, not content with that, he tries to interrupt and behaves in a loutish way in his place.

We are happy to support the Business Committee amendment, but we intend to stick by our agreement on the others. Indeed, all the parties that were represented on the Standing Orders Committee made that agreement. I wish that Mr Trimble had been so assiduous in applying the principle of proportionately and democracy to the Executive Committee. That would have ensured that Nationalists, who do not command a 50% vote in the House or among the electorate, would not get 50% of the seats. There would be true proportionality on the Executive Committee. Unfortunately he failed in that, as he has failed on so many issues in relation to this process. No doubt he will fail again.

Mr Haughey: I want to refer to amendment No 78 in the name of Mr P Robinson. On behalf of my party, I want to make it clear that we are entirely in sympathy with the spirit of the amendment. It is the practice in most legislatures for the Public Accounts Committee to be chaired by a member of a party that is not involved in the Administration. We agree with that. We also agree with the proposition that the Chair of the Standing Orders Committee be held by a member of a party other than the party of the Minister for Finance or that of any junior Minister in his Department.

However, we have a difficulty with that. I hope that we are in the process of constructing the most inclusive form of government that is practicable. I invite Mr Robinson to consider the consequence of excluding from the Chair of the Public Accounts Committee a member of any party who is in any way involved, either as a Minister or as a junior Minister, in the Administration. That could inhibit the freedom of movement of the First and Deputy First Ministers.

I do not pretend to know what is in their heads in relation to the appointment of junior Ministers, but I know that it is technically possible for them to consider the appointment of members of parties other than their own, perhaps members of smaller parties in the House. Mr Robinson may wish to reflect on that and decide whether he wishes to proceed with the amendment. I assure him that the SDLP wholly supports the spirit of the amendment, but see that small difficulty in terms of the future possibilities of creating the most inclusive form of Administration.

Standing Order 47 refers to the composition of certain non-Statutory Standing Committees. My party will support the First Minister's amendment and other amendments which seek to delete paragraphs that determine the composition of those committees. I do not agree with the First Minister that such a process activates Standing Order 47(4) and necessarily means that those committees would simply consist of 11 members. Standing Order 47(4) states:

“Standing Committees unless otherwise specified in Standing Orders shall be constituted in the manner prescribed in Standing Order 45.”

The Standing Orders Committee has much work to do subsequent to this sitting and will meet soon to consider a variety of matters arising from these debates. That should be one of them. There has been a breakdown of communications here, which I do not think is anyone's fault but simply the result of a misunderstanding.

My recollection is that the Standing Orders Committee decided that it would be desirable to have all-party representation on certain Standing Committees and that that might be best accomplished by adopting a composition similar, if not identical, to that of the Standing Orders Committee. As Members know, that committee consists of four each from the Ulster Unionist Party and the SDLP, three each from the DUP and Sinn Féin, and one each from the smaller parties. My recollection is that that was what we agreed. However, the Clerks of the committee seem to have referred to an earlier formula for committee composition which was the practice in the Assembly's earliest days. There has been a breakdown in communication.

The First Minister (Designate): Mr Haughey has a point when he says that the application of 47(4) does not necessarily cover the size of a committee. It occurred to me on rereading the Standing Orders today that 47(4) could be interpreted as relating to the means of selection rather than to the overall size. In the light of Mr Haughey's argument, it occurs to me that it would be possible, by increasing the size and applying the principle of proportionality, to arrive at a result where all parties were represented. I would have no objection to the spirit of that with regard to the four committees that were identified by the Standing Orders Committee on 2 March. That might be something that could very well be taken back to the Standing Orders Committee.

Mr Haughey: I am glad of the First Minister (Designate)'s intervention and that he is in a measure of agreement with me. In relation to Mr Dodds's intervention about the Business Committee, I do recollect that a distinction was made regarding that committee. However, it would be best in these circumstances to proceed to delete the clause referring to composition, consider it further in the Standing Orders Committee, consult further about it and return with a fresh proposal.

Mr P Robinson: While Mr Haughey was speaking on another issue, I was reflecting, as he asked me to do, on the issue of the Public Accounts Committee. Subject to your ruling, Mr Initial Presiding Officer, I think that the clause, which we have already accepted, that there should be consistency of language would permit 54(3) to be amended to the effect that the nominating officer should prefer those who are not members of parties

which have a Minister or a junior Minister. That would not restrict the First Minister or the Deputy First Minister in their choices. It would allow them — although I am not sure if they have this in mind — to appoint junior Ministers from each of the parties that might be considered Opposition parties.

Mr Haughey: I need time to reflect on what Mr Robinson has said. I am not going to give an off-the-cuff answer.

Mr S Wilson: In response to the First Minister (Designate), Mr Haughey said, unless I took him up wrongly, that one way round the question of proportionality would be to increase the size of a committee so that it was big enough to ensure representation from all parties. Can he give some guidance as to what size such a committee would have to be?

Mr Haughey: The present Standing Orders Committee accomplishes the purpose that Mr S Wilson refers to. It accommodates all parties with two or more Members, and it has nineteen members. Such a committee need not be so huge as to be unwieldy.

Mr P Robinson: There is nothing in Standing Orders to say that a party of one does not constitute a party.

4.15 pm

Mr Haughey: I accept that, Mr Speaker, but the Assembly may make what Standing Orders it pleases, and if it pleases the Assembly to make a Standing Order to the effect that the composition of the committee shall be as the present Standing Orders Committee is constituted, the House has a perfect right to do that. I suggest that that was, in my recollection, what was agreed in the Standing Orders Committee, and the House may agree it in due course if it pleases.

However, I must move on — I am running out of time as a consequence of a variety of perfectly proper interventions. In relation to the amendment in his name, my Colleague, Eddie McGrady, asked for an interpretation of the mind of the Standing Orders Committee. I cannot obviously speak authoritatively for all its members, but I can offer my recollection, which was that it was their intention that the Business Committee would have responsibility for the logistical arrangements for the business of the House. It would not assume the functions of, let us say, the Leader of the House in a parliamentary style of government; it would not determine the content of the business but rather make arrangements for the doing of the business.

That is my recollection, and I believe that the amendment in the name of Eddie McGrady is perfectly proper because the wording actually makes that rather clearer than the present wording does, so I support that amendment.

In respect, finally, —

The Initial Presiding Officer: May I ask you to try to be brief with your final remarks.

Mr Haughey: Perhaps you will indulge me just for a few moments, Mr Initial Presiding Officer. I was generous in allowing a lot of people to intervene.

In respect of the matter of an Opposition to the Government, which was raised by David Ervine and others, it is not appropriate to import considerations which are appropriate to a parliamentary system of government of the traditional kind into this Assembly, where we are forging what I believe is a unique and better form of government, a consensual form of government which will involve the greatest possible number of parties. Parties will be both in the Administration and in Opposition, and that will enable Back-Bench members of the parties —

The Initial Presiding Officer: I will have to ask you to bring your remarks to a close.

Mr Haughey: — involved to criticize and subject their own Ministers to scrutiny.

The Initial Presiding Officer: Before calling the next Member, I need to make one or two remarks. Mr Robinson asked whether the cover-all clause, which was the amendment to the previous item on the agenda, to make the wording consistent and so on, would cover a change of the type to which he adverted in Standing Order 54(3)? It seems clear to me that a change of the order which he describes is much more than a mere tidying-up of words; there is a difference in meaning and substance in terms of the making of appointments, and I think that the change to which he adverts could only be made by a substantive amendment.

Now, there is another matter which is of similar order. There has been some discussion about matters being taken back or about changes to the number of members on committees and so on being made. There is no facility for taking back anything to the committee. The Assembly can only vote for or against what is here. It is, of course, entirely possible for the Standing Orders Committee to consider matters and to bring amendments or new Standing Orders or whatever to a subsequent meeting of the Assembly, but there is no facility for taking back, any more than there is a facility for a Minister to take back part of a Bill. A Member simply votes one way or another and on the basis of that the Standing Orders Committee may, at a subsequent sitting of the Assembly, bring forward new Standing Orders or amendments to existing ones. The House needs to keep that in mind when it comes to voting on amendments or, indeed, on Standing Orders themselves.

The First Minister (Designate): On a point of order, Mr Initial Presiding Officer. You referred to the exchange between Denis Haughey and me about the effect of amendment 3 on Standing Order 47(4). It

seemed to me that the point that he made that amendment 3, by knocking out those particular clauses in those five Standing Orders, would not necessarily bring the figure of 11 into the composition of those. It could then be, on that interpretation, that there could, if amendment 3 were carried, be a gap in the Standing Orders which the Standing Orders Committee would have to consider. It would have to consider whether a gap existed and, if so, how to fill it.

Sir Reg Empey: Mr Ervine spoke about Members' perception of what is being proposed. Perception is a double-edged sword. My party's perception is that some Back-Benchers are frequently not equal to Mr Ervine or his Colleagues. There is a widely-held view that, because of their make-up, committees such as the Committee to Advise the Presiding Officer, do not accurately reflect the elected membership of the Chamber.

Our view is that while there must be practical limits to the size of any committee, which is why a figure of about 11 was thought reasonable, another figure could be looked at. The feeling was that parties with one, two, three or four Members somehow think that they should have greater privileges and rights than Members of my party, and that our Back-Benchers do not equate as individuals in the same way as Members of smaller parties. That perception has existed since July, and it is largely a reflection of the fact that we came here from a talks process that was constructed in an entirely different way. In that process, representation did not reflect electoral strength.

Mr Ervine: This Member believes in being nice to people on the way up because he never knows when he might meet them on the way down. We do not intend to be small all the time. To copper-fasten the importance of the Progressive Unionist Party, may I say that the Ulster Unionist Party has been happy enough to take our votes on various occasions.

Sir Reg Empey: That was a rather snide answer to a question that I was not putting. As the Member knows, his party was quite happy to have our votes in the City Hall. We can all talk about meeting people on the way up and meeting them again on the way down. That is not the point. The Member's reaction confirms the general thrust of my argument.

There is a view that Back-Benchers in my party are not equal to some other Members. The perception is that some of those who are Leaders or deputy leaders of parties see themselves as more important in some way.

Mr McCartney: I have a good deal of sympathy for the Member's view. As Denis Haughey said, this is an entirely unique body, based essentially on consensus, or so it is alleged, and therefore directed towards representation by the maximum number of people.

I think the Member will agree that smaller parties are bound to be included, perhaps out of proportion to their membership. That is a remnant of a straight parliamentary situation which we are told does not operate here.

Sir Reg Empey: I do not dispute the fundamental thrust of what Mr McCartney says. Small parties have been given representation for very good reasons, and we must strike a balance between that and the practicalities of the system. Mr Ervine raised the issue of perception, and I am trying to express a perception that exists in the House. Many of our Members feel that they are not equal to some Members elsewhere.

I am not saying that that means that one rigidly impose a figure to the exclusion of all other considerations; that would not be fair or reasonable, and we are not going to do that. But as the exchange with Mr Haughey demonstrated, there is a widespread view that we should ensure that other interests are represented. We have to stretch the practicalities — to enlarge the system — but keep a relationship between the size of a committee and the size of the parties that compose it.

Mr Ervine: On the Standing Orders Committee, the Member's representatives fought very hard to have the committees as small as possible. Now we are hearing an application to make them bigger than ever before.

Sir Reg Empey: I do not know whether I have been enlightened by that intervention.

I accept the fact that the committees may be varied in size, but we have to remember that they will be working committees. Having been in local government for 14 years, I know that the size of a committee affects what it can do, and so we have attempted to get the right balance.

Members who sit in the House of Commons find it a very unforgiving place when it comes to committee size. In the Assembly, we have to balance the fact that the Back-Bench Members of the larger parties have to be given, as individuals, equality with Members from smaller parties. That is all I am saying. We are trying to get that balance, and I believe there is consensus emerging as to how that should be achieved. Bearing in mind what Mr McCartney said — and I fully accept what he said — when there is an even balance, you err on the side of the smaller parties for the sake of good government.

I do not know why Mr Ervine is so agitated with me. I will respond to what he put forward as his perception by telling him — and I can only speak for my own Colleagues — that the perception within the Ulster Unionist Party is that its Back-Bench Members are being short-changed by the system as it has hitherto operated. I hope that that perception can be resolved and that Mr Ervine's perception can also be dealt with. It may be possible to increase the size of some committees

and maintain the principle of proportionality. Up until now the result has been some very distorted committees, and CAPO, of course, is the most obvious example. That is my fundamental point, and if we proceed with the amendments that were proposed by the First Minister, I hope that the Standing Orders Committee will take on board the thrust of the debate and that it is going to be possible, when collecting the voices, to resolve the matter satisfactorily.

Mr C Murphy: Go raibh maith agat, a Chathaoirligh.

Most of what I wanted to know has been clarified by Mr Haughey and the First Minister.

I was a member of the Standing Orders Committee, and I do not recognise the figures shown in respect of the non-Statutory Committees. They are far from proportional, but although we are opposed to this and will be supporting the amendment to delete it, it was not our intention to go back to the figure of 11. Any Member from a small party, who is also a member of the Standing Orders Committee, will be aware that we have been firm in our advocacy of inclusion on these committees and of our support of the small parties.

In supporting the amendment to delete this part of the Standing Order, our intentions were good, and I accept the Initial Presiding Officer's ruling. However, there is a clear understanding from the way the debate has developed that the Standing Orders Committee has further business to deal with, and I assume that this matter will be part of it.

It is important to get beyond the perception that, because we do not support this amendment — and the DUP has tried to saddle my party with this — we are against there being scrutiny of the Department of the Centre. In fact, Sinn Féin led the charge to try to have proper scrutiny at the Centre. In order to nail any doubt about our intentions, we are supporting the amendment to delete this reference, not to bring the figure back to 11, not to exclude the smaller parties, but to bring us back to Standing Orders and to get proper proportionality.

Go raibh maith agat, a Chathaoirligh.

4.30 pm

The Initial Presiding Officer: Before I call the next couple of Members to speak I need to clarify the situation again. A number of Members have experience in local government and are familiar with the pattern of matters being brought back to committees. There is no such facility here on a matter of this kind. When a matter is voted on it is either voted through or voted down. Further propositions can come forward at a later stage, but that is entirely another matter. They may come forward or they may not come forward. That cannot be legislated for.

I am aware that many Members have experience and will be familiar with that pattern of things. What you vote on you can change later if proposals are brought forward and voted upon in due time. This is in order to ensure that Members are quite clear about the procedures.

Ms McWilliams: I am glad that you clarified that last point. A number of us were almost taking it on trust that we would be going to look at Standing Orders again. However, you told us before, and you have told us again now, that if we vote this amendment through, it stands. I am opposing these amendments.

Although there was a lengthy debate in the Standing Orders Committee and consensus at the end of that debate, today we find that that consensus has gone out of the window, as is often the case in Northern Ireland. On this issue it is extremely important. A number of points have been made, and Mr Denis Haughey actually said that here in Northern Ireland we would probably have the most inclusive form of government. We may indeed have the most inclusive form of government, but we certainly will not have the most inclusive form of Opposition to that Government if this currently stands.

The second point I want to make is that attempts were made in that committee to understand the need for inclusion, the need for different voices. Sir Reg Empey rightly said that there is concern in parties such as his that sometimes the Back-Benchers do not get a fair chance to make their speeches on the Assembly Floor. He is now concerned that that might also be the case in the committees.

Clearly, Mr Initial Presiding Officer, you have had to address this issue from time to time and have tried to balance that in whatever way possible. That is exactly what the Standing Orders Committee attempted to do — to balance this — and it came up with a fair compromise. We, as one of the smaller parties, agreed with that compromise. We agreed that it would not necessarily be the case that we would be able to sit on all these Statutory Committees, but that there would be a choice of other committees. Now that has been foreclosed and I am saying to you that —

Mr Farren: Would the Member not agree that several of the interventions and contributions from the SDLP and other parties made it clear and put it on the record — notwithstanding the direction received from the Presiding Officer with respect to the notion of putting items back to the Standing Orders Committee — that the parties are clearly concerned to have these matters addressed in a way which will ensure the kind of inclusivity that is being talked about?

What is being objected to is the numerical prescription which we find in the draft Standing Orders which was not, and this has been admitted to by a number of contributors to the debate, something which

was agreed to when the matter left the Standing Orders Committee at its last meeting and has appeared since.

Ms McWilliams: I take the point that Mr Farren has just made, but I hope that he also takes my point that if this is voted through today, I, and a number of other small parties, will be faced with making the Standing Orders Committee one of the committees that we choose. If we do not make it one of those committees, we will not have a voice on it. Mr McCartney spoke at length yesterday about our civic duty in the Assembly.

It seems to me that we are faced with a very tough choice here. We have a civic duty to the people who have sent us here to sit on scrutiny committees and other committees of the Assembly, but we may choose to fight for our right to be on the Standing Orders Committee in the first place. That is the choice that we are faced with if this amendment goes through, and, therefore, I ask those, who were previously considered to be in favour of this, now to think again.

Mr P Robinson: I ask the Member to pay attention to Standing Order 54 (Public Accounts Committee). Although Members may not realise it now, this will be a key function of the Assembly. It will be one of the most important ways of calling an Executive to account on financial and economic matters. If Mr Trimble's proposal to delete sub-paragraph 4 is successful, the Opposition numbers on that committee would be significantly reduced. At the same time there is more than a hint from the SDLP that they do not want the Chairman and Deputy Chairman to be from the Opposition parties.

Ms McWilliams: I was coming to that point and I will respond to it now.

Prior to coming in here today, we listened at length to people talking about the need for the Chairperson of that committee to come from the Opposition. In fact, we have often been told that that creates healthy democracy, and now, even that avenue is being closed down. Mr P Robinson, quite rightly, put forward an amendment, which the Initial Presiding Officer said may be out of order because of its wording. I will seek clarification on that. If that amendment still stands — and I would be glad to hear that — I would vote for it.

Mr P Robinson: The Initial Presiding Officer was not questioning the legality of the amendment that I have on the Order Paper. It was a suggestion that would have been a compromise to call Mr Haughey's bluff. He said that it would be difficult because the First Minister and the Deputy First Minister might want to appoint Ms McWilliams, Mr Irvine, Mr Close, Mr McCartney and, perhaps, Mr Wilson as junior Ministers. That would mean that they could not have a Chairman and Deputy Chairman on the committee. I rather suspect that that is not the intention of the First Minister and the Deputy First Minister, but that was the scenario that was being

painted. I suggested a way out of that, which the Initial Presiding Officer explained would not be in order.

Ms McWilliams: Thank you for that clarification. I can see why Mr Haughey is considering taking time out in order to respond to it.

I am concerned about who will benefit from the exclusion. A number of Members — indeed, all parties were represented on that committee — spoke at length about the need to have inclusion on these other committees. That is why these Standing Orders were put forward in the way they have been. Judging by what is going on here today, something has clearly happened since the last meeting of the Standing Orders Committee. I think that a bit of a stitch-up is going on and it needs to be stopped.

During yesterday's debate and today's I was pleased to hear some Members speaking up for the rights of the smaller parties, although I was disappointed to hear today that Reg Empey is so concerned about his Back-Benchers that he would throw a little element of democracy out of the window in order to have them heard.

Mr S Wilson: Does the Member agree that during the debate on committees, the Ulster Unionist Party was arguing in favour of having smaller committees? Was it not saying that if there were large committees, they would have so many places that they could not possibly fill them? Given the exchanges here today, there will be eight extra places for Ulster Unionist Party Members, places which they probably will not be able to fill.

Mr Cobain: On a point of order, Mr Initial Presiding Officer. Does the Member agree with the Ulster Unionist Party on that point?

Ms McWilliams: When one is attempting to win a vote, one should not offend those who are in the position of being able to change their minds when that vote is being taken. I have a great deal of sympathy with the Back-Benchers, and there was a great deal of concern about how we could take that into account in terms of the committee.

I respond to Mr Haughey by saying that it is not healthy to suggest, as he did, that there would be several Back-Benchers on these committees, and, therefore, that there would be several voices. How can we go out and tell the electorate that that is the case? How can we have healthy debate on that committee or, indeed, good healthy scrutiny if only the four parties in Government are represented on it? A great deal of thinking needs to go on here before Members will be inclined to vote for these amendments.

Mr Durkan: I would like to deal with several of the points raised and, first of all, with the allegation made by Ms McWilliams that there is a stitch-up going on and

with the similar allegation made by Mr Ervine. Mr Ervine himself made the point that the Committee on Standing Orders never agreed that committees would be constituted on the basis of two members for parties with more than 16 Members and one member for each party with fewer than 16 Members. Mr Ervine said that he was suspicious about that.

Mr Ervine: I accepted that, and I did not blame those who had put that formula in place, because it is, at least, some kind of formula. My argument today is that the larger parties are about to deny us the proportionality inherent in that formula, without suggesting a new formula to replace it.

Mr Durkan: I was coming to that. I heard that point the first time.

Mr Ervine has agreed that this did not come from the Committee on Standing Orders and has expressed some suspicion about it. His suspicion was directed at the larger parties. The larger parties are now prepared to delete that provision, as it is not in keeping with the principle of proportionality. The larger parties have made it clear that they are standing by the view that they put to the Committee on Standing Orders that these committees should include representatives from all parties in the Assembly. We put that proposal forward. It is recorded in the minutes of the final meeting of the Committee on Standing Orders and included in part (I) of the report. We stand by that.

With regard to the point made by the Initial Presiding Officer that we cannot refer matters back to the Committee on Standing Orders, this is correct, as things stand. However, these Standing Orders allow us to appoint a Committee on Procedures, and that committee will have responsibility for looking at Standing Orders, as the need arises. However, according to the additional Initial Standing Orders drawn up by the Secretary of State, the Committee on Standing Orders still has a further function to discharge, and that relates to the appointment of Statutory Committees. Therefore the fear expressed by Ms McWilliams that her party will be obliged to settle for representation on, for example, the Business Committee, rather than a scrutiny committee, is unfounded.

The appointments that will be made will only be to the shadow Statutory Committees, not to the committees that we are dealing with now. Indeed, we might well ask whether we need further additional Initial Standing Orders from the Secretary of State to allow us to appoint the committees which we are currently discussing. At present, there is nothing in Standing Orders to allow us to do this. All we have is the authority to appoint the shadow Statutory Committees, not these other committees.

The additional Initial Standing Orders state that proposals for appointments to the Statutory Committees

must come from the Committee on Standing Orders, and that includes specification of matters such as the number of members on a committee. Obviously, we have already made a decision on the number of members on a Statutory Committee, but the scenario set out by Ms McWilliams does not apply to the appointment of members of these committees. There is a clear distinction between the Statutory Committees and the other committees. So, the suspicion being expressed by Ms McWilliams is completely misplaced. It has no basis in fact. We should deal with facts in this situation, rather than with fears, smears and sneers.

In relation to the Public Accounts Committee, for instance, I agree wholeheartedly with the points made by Mr Peter Robinson. We want to make sure that all parties, including the parties not represented on the Executive, have a strong presence on that committee. However, because the system within which we operate is based on inclusive Opposition, as well as inclusive Government, the scrutiny bodies should include representatives from the larger parties. The fact that a party has qualified to participate in the Executive should not prevent its Members from taking part in all the other functions of the Assembly and its committees. We were anxious to ensure that the committees, including the Public Accounts Committee, were of a reasonable size and included representatives of all parties.

Going along with this deletion would not preclude every party from being represented on these committees. However, it will prevent a very disproportionate character being built in, where parties with two or — if Members move on the other Standing Order identified by Mr Robinson — even one will be on all the committees, while the larger parties will have only two members on them. The disproportionateness of that is fairly stark, and that needs to be addressed.

4.45 pm

I take Mr Ervine's excellent point about the important work of all-party committees and how well they work. He gave the Port of Belfast Committee as an example. That is a very good committee, but its make-up is different from what he is trying to defend here. He is seeking a more disproportionate make-up than exists on the excellent committee he has referred to. Members should follow the logic of what Mr Ervine has said and apply the same yardstick to these committees.

Mr Ervine: Mr Ervine is not trying to defend the formula that exists. Mr Ervine is trying to defend a greater degree of inclusion than the amendment would allow if it stood on its own. When I and the other members left the Standing Orders Committee, there was no formula. But the one now in front of me is one hell — excuse me, Mr Presiding Officer — a quare bit better than the one put forward by the First Minister (Designate).

Mr Durkan: That is the point that Mr Ervine made last time. This is becoming like an advertising break — the same advertisements each time.

If Members follow the amendments to delete these provisions, they will not be foregoing in any way the commitment to ensure that all parties are represented on these committees.

On Standing Order 53 we had particular concerns about the make-up of the numbers. I believe that there are more fundamental questions about Standing Order 53 than whether the numbers are right. It purports to carry out paragraphs 11 to 13 of Strand One of the agreement, which in many ways was a special procedure to provide what might be termed “an equality reading” or “an equality hearing” and for the possible appointment of a committee, almost on an ad hoc basis.

We were influential in having that aspect included in the agreement, and it was not intended as the basis for a permanent Standing Committee of this nature. Depending on the issue which might be referred to that procedure — and it might be a gender-equality issue, a race-equality issue or a communal-equality issue — and the policy area involved, such as health, employment or social services, parties might want to appoint different people to be on that committee to test and probe the issue concerned.

Given the sensitivity of the procedure and that it is there as one of the safeguards highlighted in the agreement, we find the make-up disproportionate. On the current basis there would be four Nationalists out of a committee of 14. That committee could be bigger to include more party members, particularly for the conduct of hearings, which the procedure allows for. So there are more fundamental, and entirely legitimate, matters of concern in relation to some of these issues. It is not a matter of trying to exclude anybody. These amendments do not purport to exclude anybody; they are aimed at ensuring that more people can be included, including people from the larger parties.

One final amendment that I want to address is amendment 78 — again in relation to the Public Accounts Committee. As Denis Haughey said, we believe that no one who belongs to any party that is represented on the Executive should chair the Public Accounts Committee. We suggested that several times during the talks.

We are not sure about the restrictions in terms of junior Ministers. We have no problem with the party of the junior Minister at the Department of Finance and Personnel's being precluded; we do have a problem with a blanket exclusion of all junior Ministers.

First, we should not presume that the committee Chairs are going to be appointed after junior Ministers. It may well be that Chairs will be appointed before any

junior Ministers are. Secondly, junior Ministers could be appointed on a different basis from that which many people seem to be expecting, or are hinting at. I do not want there to be any suggestion that it might occur to the First and Deputy First Ministers to try to muzzle the Chairman of a Public Accounts Committee by dangling the offer of a junior Ministry at one of his Colleagues.

The Initial Presiding Officer: I fear that I may have to be the muzzle on this particular occasion.

I sense that most of the arguments are now beginning to come round for a reprise. I will take the last two Members currently on the list, and then we will move to a vote on this section.

Mr McCartney: I want to make a number of general observations about what has been going on against the whole background of various committees. Assemblyman Durkan referred to Prof McWilliams in terms of “sneer and smear”. Other Members have talked of suspicions about what the major parties would do. I think we should examine the basis for this air of uncertainty and suspicion about what is going on.

In order to do that, we must fundamentally appreciate that this is not a parliamentary democracy with one party, or a coalition of parties, in Government and other parties, with substantial numbers of representatives out of Government who will act as the Opposition, who will probe, enquire into, publicly examine and attack what the Government are doing.

What we have here is a sort of political Caliban — a creature created for specific purposes. It is called consensual government. It means that all of the major parties have representatives in the Executive, which is the Government. Therefore, where do we look for either the machinery or the people who, as Prof McWilliams quite rightly pointed out, will constitute the Opposition? Who will enquire into whether the Government are governing with integrity and probity and if their policies are valid or simply expedient?

This is where the problem arises. Under this scheme that function is to be carried out by a series of scrutiny committees. However, the scrutiny committees, by virtue of the numbers of the majority parties, will contain, in most cases, an overwhelming majority of those actually in Government. They will contain a relative minority of those parties who, not being in Government, not being in the Executive and, by their numbers, having circumscribed representation on these scrutiny committees, will not really be, if I understand Prof McWilliams’s remarks correctly, in a position to do the work of an effective Opposition, which is to ensure that the Government, whether they be a consensual Executive or an elected majority, are doing what they ought to do.

There is therefore a suspicion — and it has been there from the very beginning, through all the discussions at the early meetings of the Standing Orders Committee — that this place could ultimately resolve itself into an Executive that, broadly speaking, could do whatever it wanted, and that the role of this Assembly, in its plenary session, whether through question, answer, speeches or any other form of examination, was to question the Executive about its performance and what it was doing.

I think that much of the anxiety and questioning stems from that fundamental dilemma.

Assemblyman Denis Haughey, who chaired in a fair and exemplary fashion the Standing Orders Committee, said that this is a unique place. It is so unique, he suggested, that the Opposition will consist of Back-Benchers of all the parties that are not in the Government. Here again is a curious residual appendix of parliamentary government. The Assembly has parties and Whips.

Peter Robinson’s fair suggestion and amendment this morning was that the Office of the First Minister and the Deputy First Minister should be the subject of a scrutiny committee. There was a worthwhile debate in which the arguments were cogently and explicitly deployed. I have no doubt that anyone listening to that debate would, if he had been allowed a free vote, come down heavily in favour of the proposition. There was no answer as to why there should be 10 Statutory Committees to scrutinise the 10 Ministries, but no special scrutiny committee to scrutinise the Office of the First and Deputy First Ministers, who will exercise substantial Executive powers on a wide range of important issues. Assemblyman Sammy Wilson listed those. That was the crux of the matter.

What happened in this marvellous place, in which independent, free-thinking Back-Benchers would exercise the powerful independence of mind and intellect that they would bring like lasers to bear on the problems that confronted them? What we saw today was one of the worst features of the party system. Member after Member said no or yes, and I venture to suggest that many of them had no good idea of exactly why they were saying no or yes to a particular amendment — except that some sort of tribal drum played by the Whips had sent the message “This is a no” or “This is a yes.” *[Interruption]* I do not need a drum.

When addressing Members in, I hope, direct, frank and open terms, I appealed to their independence of mind. I suggested that they should direct their thoughts and their minds to the value of the arguments and to the persuasiveness of points of view. I asked them to allow that arguments from places for which they had no natural empathy, might, by their good sense and logic and by their comparison of one committee with another

in terms of the functions that they were to serve be persuasive enough to accept.

Mr Durkan: I hear what the Member says. Does he accept that those of us who voted the way we did today support section 7 of the report of the Standing Orders Committee? Under the heading “Scrutiny of Central Functions” on page 8, the report states

“Concern was expressed ... that important discrete executive functions of the office of the First Minister and Deputy First Minister would not, under current legislation, be subject to scrutiny of a Statutory Committee. The Committee recommends that this matter be addressed as soon as possible by the Assembly.”

We stand by that.

Mr McCartney: I am suggesting that there was absolutely nothing of any consequence in the amendment that was different from the agreement’s provisions for the structure of the 10 Statutory Committees. It was essentially the same. Why should any shield, discrete or otherwise, be afforded to the First and Deputy First Ministers that is not afforded to Ministers who will be responsible to the other scrutiny committees? What secret or discrete behaviour of theirs should be any more deserving of protection than the functions of any other Minister?

5.00 pm

No real argument of substance was advanced to deal with it, and let me touch on the question of the Public Accounts Committee.

The whole basis of any accounts committee, the whole basis of a club, a council or any other institution where you have auditors, is that the auditors who are checking the books are totally and completely independent from those who are responsible either for the decisions or for the arithmetic that produced those books. That is why the Chairman and Deputy Chairman should be completely independent from those who have an input either by policy or actuarial function into creating those figures. But we are now told “Oh, no it would be all right to have somebody who was a junior Minister chairing this committee.” That is scandalously wrong.

Mr Haughey: Will the hon Member give way.

Mr McCartney: I am not giving way. In fact, my time is up.

The Initial Presiding Officer: I am afraid that that is indeed the case.

Mr S Wilson: I wish to support the arguments that have been put forward this afternoon for the inclusion of the smaller parties in the very important and non-Statutory Committees.

The debate we have had here on a number of issues today will rightly cause alarm to those who see themselves as forming the Opposition in the Assembly. This morning’s

debate on the scrutiny of the First Minister and the Deputy First Ministers’ Department showed no great desire for those important functions to be scrutinised.

The debate we have had this afternoon, especially where it has touched on the Public Accounts Committee and the Equality Committee, has indicated once again that there is an unwillingness to have the full inclusion of smaller parties, who would regard themselves as the Opposition here. Indeed, the vote we had this morning on the ministerial appointments also showed an unwillingness, especially on the parts of the large pro-agreement parties, to countenance making it easy for anyone who is likely to present opposition to those who signed up to the agreement and who will be exercising its working out.

For those reasons, the debate that we are having now is very important. The reasons given by members of the smaller parties for their inclusion need to be borne in mind and heeded by all in the Assembly.

I listened to what was said by the First Minister (Designate) about the need for proportionality — he is not here, so I will not put his blood pressure through the roof unless he is watching this on television, and I do not wish to incite him to break Standing Order 57. I listened to what he said about proportionality.

Nigel Dodds has pointed out that he did not appear to be too concerned about proportionality in the highest committee when he was signing up to the agreement, the highest committee being the Executive Committee of the House. Indeed, when he had a second bite at the cherry, he went for a number of Ministers that would ensure that the Unionist majority in the House was not reflected on the Executive Committee. I am not sure about his commitment to proportionality, and the suggestion which was made by Mr Haughey that we could perhaps raise the number — and it was only a suggestion, it is not a commitment — in these committees to enable us to have sufficient people that would allow proportionality and enable the smaller parties to be represented runs totally against all of the arguments that were put forward by his own members in the Standing Orders Committee.

I have some sympathy with the argument, and the smaller parties saw the sense of it too. It was argued that if committees were enlarged, it would impose an undue burden on the larger parties because they would have so many positions to fill that they could not fill them without overworking their Members. In fairness to the smaller parties, that is one of their reasons for accepting, albeit grudgingly, that the Statutory Committees should have only 11 members.

Mr Haughey: The argument is being misrepresented by Mr Wilson, although not deliberately I am sure. The original proposition was that all committees should have

11 members. Representatives of the smaller parties sought a compromise, to which Mr Ervine referred earlier, and suggested that, because of their nature, some Standing Committees required representation from all parties. My recollection is that we agreed that the composition of some Standing Committees should be in accordance with the formula for the present Standing Orders Committee. That means that it would reflect proportionality and involve all parties. Does the Member accept that?

Mr S Wilson: I accept the first proposition, that the Statutory Committees should have 11 members. I also accept that non-Statutory Committees should be constituted to ensure that the smaller parties have representation. It was said that if committees were as large as the present Standing Orders Committee, the Ulster Unionist Party would be required to put four of its members on each one. Therein lies the difficulty. The Standing Orders require the Ulster Unionist Party to provide only two Members for each committee.

Having argued that he could not provide all the necessary people, the First Minister (Designate) now says "Let us increase them." That is somewhat odd, and it would mean eight additional places on the four committees for Ulster Unionist Members. If we vote against the Standing Orders, the smaller parties will not be sure of representation. It is a case of a bird in the hand being worth two in the bush. The smaller parties, and those who wish to protect their position, would be better to vote for the Standing Orders to remain in their present form. We must ensure that those parties that will be outside the Executive and which will form the Opposition are not excluded from these important committees.

I thought that the present formulation was accepted by everyone on the Standing Orders Committee. The smaller parties compromised on the Statutory Committees, and the larger parties compromised on the others. It would be a display of bad faith for Members to vote against that compromise between the two sides.

The Initial Presiding Officer: We now come to the approval of the Standing Orders and the vote on the amendments in this second, larger section on committees.

We start with amendment No 62 and proceed on through, in order, to amendment No 76. I remind Members of the situation in respect of amendments No 3A to E and 4, 7, 8, 9 and 10 when we come to consider them.

Standing Order 45 (Membership of Statutory Committees)

Amendment (No 62) made: In paragraph (5) leave out "Allocation" and insert "allocation". — [Mr P Robinson]

Standing Order 45, as amended, agreed to.

Standing Order 46 (Overlap of Statutory Committee Business)

Amendment (No 53) made: In paragraph (2), at end, add

"and may invite the other Committee to carry out the consideration of any stated issue and provide it with a draft report". — [Mr P Robinson]

Standing Order 46, as amended, agreed to.

Standing Order 47 (Non-Statutory Committees) agreed to.

Standing Order 48 (Service on Committees) agreed to.

Standing Order 49 (Committee Members Voting in the Chamber)

Amendment (No 52) made: After the first "shall" leave out

", other than by leave of the Committee that he shall not do so," — [Mr P Robinson]

Standing Order 49, as amended, agreed to.

Standing Order 50 (Sub-Committees)

Amendment (No 51) made: At end add

"Such Committees shall, in as far as is practicable, reflect the party strengths in the Assembly". — [Mr P Robinson]

Standing Order 50, as amended, agreed to.

Standing Orders 51 (Committee on Procedures); 52 (Business Committee); 53 (Conformity with Equality Requirements — Special Committee on); 54 (Public Accounts Committee); and 55 (Committee on Standards and Privileges)

The Initial Presiding Officer: We now come to amendment 3A, with which we will consider amendments 3B, 3C, 3D and 3E. I remind Members that if amendments 3A to 3E are approved we will not move to consideration of amendments 4, 7, 8, 9 and 10, which are all subsumed in the former.

Amendments (Nos 3A to 3E) proposed: Leave out paragraph (3) of Standing Order 51; paragraph (5) of Standing Order 52; paragraph (6) of Standing Order 53; paragraph (4) of Standing Order 54; and paragraph (3) of Standing Order 55. — [Mr Trimble]

Question put That the amendments be made.

The Assembly divided: Ayes 56; Noes 35.

AYES

Nationalist

Alex Attwood, PJ Bradley, Joe Byrne, John Dallat, Ms Bairbre de Brún, Arthur Doherty, Pat Doherty, Mark Durkan, Sean Farren, John Fee, Tommy Gallagher, Ms Michelle Gildernew, Ms Carmel Hanna, Denis Haughey, John Kelly, Mrs Patricia Lewsley, Alban Maginness, Alex Maskey, Donovan McClelland, Barry

McElduff, Eddie McGrady, Gerry McHugh, Eugene McMenamin, Pat McNamee, Francie Molloy, Conor Murphy, Mrs Mary Nelis, Danny O'Connor, Ms Dara O'Hagan, Eamonn O'Neill, Mrs Sue Ramsey, Ms Brid Rodgers, John Tierney.

Unionist

Dr Ian Adamson, Billy Armstrong, Roy Beggs, Billy Bell, Esmond Birnie, Mrs Joan Carson, Fred Cobain, Rev Robert Coulter, Duncan Shipley Dalton, Ivan Davis, Sir Reg Empey, Sam Foster, Sir John Gorman, Derek Hussey, Danny Kennedy, James Leslie, David McClarty, Alan McFarland, Michael McGimpsey, Dermot Nesbitt, Ken Robinson, George Savage, Rt Hon David Trimble.

NOES

Nationalist

Nil.

Unionist

Fraser Agnew, Paul Berry, Norman Boyd, Gregory Campbell, Mervyn Carrick, Wilson Clyde, Nigel Dodds, David Ervine, Oliver Gibson, William Hay, David Hilditch, Billy Hutchinson, Roger Hutchinson, Gardiner Kane, Robert McCartney, Rev William McCrea, Maurice Morrow, Ian Paisley Jnr, Edwin Poots, Mrs Iris Robinson, Mark Robinson, Peter Robinson, Patrick Roche, Jim Shannon, Denis Watson, Jim Wells, Cedric Wilson, Sammy Wilson.

Other

Mrs Eileen Bell, Seamus Close, David Ford, Kieran McCarthy, Ms Monica McWilliams, Ms Jane Morrice, Sean Neeson.

The Initial Presiding Officer: There voted 91 Members, including 33 Nationalists and 51 Unionists. Of Nationalist votes, 100% were in favour. Of the Unionist votes, 45.9% were in favour. Of the total votes, 61.5% were in favour. The amendments are therefore carried.

Amendments accordingly agreed to.

The First Minister (Designate): Mr Initial Presiding Officer, it is merely an oversight on your part that you gave the percentage of Unionist votes but did not give the figures.

The Initial Presiding Officer: It is the percentages that matter for the vote, but for those who wish to know the numbers the Ayes were 33 Nationalists and 23 Unionists, and the Noes were 28 Unionists and 7 Others.

Amendments Nos 4, 7, 8, 9 and 10 not moved.

Standing Order 51, as amended (amendment No 3A), agreed to.

Standing Order 52 (Business Committee)

The Initial Presiding Officer: Amendment No 86: moved or not moved.

Mr McGrady: Moved.

Amendment (No.86) made: In paragraph (1) leave out “arrange” and after “shall” insert “make arrangements for”. — [Mr McGrady]

5.30 pm

[Interruption]

The Initial Presiding Officer: I pointed out quite some time ago that mobile phones should not be used in the Chamber — either for calls in or for calls out.

Amendment (No 5) proposed: Leave out all of paragraph (2). — [Mr Davis]

Mr P Robinson: Mr Initial Presiding Officer, apart from the fact that Nationalists seem to ignore your calls and just go on with their business as if we were in the middle of a bookie's shop, I wonder — [Interruption]

Mr O'Connor rose.

The Initial Presiding Officer: A Member cannot make a point of order while another Member is already making one.

Mr P Robinson: We are having difficulty with this amendment because those who put it down have not explained it. Is it possible for us to know if, by the amendment, they intend to exclude the Speaker from the Business Committee, or if the Speaker is to be a member of the Business Committee, but not in its Chair? It would be difficult to support an amendment which would mean that the Speaker would not know what the business was going to be. However, if the Speaker were a member of the committee, but not in the Chair, that would be reasonable.

The Initial Presiding Officer: I take the question that you have raised, but I cannot permit any further debate at this point. It is possible for Members to put down amendments and to move amendments but not to give any guidance on them. Whether that is a good idea is another matter. This is what has been done on this occasion, and I am in no position to do anything about it, other than proceed with the Division.

Mr O'Connor: Mr P Robinson made reference to Members on this side of the House standing. Had he bothered to look round, he would have seen Mr S Wilson and Mr Shannon engaged in conversation behind him.

The Initial Presiding Officer: A considerable number of Members were out of order, and some continue to be so, including the Chairman of the Standing Orders Committee.

Question put That the amendment be made.

The Assembly divided: Ayes 24; Noes 67.

AYES

Unionist

Dr Ian Adamson, Billy Armstrong, Roy Beggs, Billy Bell, Esmond Birnie, Mrs Joan Carson, Fred Cobain, Rev Robert Coulter, Duncan Shipley Dalton, Ivan Davis, Sir Reg Empey, Sam Foster, Sir John Gorman, Derek Hussey, Danny Kennedy, James Leslie, David McClarty, Alan McFarland, Michael McGimpsey, Dermot Nesbitt, Ken Robinson, George Savage, Rt Hon John Taylor, Rt Hon David Trimble.

NOES

Nationalist

Alex Attwood, P J Bradley, Joe Byrne, John Dallat, Ms Bairbre de Brún, Arthur Doherty, Pat Doherty, Mark Durkan, Sean Farren, John Fee, Tommy Gallagher, Ms Michelle Gildernew, Ms Carmel Hanna, Denis Haughey, Joe Hendron, Mrs Patricia Lewsley, Alban Maginness, Alex Maskey, Donovan McClelland, Dr Alasdair McDonnell, Barry McElduff, Eddie McGrady, Gerry McHugh, Eugene McMenamin, Pat McNamee, Francie Molloy, Conor Murphy, Mrs Mary Nelis, Danny O'Connor, Ms Dara O'Hagan, Eamonn O'Neill, Mrs Sue Ramsey, Ms Brid Rodgers, John Tierney.

Unionist

Fraser Agnew, Paul Berry, Norman Boyd, Gregory Campbell, Mervyn Carrick, Wilson Clyde, Nigel Dodds, David Ervine, Oliver Gibson, William Hay, David Hilditch, Billy Hutchinson, Roger Hutchinson, Gardiner Kane, Rev William McCrea, Maurice Morrow, Ian Paisley Jnr, Edwin Poots, Mark Robinson, Peter Robinson, Patrick Roche, Jim Shannon, Denis Watson, Jim Wells, Cedric Wilson, Sammy Wilson.

Other

Mrs Eileen Bell, Seamus Close, David Ford, Kieran McCarthy, Ms Monica McWilliams, Ms Jane Morrice, Sean Neeson.

5.45 pm

The Initial Presiding Officer: There voted 91 Members: 34 Nationalists, all against; and 50 Unionists, 24 of whom voted for and 26 against. The Ayes were 26.4%. I declare the amendment lost.

Question accordingly negatived.

Standing Order 52, as amended (amendments Nos 3B and 86), agreed to.

Standing Order 53 (Conformity with Equality Requirements — Special Committee On)

Amendment (No 82) proposed: Leave out

“CONFORMITY WITH EQUALITY REQUIREMENTS — SPECIAL COMMITTEE ON” and insert “SPECIAL COMMITTEE ON CONFORMITY AND EQUALITY REQUIREMENTS”.
— [Mr P Robinson]

Question put That the amendment be made.

The Assembly divided: Ayes 66; Noes 21

AYES

Nationalist

Ms Bairbre de Brún, Ms Michelle Gildernew, Alex Maskey, Barry McElduff, Gerry McHugh, Pat McNamee, Francie Molloy, Conor Murphy, Ms Dara O'Hagan, Mrs Sue Ramsey.

Unionist

Dr Ian Adamson, Fraser Agnew, Billy Armstrong, Roy Beggs, Billy Bell, Paul Berry, Esmond Birnie, Norman Boyd, Gregory Campbell, Mervyn Carrick, Mrs Joan Carson, Wilson Clyde, Fred Cobain, Rev Robert Coulter, Duncan Shipley Dalton, Ivan Davis, Nigel Dodds, Sir Reg Empey, David Ervine, Sam Foster, Oliver Gibson, Sir John Gorman, William Hay, David Hilditch, Derek Hussey, Billy Hutchinson, Roger Hutchinson, Gardiner Kane, Danny Kennedy, James Leslie, David McClarty, Rev William McCrea, Alan McFarland, Michael McGimpsey, Maurice Morrow, Ian Paisley Jnr, Edwin Poots, Mrs Iris Robinson, Ken Robinson, Mark Robinson, Peter Robinson, Patrick Roche, George Savage, Jim Shannon, Rt Hon John Taylor, Rt Hon David Trimble, Denis Watson, Jim Wells, Cedric Wilson, Sammy Wilson.

Other

Mrs Eileen Bell, Seamus Close, David Ford, Kieran McCarthy, Ms Jane Morrice, Sean Neeson.

NOES

Nationalist

Alex Attwood, P J Bradley, Joe Byrne, John Dallat, Arthur Doherty, Mark Durkan, John Fee, Tommy Gallagher, Ms Carmel Hanna, Denis Haughey, Joe Hendron, Mrs Patricia Lewsley, Alban Maginness, Donovan McClelland, Alasdair McDonnell, Eddie McGrady, Eugene McMenamin, Danny O'Connor, Eamonn O'Neill, Ms Brid Rodgers, John Tierney.

Unionist

None.

Other

None.

The Initial Presiding Officer: There voted 87 Members. Of Nationalists, there voted 10 for and 21 against, which is 32.2% for. Of Unionists, there voted 50 for and none against, which is 100% for. The total vote for is 75.9%. However, not having achieved 40% of the Nationalist vote, I declare the amendment lost.

Question accordingly negated.

The Initial Presiding Officer: Amendment No 81: moved or not moved?

Mr P Robinson: Moved.

Amendment (No 81) made: In paragraph (1), after “including”, insert “rights under”. — [Mr P Robinson]

6.00 pm

Amendment (No 80) made: In paragraph (3) leave out “any report” and insert “all reports”. — [Mr P Robinson]

The Initial Presiding Officer: Amendment No 79: moved or not moved?

Mr P Robinson: Moved.

Amendment (No 79) made: Leave out paragraph (5). — [Mr P Robinson]

The Initial Presiding Officer: Members must forgive me if I feel a sense of urgency to push the business on at this point. It is partly a matter of hunger and partly one of obviating bedsores. [Laughter]

Standing Order 53, as amended (amendments Nos 3C, 81, 80 and 79), agreed to.

Standing Order 54 (Public Accounts Committee)

The Initial Presiding Officer: Amendment No 78: moved or not moved?

Mr P Robinson: To be moved in the terms that I read out, and not as it stands on the Marshalled List.

Mr Haughey: Mr Robinson indicated when moving the amendment that he might be prepared to consider an alternative wording to make it consistent with that of other Standing Orders. Has he given any further thought to that?

Mr P Robinson: I will be happy to do that in the Standing Orders Committee and report back on the issue.

The Initial Presiding Officer: I gave a ruling that this paragraph would not fall under the amendment to the report of yesterday because this was not a matter of tidying up the wording or making it consistent with others. This would make a substantive difference to the meaning and could not therefore fall under the amendment of yesterday. Though the Member undertook to look at the amendment, I cannot actually take manuscript amendments of that order.

The First Minister (Designate): It was never actually clear to me during the brief debate on this amendment what the effect of the amendment would be. What has been read out now makes it clear but creates another problem. If the amendment were carried so that neither the Chairperson nor the Deputy Chairperson of a committee could be of the same political party as any Minister or junior Minister, in view of what we hope will be the inclusive nature of the Administration, it would be impossible to implement this rule: Standing Order 47(3) has been approved, and it says that Chairs and Deputy Chairs should be appointed through the d'Hondt formula, and it will not be possible to carry that out if this amendment is agreed.

The Initial Presiding Officer: I have to say that I understand. This is not a point of order. This is a question of whether or not the Standing Orders make sense, but that is not a point of order, strange as it may seem. That is an argument for voting one way or t'other, and Members must decide on which way they vote. I cannot take that as a point of order. I trust that Members are clear from what was said by the Member who proposed the amendment, from the correction he made during his speech and from my own repeated attempts to make the wording clear.

Amendment (No 78) proposed: In paragraph (3) leave out all the words after “party as” and add “any Minister or junior Minister”. — [Mr P Robinson]

Question That the Amendment be made put and negated.

Standing Order 54, as amended (amendment No 3D), agreed to.

Standing Order 55 (Committee on Standards and Privileges)

The Initial Presiding Officer: Amendment 77: moved or not moved?

Mr P Robinson: Moved.

Amendment (No 77) made: In paragraph (1)(a) leave out “privileges” and insert “privilege”. — [Mr P Robinson]

Standing Order 55, as amended (amendments Nos 3E and 77), agreed to.

Standing Order 56 (Audit Committee)

The Initial Presiding Officer: Amendment No 76: moved or not moved?

Mr P Robinson: Moved.

Amendment (No 76) made: Leave out

“A Committee shall be established” and insert “The Assembly, by resolution, shall establish a Committee”. — [Mr P Robinson]

Standing Order 56, as amended, agreed to.

The Initial Presiding Officer: We have now come to the end of that group. We have three further groups to consider tonight involving 14 amendments and 14 Standing Orders. We also have an Adjournment debate. It is unlikely that we can deal with that without some sustenance, and I therefore ask the leave of the House for a suspension of one hour.

Ms Morrice: On a point of order, Mr Initial Presiding Officer. It would be appropriate to congratulate Alasdair McDonnell on the birth of his daughter.

The Initial Presiding Officer: Whether that is a matter of order or of disorder in the McDonnell household is not clear.

The sitting was, by leave, suspended from 6.06 pm until 7.01 pm.

Good Order

The Initial Presiding Officer: We move to amendment No 75 in the name of Mr Peter Robinson. We will also consider the other amendments in the group.

Mr P Robinson: Amendment No 75 is simply a tidying-up amendment that makes Standing Order 57(1) a bit easier to read and understand.

Amendment No 74 is consequential upon amendment No 75.

Amendment No 73 is my doing the Women's Coalition work, under commission, I hope, of putting in "/she" — as opposed to "banshee" — in the third line.

Amendment 72 — I found this a rather strange one. I worked it out that if Members are not allowed in the public areas, the Assembly Chamber, the lobbies, the dining areas, the Committee Rooms, the party rooms and the Great Hall, then they are not allowed into the Building at all, and it might be better to say exactly that.

One would need to take a circuitous route up the fire escape and through the window in order to reach one's own office and to avoid those areas. In the House of Commons — and I have some experience of this — when a Member is suspended he is put out through the front gate, and he does not get back in until the period of suspension is over. If I am to be suspended from this House, I want it to be done properly and to be required to leave the Building.

Amendment No 71 will allow Standing Order 58(4) to say what I believe it was intended to say: that visitors will not be permitted to take into the Public Gallery of the Assembly any mobile telephone, tape recorder, briefcase or large bag. I assume that visitors will be permitted to bring these items into other parts of the Building on occasions.

This concludes the amendments in my name in this section.

The Initial Presiding Officer: I have had no indication of any Members wishing to speak on this group of amendments, and therefore we shall proceed to the approval of the relevant Standing Orders and amendments.

Standing Order 57 (Order in the Assembly)

The Initial Presiding Officer: The first amendment is No 75 standing in the name of Mr Peter Robinson. Is amendment No 75 moved or not moved?

Mr P Robinson: Moved.

Amendment (No 75) made: In paragraph (1) leave out "If" and insert "The Speaker may, if". — [Mr P Robinson]

Amendment (No 74) made: In paragraph (1) leave out "the Speaker may". — [Mr P Robinson]

Amendment (No 73) made: In paragraph (1), line 13, after "he" add "/she". — [Mr P Robinson]

Amendment (No 72) made: In paragraph (3), line 3, leave out all after "shall" and add

"include any part of Parliament Buildings." — [Mr P Robinson]

Standing Order 57, as amended, agreed to.

Standing Order 58 (Visitors to the Assembly)

Amendment (No 71) made: In paragraph (4) after "the", insert "Public Gallery of the". — [Mr P Robinson]

Standing Order 58, as amended, agreed to.

Standing Order 59 (Visitors to Committee) agreed to.

Standing Order 60 (Keeper of the House) agreed to.

Standards and Privilege

The Initial Presiding Officer: We move to the section on Standards and Privileges. The first of these amendments is No 70, which stands in the name of Mr P Robinson.

Mr P Robinson: The amendment to Standing Order 61, amendment No 70, deals with pecuniary interest or benefit of whatever nature. In the way it is framed it relates directly to a Member's personal pecuniary interest or benefit. The amendment seeks to widen that to the direct family circle of the Member. This is in line with the provision for district councillors in the Local Government Act 1972.

The standard required of Assembly Members should not be lower than that required of district council members. I hope this is satisfactory. In terms of the relationship, I understand it to be mother/father, daughter/son, brother/sister and husband/wife. There may be some other relationship that I am not aware of — perhaps, I am better not knowing what that might be.

The amendment to Standing Order 62 addresses the issue of how a breach of privilege may be dealt with. There are particular difficulties in the type of structures that exist in the Assembly. If this Standing Order were to remain in its present form, there could be vetoes exercised against a Committee on Standards and Privileges looking at an issue relating to a Member. A petition of concern, which requires a cross-community vote, could be applied to Standing Order 62, giving rise to vetoes.

If an issue is deemed by the Speaker to amount to a *prima facie* case of breach of privilege, it should automatically go to the Committee on Standards and Privileges. The Speaker may make a judgement that the *prima facie* case is there. If it is, it is considered, a report comes back and the Assembly can decide if it will accept the recommendations of the Committee on Standards and Privileges.

The only other issue is the three days' notice. I think that it is inevitable —

Mr Haughey: May I ask the Member to clarify the meaning of the word “immediate” in amendment No 70. Can he clarify what is meant by “immediate relative”? Does this term have a legal meaning? I have taken legal advice on this, and I am told that the term “immediate relative” does not have a clear legal meaning. I am entirely in sympathy with the amendment that the Member is proposing. However, it is necessary that we clarify this from a legal point of view.

Mr P Robinson: In my amendment No 70, I defined an “immediate relative” as a father, mother, brother, sister, son, daughter, husband or wife. I have no other suggestions. I believe that that is what the term is understood to mean in local government. If anybody wants to confess to any other immediate relative —

Mr Haughey: While I accept that the term “immediate relative” is commonly understood in the way that Mr Robinson describes it, is it legally sufficient to define the issue that is before the House? Another term might be more suitable for that purpose.

Mr P Robinson: There is an opportunity for consistent language to be put in at a later stage by the legal draftsmen. However, we are not debating a legal document in the sense of a Bill. If Members clearly understand what is meant, they will know whether they are breaching the rule. The term is commonly understood, and I think that it is understood by Members. If the Committee wants to add an interpretative section at some later stage, that would not need to be passed by the Assembly now. An interpretation added to the Standing Orders might be useful.

I spoke about the Committee on Standards and Privileges and the three days' notice. It is likely that if some substantial issue is raised, Members will not wait three days before giving voice to it in the Assembly. In a

ragged situation one Member may play ball and take the matter to the Speaker. The Speaker will consider it for three days before the matter is dealt with by the Assembly, and somebody else may raise the issue here. There is a contradiction in the Standing Order. Clearly, 62(1) requires three days' notice, but the final sentence of 62(3) talks about

“a matter of privilege is raised of which the Speaker had not received due notice”.

If there is a requirement for three days' notice, he would have received due notice. I am not sure which element of the Standing Order I should be addressing. That is why I have tabbed two amendments, one of which seeks to change the wording to “sufficient notice”, which would allow the Speaker to make a judgement. If he has not had sufficient time to consider the matter, he can say so when it is raised in the Assembly. At a later date he can rule as to whether there is a *prima facie* case.

This is precisely what happens in the House of Commons, and I have some experience of it. I went to the Speaker one morning; and the matter was raised in the House that afternoon. She asked for time to consider it, and three or four days later she responded. That seems perfectly satisfactory. The Member gets the matter off his chest and places it with the Speaker. That results in all the legal advice that is required.

The key element of this set of amendments is the proposal to move away from having a vote in the Assembly to determine whether the matter goes to the Committee on Standards and Privileges. The worst possible scenario is where it is alleged that a Member has done something he should not have done. When the matter is brought to the Assembly the Speaker determines that there is a *prima facie* case, but it can be voted down in the Assembly by a party of sufficient size applying the petition of concern, thus preventing the matter from going forward. That would be a most unsatisfactory situation. It would be better by far for every *prima facie* case to go to a committee in which each Member can argue his case. That consequentially requires the deletion of sub-paragraph (4) by my amendment No 66.

7.15 pm

The Initial Presiding Officer: I have received no requests to speak in regard to this group of amendments, and therefore I will proceed to decisions on them and on the Standing Orders in the group.

Standing Order 61 (Members' Interests)

Amendment (No 70) made: At the end of paragraph (3) add

“whether such pecuniary interest or benefit is held by the Member or an immediate relative.” — [Mr P Robinson]

Standing Order 61, as amended, agreed to.

Standing Order 62 (Privilege)

Amendment (No 69) made: In paragraph (1) leave out “three days”. — [Mr P Robinson]

Amendment (No 67) made: In paragraph (3) leave out all the words after “Assembly and” to the end of the sentence and add

“refer the matter to the Committee on Standards and Privileges.” — [Mr P Robinson]

Amendment (No 68) made: In paragraph (3) leave out “due” and insert “sufficient”. — [Mr P Robinson]

Amendment (No 66) made: Leave out paragraph (4). — [Mr P Robinson]

Standing Order 62, as amended, agreed to.

Other Orders

The Initial Presiding Officer: We now move on to the last section in the compendium of Standing Orders — 63 to 71 — and amendments Nos 65, 64, 87 and 63.

Amendment No 65 stands in the name of Mr Peter Robinson. Before calling Mr Robinson may I remind Members that he advised us earlier of a typographical error in this amendment. It should read

“Standing Order 66(6), on line 4, after ‘to’ insert ‘the news media for ’”.

Mr P Robinson: Amendment 65 is just a grammatical change; it should not create any controversy. I suspect that in this band of Standing Orders, the controversy might come elsewhere.

In relation to Amendment No 64, I ask Members to think very carefully about putting in Standing Order 69. We have seen the amount of time and effort that Members have put in to providing themselves with Standing Orders over the last couple of days.

Mr Haughey: Before the Member moves on to Amendment 64, may I clarify Amendment 65? If paragraph (6) of Standing Order 66 were to be amended as Mr Robinson suggests, it seems to me that it would not read particularly well. It would read “that are from time to time assigned to the news media for their use for the purposes of committee business”. Is that how the Member wishes it to read?

Mr P Robinson: At the present time I am not sure what the Standing Order is supposed to read. It says — I had better read it from the very beginning to get it in context —

“Chairpersons of Committees and those acting in their stead under these Standing Orders shall, in relation to the news media, exercise the same powers as the Speaker within those places and precincts of the Assembly that are from time to time assigned for their use for the purposes of Committee business.”

In terms of the Amendment, it therefore reads “assigned to the news media for their use”. This is a section dealing with the news media — Standing Order 66. I assumed that is what the Committee was saying, is it not?

Mr Haughey: It seems that the media do not have any function in terms of committee business. That is a small point but —

Mr P Robinson: I am at a total loss as to why this paragraph is in the section headed ‘News Media’. I am happy to give way if someone can tell me why, if the news media do not have any function, we have a Standing Order giving them a function. There will be Committees that will allow the media to be present. I would have thought that they, therefore, have a purpose, if not a function, in relation to Committees.

Mr Haughey: I hate to appear niggling, but if it were to read “for the purposes of covering Committee business”, that might be better.

Mr P Robinson: If there were a mechanism for allowing that to be the outcome, I would be perfectly content to accept it. However, it could, with a generous interpretation, fall under the original amendment. If that is the general wish of the House I am sure such flexibility might be accorded.

With regard to the suspension of Standing Orders, it seems absurd that we put all the time and effort into preparing and deciding Standing Orders, and then at a whim allow all of the rights and protections that are built into them simply to be swept to the side because a group gets together and decides that it does not like what they say and are going to do whatever Standing Orders would not otherwise allow it to do.

That does not seem to be the proper way to conduct business. It would not be acceptable anywhere else other than a district council — I have often used it. Take it from somebody who has used it on many occasions to great benefit, while in a majority, that if the provision is left in the Standing Orders it can be used in the future. As Mr Weir said earlier, no one knows who might be in the majority in the future. So while it may satisfy some people today, it may not satisfy them four years down the road.

Mr Hussey: With regard to the suggested Standing Order, does Mr Robinson not recognise that there is a requirement for cross-community support?

Mr P Robinson: Yes, I do. I also recognise how cross-community support could be gained by a stitch-up in the Assembly, particularly in circumstances where parties with a common aim are in government and decide that they want to overcome some local difficulty. It is not out of the range of possibilities that a couple of parties could decide that they want to do business in a

different way than they are supposed to be conducting it under the Standing Orders. It would be wrong for us to spend all this time deciding what the appropriate Standing Orders are to be and then to put in a provision that allows them to be thrown out of the window. I hope that the Assembly will think twice before it goes down that road.

In relation to the Assembly Commission, amendment No 63, which is in my name, is simply a correction to get the plurality in line. There is also a comma that needs to be removed, but that will come into the general tidy-up.

Some concern has again been expressed about the size of the Commission. If someone were to ask me if it would function better with a smaller number rather than with a larger number, I would say that it would operate better with a smaller number. And if someone were to ask me if this Assembly would operate better with 78 Members rather than with 108 Members, I would say that the smaller number would be better. But people say that it is important to have the larger number for the sake of making it more inclusive. I thought that the Executive should have had seven members but it had to be ten in order to make it more inclusive — I am not even sure if it does that.

The idea behind increasing the number was to bring more people in to share responsibility, and the Standing Orders Committee has responded by trying to increase that number. I do not know how it decided on the number or the thought processes that were at work. Given the minute of the meeting, it seems to have been a sudden decision on the part of the Committee to make the membership 11.

There is a real difficulty in this respect because even though some of us may think that 11 is not the right number, I do not think that we can change it because there is no amendment down to change it. The only option open to us is not to pass the Standing Order even though the Act requires us to pass it. The Act clearly says, in Section 40, that we have to prescribe the number of members for the Commission in the Standing Orders.

It could be argued that we might prescribe the number at some time in the future. It could also be argued that we could make a change if it were thought that the number was not working very well. But it will constitute a gaping hole in our Standing Orders if we do not do what we are required to do by law, namely, to have a Standing Order that contains the number of members for the Commission.

I hope that all of the amendments that I have proposed will be supported by the Assembly. We have to accept the number on the Commission, at least until such times

as an alternative is offered, because no amendment is down that would let us make a change.

The Initial Presiding Officer: Mr Robinson and to some extent the joint Chairman, Mr Haughey, have suggested that I give a ruling on the question of an amendment to sub-paragraph 6 of Standing Order 66, on whether some slight modification to the wording would accommodate an agreement.

There are two major problems about this. The first problem is procedural. We do not have a mechanism, as I indicated earlier, for taking amendments of any substantial sort that move outside the parameters agreed in the amendment to item 3 yesterday. But there is a more substantial problem and that is that the amendment completely changes the grammatical sense and reference within the sub-paragraph.

The subject of the sentence is “Chairpersons of Committees”, and the verb is “exercising”. When it comes to “their use” the possessive pronoun is used. Does “their use” refer to use by Committees and the Chairpersons of Committees? Or does it refer to use by the news media?

It seems to me that if this sub-clause is left as it is, the possessive pronoun “their” refers to chairpersons of committees and the word “use” — of the rooms or whatever — refers to use for the purposes of committee business by the chairpersons and their committees as distinct from use by the news media. However, if the Assembly were to accept the amendment by Mr Robinson, the use of whatever facilities would be available to the news media for the purposes of Committee business.

It seems not an unreasonable interpretation of the grammar — albeit a rather opaque grammar — to say that the amendment would actually change the sense of the Standing Order. Whether it would change the meaning of it, in terms of how it was acted out, is another matter. But I have to make it clear that it would not be possible for me to accept the change as it has been suggested. First of all, to do so would be procedurally incorrect and, secondly, it would effect a change of meaning in the amendment. To keep the amendment as it is means that it refers to the use of a room by the committee; to accept the amendment means that it refers to the use of a room for the purposes of news-media coverage by the news media, which is something different.

It is not for me to rule on which makes sense or on which is the best decision to take. I am simply trying to clarify it as best I can, and that is my ruling.

7.30 pm

Mr P Robinson: I look for clarification from either the joint Chairmen or the Committee members.

Standing Order 66 (News Media) starts with references to the Speaker and his powers and role. It then deals with committees and states that Chairmen would have the same authority as the Speaker.

The Standing Order specifies the Speaker's role in relation to the news media, and where its representatives would be placed. There is no doubt that the Standing Orders Committee intended that the Chairmen of committees would be able to instruct the media on the facilities that were available for their use in covering the proceedings. That is the end result and if anyone can tell us how to get there I would be quite content.

Mr Haughey: Will the proposer of the amendment consider not moving it? I sense that the House is entirely in sympathy with his proposal, but there is a question in relation to the wording. If the amendment is not moved, the House could later consider a more exact form of words that would make the intention clear.

Mr P Robinson: If I do not move the amendment, are we satisfied with a Standing Order that is different from what is intended?

The Initial Presiding Officer: I can give only the ruling that I have already given as to my understanding of what the grammar, inelegant though it may be, purports to represent. Clarification may be required, but at present that must be done elsewhere rather than in the Chamber. If the amendment is moved, Members will have to decide whether to support it. Of course, the proposer may choose not to move it when the time comes.

Mr Haughey: I have not had a chance to discuss this matter with Mr Cobain, but insofar as I am able to interpret his view, I think that the Committee would look at it entirely in sympathy with the spirit of Mr Robinson's proposal, and would seek a more exact form of words that will accomplish the intended purpose.

The Initial Presiding Officer: As the debate continues it may be possible for Members to clarify this issue in the Chamber or perhaps behind the Speaker's Chair. After that, Mr Robinson can decide whether he wishes to move the amendment.

I call Mr Cedric Wilson on amendment No 87, which stands in his name.

Mr C Wilson: Amendment No 87 relates to Standing Order 70. That Standing Order states

"Members may speak in the language of their choice".

My amendment is that we should leave out Standing Order 70 and insert the following new Standing Order:

"The language of this Assembly shall be English."

I want to make it clear and well understood that the amendment is not an attempt to cause mischief or to prohibit the use of the Irish language in the Chamber. It

is not the use of Irish that concerns me but rather its abuse, and that concerns many Members. I refer to the Irish language because this is what we are considering. *[Interruption]*

The Initial Presiding Officer: Order

Mr C Wilson: We are debating whether it is desirable for large sections of our proceedings to be in Irish. A few Members, including Mr Shannon, the Member for Strangford, have voted using the Ulster-Scots word "Nah". With that exception, I do not think that any Member on this side has used a language other than English.

Mr P Robinson: A dead language was used by Mr Close yesterday.

Mr C Wilson: I bow to Mr Robinson's greater knowledge. For serious debate in this Chamber, it is true to say that the language used and understood by all Members and, indeed, those in the Public Gallery has been, to a large extent, English. My amendment is not meant to try to prohibit the use of any other language in this Chamber. I have no desire to do that, nor do I believe it would be possible under international law to do so. The only language that I want to see prohibited is bad language, and, fortunately, we have had little of that here.

I want to stress why I put forward this amendment. If such an amendment is not made, there will be implications in respect of time and costs that this House may be asked to underwrite in the future.

The Initial Presiding Officer: Order. Whatever language is being spoken, it is only proper that one Member is speaking it at any one time.

Mr C Wilson: The treaty that was signed in Dublin this week by the Secretary of State and the Dublin authorities makes it clear, in the section on language, that the British Government will facilitate and encourage Irish in speech and writing in public and private life where there is appropriate demand.

My contention is that there is not an appropriate demand for the use of an alternative language — particularly the Irish language — in this Chamber. There will be a cost implication if Members endorse Standing Order 70 which states

"Members may speak in the language of their choice."

As sure as day follows night, I am certain that if the proposal that allows Members to speak in any language is adopted, it will be only a short time until the Assembly is faced with having to provide simultaneous translations. It will have to employ additional people, and there has already been a public outcry at the prospect of spending a large sum of money employing four people to translate the comments of those

Nationalists who have been using the Irish language into the transcripts of the proceedings.

There is a possibility that there will be a greater cost. We could be writing a blank cheque by endorsing proposals that allow Members to speak in the language of their choice. In future, there may be a demand on the Assembly — and it may not be possible to resist such a demand — to use languages other than English on all documents and official forms. I am certain that Sinn Féin will stick to their guns — *[Laughter]* and insist on that. The European Courts may even decide that the language they chose to use in the Chamber is legitimate, and, therefore, all the Assembly's business would have to be translated, as is the case in Wales.

I flag this up as a genuine concern. Members should exercise caution on this matter.

Mr Paisley Jnr: Does the Member agree that the Standing Order, as it is currently framed, does not make provision for additional resources for the Irish language? Does the Member see any imbalance in the treaties which were signed in the Irish Republic this week by the Secretary of State for Northern Ireland and Mr Andrews in respect of how the development of the Ulster-Scots language is to be treated?

Mr C Wilson: I thank Mr Paisley Jnr for that intervention. Indeed, it is glaringly obvious, in this document and in many other documents, that prime importance is given to the promotion of the Irish language, and those who support the use of Ulster-Scots are right to say that there is no parity of esteem and no equality agenda in this regard. It concerns me that promotion of the Ulster-Scots language is being used as a red herring by those who wish to promote the Irish language.

Mr Haughey: I would like to ask the Member how he thinks he will secure parity of esteem for the Ulster-Scots language by means of an amendment which states

“The language of this Assembly shall be English.”

Mr C Wilson: I have made no attempt to prevent Members from speaking in whatever language they choose. Mr Shannon may, at some stage, confound us all by making a speech in Ulster-Scots. However, what I am saying is that this is not essential in the context of the Standing Orders which we are considering. If I could be certain that there would be no cost, in terms of finance or of time, I would not object to the wording as it stands. Nonetheless, I feel that this is a very serious issue, and one that will have major implications for the Assembly in the months to come. I urge Members, therefore, to support this amendment.

Dr Adamson: I would like to thank Mr C Wilson for giving me the opportunity to speak on this matter. Ulster sits at the north-eastern corner of Ireland, facing

Scotland across a narrow sea. The characteristics of her language, since the dawn of human history, have been moulded by population movements, large and small, between the two islands. Therefore, we have had a wide range of dialects in the northern part of the island, including dialects of Gaelic and of the older Scottish tongue. When I read the part of the Belfast Agreement which deals with rights, safeguards and equality of opportunity, I was delighted with these words:

“All participants recognise the importance of respect, understanding and tolerance in relation to linguistic diversity, including in Northern Ireland, the Irish language, Ulster-Scots and” —

equally important, of course —

“the languages of the various ethnic communities.”

Ulster-Scots has been particularly important to me because of my love for the literature of Scotland, from the times of the old makars, who created the older Scottish tongue in its literary form, to modern poets, such as Burns, and the weaver poets of Ulster, including James Orr of Ballycarry, whom I consider to be the equal to Burns himself.

But, besides this interest in cultural, and especially linguistic, diversity, I have always had a love for an older tongue — the oldest tongue used in the British Isles, and from which the British Isles get their name. They are the Britannic isles — the islands of the British. This tongue receded dramatically in the face of successive invasions. It is the original tongue of Ireland — the name “Ireland” is in this tongue. It is the original tongue of Ulster, the original Lagan. It was also the language of the old Scots of the Lowlands. It is still present today in the British Isles in a much-reduced form. It is still used as a living language. I will read some of it:

“Mae pawb sy'n cymryd rhan yn cydnabod ei bod hi'n bwysig parchu, dirnad a goddef amrywiaeth o ieithoedd. Yng Ngogledd Iwerddon mae hyn yn cynnwys Gwyddelig, Scoteg Wlster, ac lieithoedd y gwahanol gymunedau ethnig sydd I gyd yn rhan o gyfoeth diwylliant Iwerddon.”

This language is known in its native land as Cymric. It is the oldest British tongue; it is the language of the Welsh.

7.45 pm

The Initial Presiding Officer: Order. I had hoped that when Ulster-Scots was used, with my background in Ballymena and the accompaniment of the Scots-English dictionary, I might be able to translate. However, that not being possible, I must resort to my previous request to Members that when they speak in a language other than English they translate for the benefit of those who are unable to understand it. I would be grateful if Dr Adamson could give us some guidance on what he has said.

Dr Adamson: I would be delighted.

Mr Paisley Jnr: On a point of order, Mr Initial Presiding Officer. You will note that the clock did not stop during your intervention. I am sure that the additional 40 seconds would be of advantage to the Member.

The Initial Presiding Officer: I will be accommodating.

Dr Adamson: The translation is

“All participants recognise the importance of respect, understanding and tolerance in relation to linguistic diversity including, in Northern Ireland, the Irish language, Ulster-Scots and the languages of the various ethnic communities, all of which are part of the cultural wealth of the island of Ireland.”

This language was, of course, the language of St Patrick, and as we are approaching St Patrick’s Day, I felt that I must mention the language of Patrick. I hope that this amendment will fall because I would like to use this language in future in the Assembly. I would also like to use other languages —

Mr C Wilson: I thought that I made it clear, and I would not like Dr Adamson to misinterpret what I said or to misunderstand me, that I do not wish to see any language prohibited from use in the Chamber. I am delighted that he has used Ulster-Scots and the other language that he has used today. I do not want to prohibit any language, but I do want it to be recognised that the official language of the House is English.

Dr Adamson: I thank the Member for that intervention. I was, of course, using Cymric, or Welsh, rather than Ulster-Scots [*Laughter*]. If he would like me to use Ulster- Scots it would be

“Aaboadie takin pairt kens weel tha muckle thiing it maun be fur tae hae careful mind o an be gart thole wi owre ocht respeck anent oor throughither heirskip o leids, takin in fur Ulster tha Gaelick an Scotch leids, an tha leids o tha wheen ootlanner resydeners, ilka yin o quhilk bis pairt o tha fowk poustie o tha islann o Airlann.”

It is my belief that true linguistic diversity will not reduce the significance of standard English. Using linguistic diversity in all its forms will show the absolute need for standard English, particularly in the Chamber.

Ms Rodgers: Sono capace di parlare italiano oppure francese. Derò vorrei più di tutto parlare Gaelico perchè è la mia prima lingua.

I am, of course, speaking Italian. I have just said that I am able to speak Italian or even French. However I would prefer to speak Gaelic in the Chamber because it is my first language, but I appreciate that that might make it difficult for Members to understand me. The reason I support the use of the Irish language in the Chamber and facilities for those Members who wish to use Irish is that Irish is my native language. It is the language that I first spoke; it is the language of the community in which I was reared; it is the language with which I totally identify; and it is the language in which I speak most comfortably.

I would appreciate it if Members, in particular Mr Cedric Wilson, would recognise that I find it difficult to understand why some Members find my speaking my own language so offensive.

I very much respect the words of Mr Adamson and his respect for all languages, including Welsh, Ullans, Irish and English. It is unfortunate that there are those who favour simply having the English language and downgrade the Irish language. As my Colleague pointed out, they complain about parity of esteem for Ullans whilst trying to deny parity of esteem in respect of the Irish language. To me that is contradictory. That, in a sense, is looking on language as a political tool rather than looking on it as something which enriches us all. The Irish language in particular enriches us all.

Most of the place names around us come from the Irish language, and it would be very unfortunate if we were to lose the meaning of those place names. I ask Members to recognise that when we speak in favour of parity of esteem for the Irish language and Ullans — and I have learned a lot about Ullans since I came to the Assembly. I did not realise how much Ullans I spoke when I was growing up in Donegal. I know what words such as “sheugh” and “oxter” mean. These words were frequently used, and which I did not know then —

Mr Shannon: Would the Member agree that the problem has been that there are many in this Chamber who use the Irish language as a political tool? Those who use Ulster-Scots — and we heard an demonstration of it a few minutes ago — do so to show the culture and beauty of that language. Ulster-Scots is used as a language; it is not used for any other purpose.

Ms Rodgers: I have already complimented the Member on the way in which he presented the importance of recognising the diversity of culture and language, and I also share that view. I would be disappointed if people looked on language as a political tool; that is certainly not the way I look at it. But I am afraid that there are people in Northern Ireland, on both sides, who tend to use it as a political tool.

Mr Wilson, in his contradictory approach to Ullans and Irish, has made that very clear. However, the use of the Irish language or Ullans in this Chamber — and it has already been mentioned by Mr Cedric Wilson — would be totally in keeping with the Good Friday Agreement, which states

“facilitate and encourage the use of the language in speech and writing in public and private life where there is appropriate demand”.

Mr Wilson asks if there is appropriate demand. To me, appropriate demand means a demand which is appropriate to the needs, identity and feelings of Members and the importance they attribute to a language. Therefore it is appropriate that I and some of

my Colleagues who wish to do so are able to speak Irish comfortably and without feeling that we are putting other Members at a disadvantage.

Either we disadvantage those who want to know what we are saying but do not because there is no facility for translation, or we disadvantage ourselves by having to repeat what we have just said and therefore lose half of our time. There is an appropriate demand as long as there are people who want to use the language to express themselves in a manner more appropriate for them. It is not for others to decide what is appropriate for me, and I would not, for one moment, decide what language is more appropriate for Mr Wilson to speak. If he wishes to speak Ullans, then, I think, that is for him to decide.

Mr C Wilson: It is rather sad that in order to put forward a case, the Member has to misrepresent what I have said. I want to make it very clear — and I thought I did make it clear at the beginning — that I have no objection to the use of the Irish language or any other language in this Chamber. I said that I had a grave concern that the right to use the language was being abused.

Mr Shannon pointed out that on the occasions when Irish has been used in this Chamber, it has been used as a political tool. It has been used in an attempt to embarrass or to cause some feeling of resentment among the Unionist Members of the House.

I have no difficulty with someone reciting a poem in Irish, or using the language if there is a purpose to it. When Irish is spoken there are bemused faces in the Gallery. The European Commissioner summed it all up.

The Initial Presiding Officer: Order. I think that it is generally recognised that the purpose of an intervention is to make a brief comment, not to return to a previous speech.

Ms Rodgers: The Member has had a second bite at the cherry. The Good Friday Agreement seeks

“to remove, where possible, restrictions which would discourage or work against the maintenance or development of the language”.

The one thing that will work against the maintenance or development of a language is the inability of those who speak it fluently to be able to do so. The death knell of a language is the absence of the capacity for people to use it. The agreement also aims to

“encourage the parties to secure agreement that this commitment will be sustained by a new Assembly in a way which takes account of the desires and sensitivities of the community.”

There is a large Irish-speaking community in Northern Ireland, and many people in Northern Ireland have learned to speak Irish. There are Irish language schools in Northern Ireland, both secondary and — *[Interruption]* I am not giving way again. I have given way twice and

it has resulted in two speeches. I have less than two minutes left. Members can speak afterwards if they wish.

Before I was rudely interrupted I was speaking about desires and sensitivities. There are second level, first level and nursery level Irish language schools in Northern Ireland, and they are all well attended and achieve excellent results. People are interested enough in the language to send their children to learn it. There are many places in Northern Ireland where that can be done.

Today at the lunch table I spoke Irish. On my way to another table I was greeted in Irish. I finally sat down and had a chat in Irish with one of the journalists. There is much Irish here and a great deal of interest in it. If there is the same interest in Ullans, and I think that there is some interest in it, I would support anything that could be done to promote and facilitate it as well.

I should like to see Irish being facilitated in the Chamber, and should like to speak it here. As a rule, I do not speak Irish in the Chamber, although I broke the rule a few days ago, because it is a courtesy to speak in a language that everybody understands. I and my party intend to ask for translation facilities, so that we will know that those who want to hear Irish will be able to do so. Sometimes English is not heard. Those who do not want to switch on their earphones need not do so. It is a matter of giving parity of esteem to the Irish language and to Ullans. Those languages are important to all traditions in Northern Ireland.

The Initial Presiding Officer: Before calling the next Member may I make a brief plea on behalf of the staff? Members normally expect Hansard to be produced the following day by about half past eight in the morning. That requires us usually to finish our debates about six o'clock, and it is clear that we shall go well beyond that.

An extraordinary richness of language will have to be attended to. We had esprit de corps from the First Minister, Latin from Mr Close, and Welsh and Ullans. I am not sure whether it was Mr Clarke or Mr O'Prey of our staff who gave me the translation from Italian into English as well as from Irish into English. That shows the range of skills at our disposal among the staff. *[Interruption]* From my recollection of recent Hansards, they seem to be particularly good on that. If the staff are to provide all that, it will take a little time.

Several Members wish to speak, and I call Mr Barry McElduff.

8.00 pm

Mr McElduff: Go raibh maith agat, Jim. A Chathaoirigh, I wish to speak against amendment No 87 and to comment on Standing Order No 70.

Sílím féin gur chóir go luafaí an Ghaeilge, ach go háirithe, go soiléir so-thuigthe sna hOrduithe Seasta.

Tá mise ag labhairt i gcomhthéacs an ChomhAontaithe agus ag cloí le spiorad agus le litir an ChomhAontaithe. De réir Alt 4 (sa rannóg um Shaincheisteanna Eacnamaíochta, Sóisialta agus Cultúir: i gcomhthéacs an bhreithnithe ghníomhaigh atá á dhéanamh faoi láthair maidir leis an Ríocht Aontaithe — mar a deirtear — do shíniú Chairt Chomhairle na hEorpa do Theangacha Réigiúnacha nó Mionlaigh, déanfaidh Rialtas na Breataine go háirithe i ndáil leis an Ghaeilge, más cuí agus más mian le daoine amhlaidh:

- Gníomh diongbháilte chun an teanga a chur chun cinn;
- Úsáid na teanga a éascú agus a spreagadh sa chaint agus i scríbhneoireacht sa saol príobháideach agus sa saol poiblí mar a mbeidh éileamh cuí ann;
- Iarracht chun deireadh a chur, más féidir é, le srianta a chuirfeadh nó a d'obireadh in aghaidh chothú nó fhorbairt na teangan;
- Na páirtithe a spreagadh chun teacht ar chomhaontú go leanfaidh Tionól nua den tiomantas sin ar shlí a chuirfidh san áireamh mianta agus iogaireachtaí an phobail.

The Committee on Standing Orders has not yet arrived at an appropriate form of words in its report that gives proper recognition to Irish in a manner which is in keeping with the spirit and the letter of the Good Friday Agreement. I refer specifically to the section on cultural matters. The report should have been bilingual — Irish as well as English.

If we are to establish this new era, where better than in the Assembly can we demonstrate the resolute action in favour of the Irish language, which is specified most notably in paragraphs 3 and 4 of the section on rights, safeguards and equality of opportunity in the Good Friday Agreement? There are a number of points.

Mr Hussey: Will the Member give way?

Mr McElduff: Gabh ar aghaidh.

Mr Hussey: If this report is of such concern to Mr McElduff, why did he not take the same time as Mr Robinson and others to put proper amendments to it?

Mr McElduff: I will answer that in due course.

I want to refer to the Good Friday Agreement, which talks about resolute action to promote the Irish language and to facilitate its use in both speech and writing. And, very importantly, the latter half of paragraph 4 of the section on rights, safeguards and equality of opportunity says

“encourage the parties to secure agreement that this commitment will be sustained by a new Assembly in a way which takes account of the desires and sensitivities of the community.”

Standing Orders should reflect equal status for Irish and English in practical ways. The written record, for example, is required for the benefit of the burgeoning Irish language media which are ever present in this

Building, particularly during plenary sittings. Teilifís na Gaeilge, Radio na Gaeltachta agus rudaí eile. They will no longer be disadvantaged by having to translate as well as report.

There is an added difficulty. I am disappointed that some Members fear to refer to the Irish language by name. Why do some Members remain in denial of the Gaelic language, afraid to speak its name, with a kind of begrudging tolerance, at best, and outright hostility, at worst?

Members may speak in the language of their choice. In my opinion, this is inadequate. We should be looking at Welsh as a closer model. I have a document here headed ‘Agenda for the National Assembly of Wales, All for Welsh, Welsh for All’, and I think that that is a better bilingual example to follow than that which is being proposed here.

Mr C Wilson said earlier that he is afraid that we may want to go the whole way and push for a simultaneous translation system, and he is absolutely right. We will be pushing for a simultaneous translation system for all 108 Members, and not just for the Clerks and the Initial Presiding Officer.

Go raibh maith agat – mar dhear an ábhar sin.

Nigel Dodds asserted yesterday that Irish is a foreign language. The use of the word foreign is a calculated insult to the Nationalist people, and to all those in the Nationalist and Unionist communities who are interested in Irish. Such references may register highly on the clapometer at junior DUP rallies in Portadown or Blossom Hill, or in parts of north Belfast to which Nigel Dodds feels close, but they are patently untrue. Irish is not a foreign language, although it may be good for Nigel Dodds’s popularity ratings in the DUP to say that. I remind people who make such statements that Gaelic Irish is the ancient language of Ireland. It is the birthright and the heritage of everyone who lives on the island of Ireland, and we are not sectional about that at all.

Since the late 1800s, consistent efforts have been made to revive Irish in everyday use throughout the country following its almost fatal decline in the wake of An Gorta Mór, and a history of outlawing and repressing it. Some people doubt the demand for the language. We do not all speak Irish today because in addition to being repressed and outlawed, it was made a language to be ashamed of to those who were willing to bend the knee. This part of Ireland has a state history of neglect and hostility to the Irish language.

The 1991 census is out of date because there has been considerable growth in Irish since then. It stated that in the six north-eastern counties, 79,012 people had a command of spoken and written Irish. More than 142,000 have some ability in either the written or spoken

word. The numbers continue to grow. Brid Rodgers rightly drew attention to the success, the growth, the momentum and the dynamic in the Irish education movement and, in particular, in the Gaelscoileanna.

It is a mistake for Standing Orders not to make specific reference to the Irish language. Gaelgóirí expect and deserve better in a spirit of inclusivity. So, Le críochnú, ba mhaith linn go gcuirfi an Ghaeilge chun cinn ar dhóigh oscailte, dhearfach neamhbhaghrach. Is linn uilig an Ghaeilge; is cuma cén dearcadh polaitiúil, cén cúlra nó cén creideamh atá againn. Cé h-é nó cé h-í a bhfuil inní air/uirthi roimh an Ghaeilge?

Mr Fee: I am conscious of the fact that staff have had a difficult job reporting our proceedings over the past couple of days. All I can say is “C’est la vie”. Perhaps I shall say “C’est la guerre” before the end of the night.

Amendment No 63 refers to Standing Order 71. Peter Robinson spoke about it earlier, and one of his comments was uncharacteristically incorrect. He said that statute requires us to make this Standing Order and to nominate the number of members on it. Section 40(2) of the Northern Ireland Act 1998 states

“The members of the Commission shall be —

(a) the Presiding Officer; and

(b) the prescribed number of members of the Assembly appointed in accordance with standing orders.

However, subsection (3) states

“ ‘the prescribed number’ means 5 or such other number as may be prescribed by standing orders.”

That means that it is perfectly in order for us to reject Standing Order 71. We do not intend to do that destructively, or because we oppose the principle of inclusivity, nor have we taken umbrage at the way in which the Standing Orders Committee has arrived at its decision because, under the legislation, it has that right.

What we are concerned about are the thought processes that went into making this decision. The Standing Orders Committee may not have been as well informed as it could have been. This may have been a failing on the part of the Shadow Commission to explain precisely what it is was doing.

One peripheral point I would make is that the Shadow Commission, as it stands, has six members. The precedent that has been adopted, primarily from Westminster, is that the Chairman does not vote. This means that for major decisions, when members tend to turn out, there is a membership of five, and that is when divisions are most likely within the Commission. With an uneven number of voting members gridlock is very unlikely. It can happen but is unlikely to occur.

Mr P Robinson: Could the Member confirm that on the two occasions that there have been votes, they have gone against Unionists because Unionists are effectively

in the minority on the Commission, even though they are in the majority in the House? The Commission does not reflect the balance of the House. On each occasion the Alliance Party has voted with Sinn Féin and the SDLP.

Mr Fee: I will deal specifically with that later in my address. I am surprised that Mr Robinson has framed his intervention in those terms. Throughout the report of the Shadow Commission it was made abundantly clear that the role and function of the Commission is to act on behalf of each Member of the House and the House as a whole. None of its members are there as party political representatives. No other similar body, as far as I am aware, has people there as party political representatives. The Shadow Commission has largely set aside party political demands in favour of getting the best services for the House and for individual Members as well as the best support services to allow them to represent their constituencies.

That goes to the very core of one of the problems we have with Standing Order 71. First, it steps outside the existing legislation and, without any real rationale, proposes to more than double the size of the Commission. We need to bear in mind that the Commission has to deal with much of the detailed administration of the House: staff complements; terms and conditions; grading and pay rates; management structures; and performance.

A small, tight team is infinitely preferable to a large number of people. The potential for running into legal, fair employment and staff problems is enormous. The House of Commons Commission has only six members and it has to deal with a staff of over 2,500, and a budget of approximately £370m. It is all about efficiency.

If we decide on certain pay or staffing which the staff do not like and so decide to strike, is it possible that we will get better agreement with 11 members representing party political interests or with six members representing the body of the whole House? We should be looking at these areas in more detail.

Inclusiveness is important, but the Standing Orders Committee has only looked at one method of achieving it. I do not believe that this is the best method. This proposal would add four or five people to the Commission but six people or 11 people could not do all the work required. The Shadow Commission has been looking at an alternative and that is the system that pertains at Westminster where most of the work of the Commission is devolved to House Committees.

8.15 pm

Westminster has House committees for virtually every area of work. It has a finance and services committee; administration, finance, computer and communications committees; information committees; a range of domestic committees; a printing and publishing

management group; a Whitley committee, which deals with trade unions and staff disputes; and committees for the refreshments department, the Serjeant-at-Arm's department, the Library, the Official Report and the like. The work of the Commission at Westminster has places for hundreds of Members of Parliament.

The proposal by the Standing Orders Committee to expand the number of members of the Commission to eleven underestimates both the amount of work to be done and the possibility of devolving powers to committees of Members who could take on the administration of services in the House. The proposal vests too great a responsibility in too small a group, without taking account of what could be done to bring in other Members.

We have already established a committee to look after the gift shop. That may not sound like an important function but I understand that the gift shop in the House of Lords has a turnover of approximately £500,000 and a lucrative mail-order business. There is an entire management function in that area. We have proposals to establish a catering committee, one of the biggest and most important functions in the House of Commons.

For that reason, we will be voting against this Standing Order. I was remiss in not putting down an amendment. I suppose my party was remiss. We are not throwing this Standing Order out. We are merely using the only device available to buy time in order to consider a system of House committees which would involve all the Members of the House. The House of Commons Commission, which has an enormous budget and an enormous staff, only met five times in the financial year 1997-98, because the vast majority of its work was done in committees.

I recognise that I am rapidly running out of time. Perhaps we could ask the Standing Orders Committee to look at this again — I know we cannot refer it to them. We suggest that the Committee meets the shadow Commission, the board of management here, the Clerk of the House of Commons Commission and the officials in Scotland and Wales.

Mr Molloy: Go raibh agat a Chathaoirleach. I would like to speak against amendment 87 and in favour of retaining Standing Order 70, which states

“Members may speak in the language of their choice.”

Drafting this particular Standing Order was a long-drawn-out process. We put forward various different wordings, but they were not acceptable to the Committee. We would prefer to have had the Irish language mentioned. One of our proposals was that English, Irish and Ulster-Scots be listed. Instead we have Members being able to speak in whichever language they choose. Tonight we have been treated to

several different languages. It adds to the character of the Assembly.

If we were to adopt the amendment proposed by Mr C Wilson, we would not have that choice. It is not a matter of his being able to say that he does not want to stop anybody from speaking the Irish, or that he does not want to stop anyone from speaking in whatever other language. By not having that choice we would be stopping people from speaking in the language of their choice. There was a lot of debate about this over the months in the Standing Orders Committee, and we did reach a compromise which recognises the diversity of the Committee itself and of the languages.

In the other devolved Administrations that we have talked about, Scotland and Wales, provision has been made for their languages, and I think that Westminster makes provision for English. We have variations in all these establishments, and it would be sad in this part of the country if we were to make exclusions, and that is the problem with this amendment, by leaving out Standing Order 70 and inserting a new Standing Order making the language of this Assembly English. That would exclude people from speaking in a language of their choice.

I hope that we can move to a new situation. The logic of the argument is in keeping with the agreement, and we do have in the Agreement, and several people have referred to this, including Mr Wilson, provision for the use of other languages. I ask people not to be hostile to the language. The language itself cannot do us any harm. It will not endanger any of us. People should not get too uptight about it and hostile to it.

Referring to Standing Order 71, I agree with Mr Fee that we should vote against increasing the membership of the Commission to 11. The Commission has worked very well over the last months. It has taken many decisions. The two votes referred to by Mr Robinson resulted in decisions being made, but many decisions have been taken with no vote at all.

The very fact that those two votes were taken is an indication of the amount of work that went on. We did have two days in London at Westminster, but we were working on the budgets as well, and we had quite a good working relationship while doing that with the staff of all the different agencies. The Assembly Commission has worked well in its short time in shadow form. It would be unfortunate now if we were to throw the baby out with the bath water. We need to keep in line on this matter.

Mr C Murphy: Will the Member give way? Go raibh maith agat, a Chathaoirleach. Does the Member agree that Standing Order 70, which is in front of us at the moment was one that our party had some reservations about in the Standing Orders Committee?

We felt that it did not go far enough in granting recognition to the Irish language. Would he also agree that those members who supported it when it was voted for included members from both Unionist parties? In fact, all Unionist parties which were represented on the Standing Orders Committee voted for it, all those with voting rights.

Mr Molloy: I think that that is correct, a Chathaoirleach. We did have agreement on that line.

Mr Boyd: On a point of order, Mr Initial Presiding Officer. Not all Unionist parties are represented on the Committee.

The Initial Presiding Officer: I think that the Member referred to all the Unionist parties —

A Member: With voting rights.

The Initial Presiding Officer: — with voting rights, but it is quite correct to say that your party is not on that body.

Mr Molloy: I thank the Member for his intervention. It does clarify the fact that the matter did go to a vote, and there was consensus across the different parties on it. We abstained on that occasion because we did not feel that the Standing Order recognized the position of the Irish language as fully as it might have done, but we are quite happy to go along with the present line that people may choose to speak in whatever language they wish. I ask Members for their support.

Mr McFarland: I am slightly concerned as a result of Mr Fee's speech. When we left the Standing Orders Committee I understood that we had agreement among all the parties on the Commission. I am concerned on a number of fronts. First, we have heard an enormous amount today about proportionality, about cross-party support and about the ethos of how we do our Committee business and everything else, yet here we have a small committee of five, which cannot be representative of the House, of our strengths or of anything else.

Under normal circumstances, and indeed at Westminster, a committee such as this is a non-party organisation in that it does the daily business of the House. That is fine at Westminster, because there is not the problem there that we have here. But the Commission is about to have referred to it small matters —

Mr Irvine: It is important to point out that the Commission was not treated by the Committee in the same way as other Committees. In other words, it was not a contentious issue or one of great difficulty. Does the Member agree?

Mr McFarland: It did not seem to be difficult at the time, but it has obviously become a difficulty since. Two parties have indicated that they are going to vote against

the Commission's being proportionate in the same way as the other committees are.

The problem with this — and we are into political reality here in the Assembly — is that the Commission will be making decisions on minor matters such as flags and emblems. It is going to have to decide on whether or not we have simultaneous translation into Irish or Ulster-Scots, or whatever.

A number of things that are extremely political are about to arrive at the Commission's door, and it may be difficult for Members to believe that these very contentious issues will get a totally impartial hearing. For that reason it was felt that we might boost the Commission up to reflect the party strengths and give a proper political view on how these things should function. The reality is that in Northern Ireland it is not possible to take a Westminster-style and completely neutral view on such matters.

Rev Robert Coulter: I support amendment No 63 in the name of Mr Peter Robinson.

I listened to Mr Fee with great interest. There is one thing which we must take into account and that is the matter of inclusiveness on the Commission. In the House everyone is represented, but we do not have this inclusiveness on the Commission. The argument that the Commission is going to set up a number of House committees is very good, up to a point, but those smaller committees can only bring reports back to the Commission. It is in the Commission that the real decisions are to be made. If we are to support the concept of proportionality or inclusiveness, the smaller groupings in the House must be represented on the Commission. They will not have their rights to full expression and inclusive treatment if they are left out at the decision-making point.

I am not questioning at all the working of the Commission, and I do not think that anybody in the House is questioning that. What we are asking for is that the Commission reflect fully all the groupings in the Assembly. That groupings have a right to be there where decisions are being made. If they have that right at the Committee stage, they should also have that right on the Commission. I support amendment No 63.

Mr Paisley Jnr: I wish to address my remarks to amendment No 87, standing in the name of Mr C Wilson, to Standing Order 7. Whenever we address the issue of language, we consider whether or not the language is intelligible, comprehensive and comprehensible. That is always important, and at times we see glimmers of hope in the Assembly that it is all of those things.

8.30 pm

At times language is used defensively, and sometimes it is used to perpetuate untruths — often outside the

Chamber. Sometimes people allege that untruthful language has been used in the Chamber, and most Members are deeply offended by such accusations. Of course, there can be punishments and penalties for people who make such accusations.

Mr Wilson's amendment draws attention not to where language is used offensively, but to where it is used as an offensive and political weapon. Some Members undoubtedly have a mother tongue other than English. Three Members at most could genuinely claim that position. It would be grossly unfair to the rest of Members to create an imbalance so that a significant minority were advantaged or privileged in relation to the vast majority of Members of all shades of political opinion whose mother tongue is English. It is their working tongue, and they use it in every aspect of their lives.

The Assembly should understand why Members felt it necessary to table this amendment. Irish has been used in Northern Ireland as an offensive political weapon. Not long ago, when I was at university, the Irish language was deliberately used to offend the majority population in Northern Ireland. At times it was frivolous and time-wasting. At one time it was suggested that the menu in the Students' Union should be changed to Irish. When that failed, there was an attempt to subvert the menu by calling the Ulster fry the occupied Six-Counties fry and, of course, that led to a frivolous debate in the union.

Irish has clearly been used as a political weapon. Irish language street names have been imposed in Belfast and in other parts of the Province, and that is an example of its use as an offensive political language. I think that Members will agree that the Assembly is possibly at its most divided when it deals with the issue of language. There is division not only here but when Members go to other countries and raise the issue of the Irish language. That has embarrassed not only individuals, the people who were involved, but the entire electoral process. People take cognisance of that reality.

It would be a frivolous waste of time and money for the Assembly to plough resources, time and energy into special privileges for a small minority of Members who wish to use different languages.

It is important that those who wish to speak in a language other than English are not given those special privileges. Standing Order 70 states

"Members may speak in a language of their choice."

That does not seem to offer special privileges, but there is an opportunity for some Members to turn the Standing Order on its head by trying to create for themselves special privileges that they ought not to have.

Mr Fee: I challenge the Member on his use of the term "special privileges". I come from a house in which the Irish language was used as often, if not more often, than the English language. That was common in many of the houses in the area. What does the Member mean by special privileges? In the RUC station in Newry I could pick up leaflets on every topic from the Highway Code to criminal law, and they are written in Japanese, Chinese and so on. But in that RUC station, the Ardmore police station, nothing is written in Irish.

Mr Paisley Jnr: One of the reasons for dialects of the Chinese language being readily available and printed in Northern Ireland is that there is a genuine demand for them, and that demand has to be met. One of the largest non-English speaking populations in this city is people who speak Chinese or a derivative of the Chinese language.

Mr McElduff: Will the Member give way?

Mr Paisley Jnr: No. It is well known in the House that members of the Democratic Unionist Party do not give way to members of the IRA/Sinn Féin Party.

Ms Morrice: Will the Member give way?

Mr Paisley Jnr: I will give way when I finish making my point. Our party has consistently taken the view that to give way to members of IRA/Sinn Féin is in some way to accord them recognition as a normal political party. They are apologists for murder and for things which never ought to have happened and have never been justified in our country.

I will certainly give way to the Member from North Down.

Ms Morrice: With reference to the development of this argument about using English because it is the majority language and so on, would the Member, therefore, support the use of German in the European Parliament since it is the majority language of the European Union? Would the Member and the MEP for North Antrim be prepared to speak German — if they can follow that logic?

Mr Paisley Jnr: The Member knows that that is not the tenor of my argument. I am not saying that Members should be restricted in any way over speaking any other language. What we must have is a safeguard to ensure that this Standing Order, as it currently stands drafted, is not able to be turned round and used as an opportunity, quite deliberately, to create a situation in which special privileges and opportunities are afforded and more public money, energy and resources are wasted. That would be quite wrong. That is why the language of the Assembly should be English and our proceedings conducted at all times in English.

One of the most genuine arguments comes from a Member whose mother tongue is a language other than

English. She readily conducts her business in the House in English. She clearly finds it appropriate to do so because it is convenient to the vast majority —

Ms Rodgers: Will the Member give way?

Mr Paisley Jnr: Let me finish the point.

It is convenient to the vast majority of Members, not only on this side of the House but also on her own side of the House.

Ms Rodgers: I ask the Member please not to misrepresent what I said. I said that I speak English out of courtesy, but that I would rather speak Irish, because I feel more comfortable speaking that language. I also think that if I am not allowed to speak Irish — I reared six children in this country, all speaking Irish in an English-speaking area — Irish will die, and I do not want that to happen. That is why my children speak Irish, my grandchildren speak Irish, my husband speaks Irish and I speak Irish. I want to do the same thing here, but I want to do it comfortably.

Mr Paisley Jnr: The courtesy, as the Member put it, is appreciated. However, most Members here realise that if she were to conduct her political life and her political business solely in what she describes as her mother tongue, she would probably not get very far. That is a political reality and something that we have to accept.

That is why it is important that we make sure that there is no attempt by those Members who may want to use the Irish language as a political weapon to take this Standing Order and build into the Assembly special privileges and opportunities which ought not to be there.

We should be equal in that sense, and I do not believe that the Standing Order as it is currently framed affords us that safeguard, and we should support amendment No 87 in the name of Mr C Wilson on that basis.

The Initial Presiding Officer: We have come to the end of the debate on this matter, and we now have to consider and approve the Standing Orders and amendments.

Mr Dalton: On a point of order, Mr Initial Presiding Officer. Section 40 of the Northern Ireland Act 1998 says that the number of persons on the Commission should be five. May I ask the Chair to indicate if the Standing Orders are silent on this matter?

Section 40 also says that the prescribed number of Members of the Assembly should be appointed in accordance with Standing Orders. Can you, Sir, indicate how the Assembly will appoint the Commission in the event of the motion to appoint the Commission, as it currently stands, being negatived?

The Initial Presiding Officer: It is clear that the appointment of members of the Commission by the Assembly would be by election. That is not the matter at

issue. The question that seems to be being asked is whether the Assembly would be in default of the legislation if the Standing Orders were not to include the clause that Standing Order 71 does, giving the number of Members. This is not a straightforward matter. It seems, on initial reading, that the default position is that if there is not a specific clause, the prescribed number is five, but that is not clear. It is necessary to seek legal advice on the matter, and I shall be doing that.

However, this vote tonight will not be a determination of the Standing Orders because they will not become operative immediately. To be operative in advance of the appointed day they would have to be determined by the Secretary of State. Therefore it is possible for the Assembly, in advance of the appointed day, to consider changes and amendments to some of the Standing Orders. The joint Chairmen have indicated that they wish to do that in the case of some of the other Standing Orders or, indeed, to put new Standing Orders.

There is nothing to preclude the Assembly legally from not taking or, indeed, from taking the Standing Order 71 that is here in draft form. The Assembly can take one line or the other without breaching the law.

Mr Fee: On a further point of order, Mr Initial Presiding Officer. The minutes of the Standing Orders Committee of 23 February say

“it was pointed out that, unless the Committee wished to recommend a change to the membership numbers on the Commission, there was no requirement for a Standing Order and in any event a Standing Order could be produced, as required, at any point in the Assembly’s life.”

That was the Standing Orders Committee’s understanding of things on 23 February. Part of our reason for not voting for this Standing Order tonight is to work out what has changed over the weeks since then.

The Initial Presiding Officer: I am grateful to the Member for mentioning that, but the statement in the minutes is the Standing Orders Committee’s view on the Standing Orders. That is all very fine, but it does not constitute legal advice, opinion, or, indeed, a ruling. I must continue with my current ruling which is that I will be seeking legal advice on the matter. For the present, Members can vote in whichever way they choose and they will not be breaching the law.

Mr Beggs: Is it correct to say that the Assembly will not be able to change the Standing Orders before the determination because we will not be meeting before then?

The Initial Presiding Officer: That is not correct. There has been no indication of the date of the appointed day. The advice that I gave the House earlier from the Secretary of State was in respect of the running of d’Hondt. That is not necessarily the same thing as the appointed day. I cannot accept your point of order.

We move to the last grouping of Standing Orders and amendments. We may have to ask the Secretary of State for an extension beyond 10.00 pm if we are to cover this and have the Adjournment debate.

Standing Order 63 (Oath) *agreed to.*

Standing Order 64 (Administration of Oath) *agreed to.*

Standing Order 65 (Sub Judice) *agreed to.*

Standing Order 66 (News Media)

The Initial Presiding Officer: Is amendment No 65 moved or not moved?

Mr P Robinson: On the basis of the undertakings given by the Chairmen, not moved.

Standing Order 66 agreed to.

Standing Order 67 (Office of Clerk and Records of the Assembly) *agreed to.*

Standing Order 68 (Remuneration and Pensions) *agreed to.*

Standing Order 69 (Suspension of Standing Orders)

Amendment (No 64) proposed: Leave out Standing Order 69. — [Mr P Robinson]

8.45 pm

Question put That the amendment be made.

The Assembly divided: Ayes 21; Noes 64.

AYES

Unionist

Fraser Agnew, Paul Berry, Norman Boyd, Gregory Campbell, Wilson Clyde, Nigel Dodds, Oliver Gibson, William Hay, David Hilditch, Roger Hutchinson, Gardiner Kane, Maurice Morrow, Ian Paisley Jnr, Edwin Poots, Mrs Iris Robinson, Mark Robinson, Peter Robinson, Patrick Roche, Jim Wells, Cedric Wilson, Sammy Wilson.

NOES

Nationalist

Alex Attwood, P J Bradley, Joe Byrne, John Dallat, Ms Bairbre de Brún, Arthur Doherty, Mark Durkan, Sean Farren, John Fee, Tommy Gallagher, Ms Michelle Gildernew, Ms Carmel Hanna, Denis Haughey, Joe Hendron, Mrs Patricia Lewsley, Alban Maginness, Alex Maskey, Donovan McClelland, Alasdair McDonnell, Barry McElduff, Eddie McGrady, Gerry McHugh, Eugene McMenamin, Pat McNamee, Francie Molloy, Conor Murphy, Danny O'Connor, Ms Dara O'Hagan, Eamonn O'Neill, Mrs Sue Ramsey, Ms Brid Rodgers, John Tierney.

Unionist

Dr Ian Adamson, Billy Armstrong, Roy Beggs, Billy Bell, Esmond Birnie, Mrs Joan Carson, Fred Cobain, Rev Robert Coulter, Duncan Shipley Dalton, Ivan Davis, David Ervine, Sam Foster, Sir John Gorman, Derek Hussey, Billy Hutchinson, Danny Kennedy, James Leslie, David McClarty, Alan McFarland, Michael McGimpsey, Dermot Nesbitt, Ken Robinson, George Savage, Rt Hon John Taylor, Rt Hon David Trimble.

Other

Mrs Eileen Bell, Seamus Close, David Ford, Kieran McCarthy, Ms Monica McWilliams, Ms Jane Morrice, Sean Neeson.

The Initial Presiding Officer: There voted 85 Members. Of Nationalists, there voted none for and 32 against, which is 0% for. Of Unionists, there voted 21 for and 25 against, which is 45.65% for. The total vote for is 24.7%. I declare that the amendment is lost.

Question accordingly negated.

The Initial Presiding Officer: The effect of the negating of the amendment is that Standing Order 69 is agreed to.

Standing Order 69 agreed to.

Standing Order 70 (Language)

The Initial Presiding Officer: Is amendment 87 moved or not moved?

Mr C Wilson: In moving the amendment, may I thank my Colleague Dr Paisley and his party for their support —

The Initial Presiding Officer: Members must understand that it is not possible to make a winding-up speech. That is completely contrary to Standing Orders. The only words that I can accept are “Moved” or “Not moved”, regardless of eloquence.

Mr C Wilson: On a point of order, Mr Chairman. Several times Mr Robinson, in moving motions, has made a few comments. I am certain of that.

The Initial Presiding Officer: On one or two occasions typographical errors and other things of that kind have been raised, but no significant comments have been made.

Mr C Wilson: The amendment is moved.

Amendment (No 87) proposed: Leave out Standing Order 70 and insert the following new Standing Order:

“The language of this Assembly shall be English.” — [Mr C Wilson]

Question put That the amendment be made.

The voices having been collected —

The Initial Presiding Officer: I think the Noes have it.

9.00 pm

Mr C Wilson: May I ask for a recorded vote? I would like the Ulster public to be aware that the Ulster Unionists are opposed to English being the official language of the House.

The Initial Presiding Officer: The question has been raised. It is clear that when there is a challenge to the Speaker's view on whether or not the Ayes or the Noes have it, there is no alternative but to have a recorded vote.

The First Minister (Designate): It was quite clear that no challenge was made to the outcome. That was not challenged. A request was made for a recorded vote for a purely ulterior purpose.

Mr C Wilson: I do challenge, Mr Chairman.

The Initial Presiding Officer: In ruling that we will have a recorded vote in three minutes, I do not necessarily dissent from the comments made by the First Minister (Designate).

Ms Morrice: May I have some clarification please on a point of order? Mr Wilson said that a vote against this would be a vote against English being the official language of this House. I do not see in this amendment any reference to English being the official language or not. I think he is incorrect.

The Initial Presiding Officer: What any Member or any member of the public takes from any vote in the Assembly is not a matter that I can rule on, and that was not a point of order. Members must vote as they see fit, and they will be able to do so after Mr Ervine has made his point of order.

Mr Ervine: I do not wish to challenge your ruling, but I fear that, given Mr Wilson's reason for asking for a recorded vote, a dangerous precedent will be set — dangerous from the point of view of the populace outside.

The Initial Presiding Officer: The position is simply this: a challenge is made in a parliamentary sense if, when the voices are collected, Ayes or Noes are called more loudly on the second time of asking. That is the usual and proper form of challenge. When that happens there is no alternative but to go to a recorded vote or, indeed, to a Division if the Standing Orders become extant. The reason behind the challenge is another matter entirely. We have no alternative but to proceed to a recorded vote.

The Assembly divided: Ayes 23; Noes 62.

AYES

Nationalist

Nil.

Unionist

Frazer Agnew, Roy Beggs, Paul Berry, Norman Boyd, Gregory Campbell, Wilson Clyde, Nigel Dodds, Oliver Gibson, William Hay, David Hilditch, Roger Hutchinson, Gardiner Kane, Maurice Morrow, Ian Paisley Jnr, Edwin Poots, Mrs Iris Robinson, Mark Robinson, Peter Robinson, Patrick Roche, Denis Watson, Jim Wells, Cedric Wilson, Sammy Wilson.

NOES

Nationalist

Alex Attwood, PJ Bradley, Joe Byrne, John Dallat, Ms Bairbre De Brún, Arthur Doherty, Mark Durkan, Sean Farren, John Fee, Tommy Gallagher, Ms Michelle Gildernew, Ms Carmel Hanna, Denis Haughey, Joe Hendron, Mrs Patricia Lewsley, Alban Maginness, Alex Maskey, Donovan McClelland, Alasdair McDonnell, Barry McElduff, Eddie McGrady, Gerry McHugh, Eugene McMenamin, Pat McNamee, Francie Molloy, Conor Murphy, Danny O'Connor, Ms Dara O'Hagan, Eamonn O'Neill, Mrs Sue Ramsey, Ms Brid Rodgers, John Tierney.

Unionist

Dr Ian Adamson, Billy Armstrong, Billy Bell, Esmond Birnie, Mrs Joan Carson, Fred Cobain, Rev Robert Coulter, Duncan Shipley Dalton, Ivan Davis, David Ervine, Sam Foster, Sir John Gorman, Derek Hussey, Billy Hutchinson, Danny Kennedy, James Leslie, David McClarty, Alan McFarland, Michael McGimpsey, Dermot Nesbitt, Ken Robinson, Rt Hon John Taylor, Rt Hon David Trimble.

Other

Mrs Eileen Bell, Seamus Close, David Ford, Kieran McCarthy, Ms Monica McWilliams, Sean Neeson.

The Initial Presiding Officer: There voted 85 Members. Thirty-two Nationalists voted, all of them Noes. The number of Unionist votes was 46 — 23 Ayes, and 23 Noes. The total number of Ayes represents 27.05%. The amendment is lost.

Question accordingly negated.

9.15 pm

Standing Order 70 agreed to.

Standing Order 71 (Assembly Commission)

Amendment (No 63) made: Leave out "strength" and insert "strengths". — [Mr P Robinson]

Question put That Standing Order 71, as amended, be agreed to.

The Assembly proceeded to a Division.

Mr P Robinson: This may be a unique occasion, but is it in order for the Chairman of the Committee, who

presented the report on behalf of his Committee, to vote against a part of his own report?

The Initial Presiding Officer: That was the question. Whether or not it was the intent, it is in order.

The Assembly having divided: Ayes 53; Noes 31.

AYES

Nationalist

Nil.

Unionist

Dr Ian Adamson, Fraser Agnew, Billy Armstrong, Roy Beggs, Billy Bell, Paul Berry, Esmond Birnie, Norman Boyd, Gregory Campbell, Mrs Joan Carson, Wilson Clyde, Fred Cobain, Rev Robert Coulter, Duncan Shipley Dalton, Ivan Davis, Nigel Dodds, David Ervine, Sam Foster, Oliver Gibson, Sir John Gorman, William Hay, David Hilditch, Derek Hussey, Billy Hutchinson, Roger Hutchinson, Gardiner Kane, Danny Kennedy, James Leslie, David McClarty, Alan McFarland, Michael McGimpsey, Maurice Morrow, Dermot Nesbitt, Ian Paisley Jnr, Edwin Poots, Mrs Iris Robinson, Ken Robinson, Mark Robinson, Peter Robinson, Patrick Roche, Rt Hon John Taylor, Rt Hon David Trimble, Denis Watson, Jim Wells, Cedric Wilson, Sammy Wilson.

Other

Mrs Eileen Bell, Seamus Close, David Ford, Kieran McCarthy, Ms Monica McWilliams, Ms Jane Morrice, Sean Neeson.

NOES

Nationalist

Alex Attwood, P J Bradley, Joe Byrne, John Dallat, Ms Bairbre de Brún, Arthur Doherty, Mark Durkan, Sean Farren, John Fee, Tommy Gallagher, Ms Michelle Gildernew, Ms Carmel Hanna, Denis Haughey, Joe Hendron, Mrs Patricia Lewsley, Alban Maginness, Alex Maskey, Donovan McClelland, Alasdair McDonnell, Eddie McGrady, Gerry McHugh, Eugene McMenamin, Pat McNamee, Francie Molloy, Conor Murphy, Danny O'Connor, Ms Dara O'Hagan, Eamonn O'Neill, Mrs Sue Ramsey, Ms Brid Rodgers, John Tierney.

Unionist

Nil.

Other

Nil.

9.30 pm

The Initial Presiding Officer: There voted 84 Members, including 31 Nationalists and all 46 Unionists, all of whom voted Aye. The Ayes represent 63.1%, but as

there is no cross-community support the Standing Order is not agreed to.

Question accordingly negated.

The Initial Presiding Officer: The Clerks at the Table try to accommodate Members who come to them with messages and so on. That practice causes difficulty during a Division, and I must rule that we cannot take material or answer questions during the count. Clerks have to record the responses of Members calling out their votes in different languages and dialects, and the task is sometimes made more difficult by the fact of Members not sitting in their usual places. It is unfair to expect the Clerks to take messages at that time.

Mr Ford: On a point of order, Mr Initial Presiding Officer. You said this morning that if you had definitive legal advice on our challenge to Standing Order 37 you would give it before this point in the proceedings. Have you received that legal advice?

The Initial Presiding Officer: I have sought it but have received no clear legal advice on the matter. I can only reiterate what I said earlier, that the Standing Orders will be scrutinised by the Secretary of State who has a responsibility to ensure that the Assembly's actions do not contravene any of the Government's international obligations. That is clearly in the legislation.

The Secretary of State has a responsibility to ensure that Assembly legislation and the actions of Ministers do not contravene international obligations, and she will guide the Assembly on such matters. I will continue to seek legal advice but I have nothing further to add to what I said earlier on.

We shall now proceed to a formal cross-community vote on the final Question. As I said at the start, to facilitate as smooth a passage as possible I was prepared to take no dissent as indicating cross-community support, but only on the condition that at the end there would be a formal cross-community vote. *[Interruption]*

Order. I must ask Members to take their seats. We have been trying to contact the Secretary of State to get permission for an extension beyond 10.00 pm, but have so far been unsuccessful. Unless we proceed quickly those who wish to speak in the Adjournment debate will have very little time.

Mr P Robinson: Mr Initial Presiding Officer, if Members are agreed by voice, are you going to go through the rigmarole of calling out names?

The Initial Presiding Officer: I am, because that is the one way to be clear that all the Standing Orders enjoy cross-community support. I said at the very start that we would do that, and it would be quite improper if I did not. The Standing Orders are a substantial matter.

We have different languages, without a Mexican wave as well.

Motion made:

That Standing Orders 1 to 70, as amended, be the Standing Orders of the Assembly. — *[The Initial Presiding Officer]*

The Assembly divided: Ayes 77; Noes 0.

AYES

Nationalist

Alex Attwood, PJ Bradley, Joe Byrne, John Dallat, Ms Bairbre de Brún, Arthur Doherty, Mark Durkan, Sean Farren, John Fee, Tommy Gallagher, Ms Michelle Gildernew, Ms Carmel Hanna, Denis Haughey, Joe Hendron, Mrs Patricia Lewsley, Alex Maskey, Donovan McClelland, Alasdair McDonnell, Eddie McGrady, Gerry McHugh, Eugene McMenamin, Pat McNamee, Francie Molloy, Conor Murphy, Danny O'Connor, Ms Dara O'Hagan, Eamonn O'Neill, Mrs Sue Ramsey, Ms Brid Rodgers, John Tierney.

Unionist

Dr Ian Adamson, Fraser Agnew, Billy Armstrong, Roy Beggs, Billy Bell, Paul Berry, Esmond Birnie, Norman Boyd, Gregory Campbell, Mrs Joan Carson, Wilson Clyde, Fred Cobain, Rev Robert Coulter, Duncan Shipley Dalton, Ivan Davis, Nigel Dodds, David Ervine, Sam Foster, Oliver Gibson, Sir John Gorman, William Hay, David Hilditch, Derek Hussey, Billy Hutchinson, Roger Hutchinson, Gardiner Kane, Danny Kennedy, James

Leslie, David McClarty, Alan McFarland, Michael McGimpsey, Maurice Morrow, Dermot Nesbitt, Ian Paisley Jnr, Edwin Poots, Mrs Iris Robinson, Ken Robinson, Mark Robinson, Peter Robinson, Rt Hon John Taylor, Rt Hon David Trimble, Denis Watson, Jim Wells, Cedric Wilson, Sammy Wilson.

Other

Ms Monica McWilliams, Ms Jane Morrice.

The Initial Presiding Officer: There voted 77 Members — 30 Nationalist Ayes and 45 Unionist Ayes. Indeed, all 77 Members voted for. The Standing Orders clearly and conclusively have cross-community support.

Question accordingly agreed to.

Resolved:

That Standing Orders 1 to 70, as amended, be the Standing Orders of the Assembly.

Mr Dodds: I take it that the absence of the entire Alliance Party for that vote did not destroy the cross-community element.

On a more serious point, and speaking as a member of the Committee, may I say that we owe a debt of gratitude to all those Members who tabled amendments. In particular, my Colleague Mr P Robinson put a lot of work into this.

Mr Haughey: The Chief Whip wishes it to be known that he is now buying.

ASSEMBLY BUSINESS

9.45 pm

The Initial Presiding Officer: Members may be relieved to know that we have just received authorisation from the Secretary of State to continue through until midnight.

I draw Members' attention, as I did on 1 March, to the fact that requests to speak in Adjournment debates can only be accepted up to the start of a sitting, and in the case of today, that was 10.30 am yesterday, as distinct from requests to speak on other motions, which are generally forthcoming throughout the sitting. I also apologise to those Members who were not told that their names had been accepted for the Adjournment debate.

Motion made:

That the Assembly do now adjourn. — [*The Initial Presiding Officer*]

NURSERY SCHOOL UNITS: ADMISSION CRITERIA

Mr S Wilson: I can see that there is going to be vast interest in this issue, but I appreciate that the hour is late.

The issue that I wish to raise tonight is one of great importance, that many of our constituents may raise with us over the next few weeks or months. I will give Members some background to it.

This year the criterion for entrance to nursery schools has been changed at the last moment as a result of a dictate from the Department of Education, and that has caused great uncertainty. Many parents thought that they had secured a nursery place for their child, because of the length of time on a waiting list, because of the criterion that the school had used in the past, or because of conversations with the headmaster. They now find themselves, until the end of April, not knowing whether or not their child will have a place in a nursery school.

This situation has arisen as a result of something which many of us would have no disagreement with: the Government have said that preference will be given to children from socially disadvantaged backgrounds. However, people are complaining about the way in which this has been introduced and about the implications of the Government's ruling.

The Minister sent a letter to primary schools on 20 January telling them that he had made a statutory rule. He said that the boards of governors would have to give priority to children from socially disadvantaged circumstances who were aged four before 1 September.

Many parents who thought that their children were at the top of the list, given the existing criterion, now find that that has changed, and in spite of what the Minister says, the change has been made without consultation.

The Minister claims that he consulted with schools and all interested parties when he was consulting with them on the Education Order in December 1997 and on the 'Investing in Early Learning' document, which was published in April last year.

However, no indication was given in those documents that this statutory rule was going to be imposed on the boards of governors. Indeed, Article 32 of the Education Order makes it quite clear that the board of governors of each school shall draw up, and may from time to time

amend, the criteria to be applied when selecting children for admission to the school.

Suddenly, on the basis of that Order, the Government are imposing a statutory rule that will take precedence over all the criteria which schools have set down.

Understandably, parents, having been told by school principals what the criteria would be, and having examined the situation in previous years, assumed that they had secured a nursery school place for their children.

The rule includes a definition of social disadvantage, but that also gives cause for concern. The definition of social disadvantage in the statutory rule includes only those children whose parents are in receipt of benefit. That means that people in low-income jobs who have young children — and many people whom I meet in my constituency go out to work for a few pounds more than they would receive in benefit in an attempt to break out of the dependency trap — find that, although they are not at home to look after their children during the day they will be most affected by the new criteria. The effort to target those who should have priority has been poorly thought out.

This rule, which deals with the subject of admission to educational establishments, totally ignores children with special educational needs. They should be given some priority. Not only has an ill-thought-out rule been introduced without consultation, but it actually disadvantages those who are trying to break out of the dependency trap. It discriminates against children who, because of special educational needs, would derive most benefit from nursery education. The rule is yet another example of how the direct rule administration has messed up education in the Province.

Under the Belfast Agreement, all Assembly legislation and every action by its Ministers will be subject to human rights scrutiny. We have here a classic example of a Minister acting without considering the human rights implications. These regulations discriminate between children. I do not have time now to go into human rights legislation, but it is clear that there is a human rights aspect to this.

The Assembly should highlight the injustice of what has been done, and draw attention to the fact that we have a system of government which callously walks over people who, in a proper democratic society, would expect to be consulted and considered before such legislation is enacted. If power is ever devolved to the Assembly, it will be the responsibility of whoever becomes Minister of Education to look into this matter quickly.

Parents who currently have their children's names down for a nursery school place in September are in a state of uncertainty. As a result of the change, they will

not know about places for their children until the end of April.

The ruling will also mean that many schools which are vastly oversubscribed — I can think of two nursery schools in my own constituency which, for the past four years, have had 50% more applicants than they have places — will not, because of their location, receive any additional funding from the Department to expand their nursery provision, although there is a clear demand for that.

I am sure that there are schools in similar circumstances all over the Province. Even though there is local demand, and it is quite clear that a school is oversubscribed, the rigid adherence to Labour Party dogma means that schools, perhaps for the next two or three years, will be unable to provide extra places.

I will be interested to hear what other Members have to say on this matter. I hope that I have outlined the main facts of the case in as short a time as possible, and I ask the Assembly for its support.

Mr K Robinson: I concur with everything that Assemblyman Sammy Wilson has said. I would also like to highlight some of the concerns which have been raised by the parents, governors and principals involved in the current controversy surrounding this new admissions criterion for children entering nursery schools.

I fully endorse the stated long-term aim of the Government to provide good quality educational places for all children in their pre-school year. Indeed, I am sure that every Member of the House has no difficulty in supporting that policy. However, as always, the devil has proved to be in the detail. This project has sought to give priority to those children deemed to be at a social disadvantage. Again, I am sure that no Member disagrees with that guiding principle even though there may well be 108 different views on what constitutes social disadvantage.

The problem which has arisen is that Peter appears to be being disadvantaged in order that Paul may overcome his perceived disadvantage. Unfortunately Peter's parents have noticed this sleight of hand, and they are writing to, and phoning, Members of the House and of that other place as well. They are jamming the airwaves to express their displeasure. They are attending public meetings, filling the editors' postbags of local and national newspapers and letting the Department know how displeased they are with the whole system.

The governors and principals of nursery schools, and primary schools with nursery units, are also less than pleased, but for different reasons. Over a number of years many nursery schools have evolved procedures which enabled parents to register their desire to acquire a pre-school place for their child. This was perhaps done by presenting the child, plus birth certificate, at the

nursery school on the child's second birthday. In other instances it was customary to queue up at the school to enrol the child.

These methods allowed the process to begin early and facilitated early notification that a place had been secured. They suited the school and relieved parents' anxieties. This year that process had already started in many places. It is therefore easy to understand the anger and frustration which many parents felt when they were informed by the schools that new criterion was being introduced.

I have letters from parents, governors, principals and education and library board officers expressing their dismay. The method of implementing the new criterion, and the timescale involved, is putting extreme pressure on principals and schools. They are now asking, and I agree with them, that the Department urgently address these problems. They agree with the direction of Government policy, but believe that a transitional period would enable the maximum benefit to be derived by all concerned.

I therefore urge Members to contact the Department of Education to highlight the operational difficulties which this hasty implementation is causing for schools. I have written to the Minister, and I have spoken to several of his senior officials, expressing my concern that what should have been a positive step forward in educational terms is proving to be a disaster in public-relations terms.

Mr Gallagher: I agree with what the Member has said and also with what the last Member said. Does the Member agree that the problem is not just with the difficulties that are arising from the criterion that has been introduced? The criteria themselves are essentially flawed as they fail to accommodate social disadvantage while attempting to accommodate open enrolment.

10.00 pm

Mr K Robinson: I agree.

It has undermined the credibility of principals and governors, and many of them feel that they have not been adequately consulted. I have a copy of the consultation document and a list of the bodies which responded to it, and there seems to have been a good response, if patchy, across the country.

It has alarmed those parents who felt that they had shown some initiative and responsibility by enrolling their children using the accepted methods. It may have raised the expectations of parents who are in the target group, but whose hopes, wishes and aspirations may not be realised. As Sammy Wilson said, it has driven a wedge between working parents and those who are unfortunate enough to be in receipt of the designated benefits.

In some areas the location of the extra places may inadvertently lead to the demise of that natural integration which has been a source of pride and strength to local communities. It is incumbent on the Department to make it crystal clear that no nursery provision will be open exclusively to one part of the community. That is very important, since European Union special peace and reconciliation funding may be involved in the provision of the extra places.

It must be clearly seen that the extra places are used to benefit socially disadvantaged children from whatever section of the community, even though we may disagree on the definition of social disadvantage. There is some reservation about the July and August birthday cohort. It is felt by some that, perhaps on educational grounds, it is really the younger child that misses out through his lack of maturity when he finally enters primary school, rather than the older, more developed child who is the current focus of the criteria.

Further concerns revolve around the use of geographical limits. For instance, "residing within the parish of" may lead to a concentration of disadvantaged children, and may prevent that necessary social mixing which research shows is vital to language and special development.

A final group has grave reservations that the new regulation may be in breach of the legislation, and that is causing them difficulty in framing their new criteria. It is also leading to concern that the previous flexibility which governors exercised to enable places to be set aside for children with special educational needs, may no longer be sustainable.

I ask the Minister and his officials urgently to address those problems, which the hasty introduction of this legislation has caused to parents and schools. The need for a transitional period is now obvious to all. It would enable the new procedures to be adopted, and the laudable programme of expansion would then have full public backing. That would be an immense relief to all our weans.

Mr O'Connor: Does the Member agree that the Government's stated aim to ensure that every child has access to one year of pre-school education will not be met by the criteria? In my area there is a Catholic-maintained nursery school and a state nursery school. One is heavily oversubscribed and the other is about 25% undersubscribed.

The school that is 25% undersubscribed used to take an overflow from the school that was oversubscribed. That cannot happen this year. The undersubscribed school will be forced to take two-year-olds to make up the numbers. Registered three-year-olds will be deprived.

Regulation 2(vi) of the Pre-School Education in Schools (Admissions Criteria) Regulations (Northern

Ireland) 1998 gives priority to children from socially disadvantaged circumstances who will be aged two before 1 September in their penultimate pre-school year, if their parents are in receipt of income-based jobseeker's allowance or income support. It does not take any account of those in receipt of family credit. The provisions allow two-year-olds to get places before three-year-olds, some of whom will be deprived of pre-school places even though they had registered with a school. That cannot be right.

That is a very real danger. The measure has been ill thought out. There are no guidelines to say that two-year-olds even have to be potty trained or able to feed themselves. What will happen if these children should have accidents at school? Under the Children (Northern Ireland) Order 1995, for their own protection teachers must be accompanied by an assistant when changing a two-year-old child. Who is with the other 20-plus children? Most of the play equipment in these schools cannot be used by children under 36 months. Do Mr K Robinson and Mr S Wilson agree that this whole situation is just a dog's dinner?

Mr K Robinson: I agree with Mr O'Connor on that point. It is causing grave concern to the teaching profession, which has qualified staff to deal with the children who need to be dealt with, those in their pre-primary school year, but is concerned about the lack of social training that some of the two-year olds have.

Mr Kennedy: The hour is late, and I am far from home. I knew that I had the capacity for making moving speeches, but I did not think that most of the Members in the Assembly would move out of the Chamber. Indeed the entire Public Gallery has cleared, except for the Doorkeepers who have to steward it. I hope that I do not come into the same category as that described by Lord Byron when referring to his mother-in-law:

"She had lost the art of conversation but, alas, not the power of speech."

I am concerned about the new criteria for admission to nursery school units that have been established by Her Majesty's Government. This is an important topic that has caused much concern among the people in my constituency of Newry and Armagh.

Many Members will have received representations from anxious parents. One such parent, Mrs Sandra McLoughlin, has written to me about the position of nursery places in the Hardy Memorial School in Richhill. Her daughter, Rachel, is two years old, and her parents are anxious to make provision for her education. Mrs McLoughlin queued outside the school from the early morning and eventually registered her child's name at about 9.00 am. She returned home tired but pleased that she had obtained a place for Rachel in the nursery school. But all her efforts were in vain. That

method of securing nursery school places has been superseded by the Government's new proposals.

In many schools there are waiting lists for nursery places containing the names of the children of parents who queued to register their children for the 1999 and 2000 intakes. It is not acceptable that the Government have now effectively cancelled these registrations.

It is laudable that the Government should want to provide nursery-school places for all children, irrespective of class, creed or background. All parties in the House endorse that principle. However, the reality is that for the intervening period, before the additional nursery places can be provided, many problems have been created.

There is a real danger that the Government's proposals, which are genuinely attempting to improve the lives of those people considered to be socially disadvantaged, will adversely affect many mainstream children. The Government should exercise care and discretion with this new allocation of child places, and it is in this area that I have some real criticism of the Government in general and of the Department of Education in particular.

The new arrangements appear rushed, and a glaring omission is the non-allocation of places for children with special needs. On this dog's dinner — as it has been called — the Department of Education should liaise closely with the education boards, the boards of governors and the teachers and parents and take account of the prevailing local conditions before proceeding with these wide-ranging changes. I am happy to endorse the comments of my Colleague Ken Robinson and other Members of the Assembly. Although the hour is late and attendance is small, this is nevertheless a very important topic to which the Government ought to respond urgently.

Mr Wells: Mr Initial Presiding Officer, it was remiss of Members not to place on record their appreciation of the way in which you and your staff handled the debate on the Standing Orders Committee. It was extremely well dealt with, and though many attempts were made to wrong foot you, they all failed. Your colleagues at the front did an excellent job.

It is uncanny that I am the last Member here to speak this evening, as I was the last person in the Public Gallery when the Convention fell in 1976. I was the last Member to speak when the Assembly fell in 1986, and I was the last person in the Chamber before the fire in 1995.

Mr Kennedy: Would the Member reassure the House that he was not on the Titanic. *[Laughter]*

Mr Wells: Lo and behold, Mr Speaker, as I may now address you I am the first Member to call you that, and

maybe the last, unfortunately — I find myself the last Member to speak tonight. Could this be an omen, not that I believe in such things? Could it be that this is the last speech of the last evening of the Assembly. I do not know, it could well be. That is pessimistic, but it could well happen.

I am not here to crack jokes, Mr Speaker; I am here to speak on a sensible subject, that is dear to the hearts of many of my constituents in South Down.

Last Wednesday evening I spoke at a meeting in Kilkeel that was attended by 145 mothers. I was the oldest person in the room until another Ulster Unionist councillor arrived. They were all incensed by this decision to change the criterion for selection for nursery schools. Those mothers had queued from 4 o'clock in the morning in the rain to get their children a place in the nursery school in Kilkeel. Having sat out all night in very difficult conditions they then found a few months later, that the whole matter of placing children in nursery schools was completely up in the air.

The change means that those who are on income support or getting jobseeker's allowance will have priority. That is the definition of the social disadvantage, according to the Department of Education. Never mind those who are claiming family credit, those who have decided that rather than sit on the dole they will take a lowly-paid job and try to do the best they can for their children. They may be bringing home exactly the same income as someone getting income support or jobseeker's allowance, but they have chosen to go out and earn an honest day's pay.

Those people are not being defined as socially disadvantaged, but people who are on income support are. Those who are on disability living allowance, mobility allowance, invalid care allowance and all the many other benefits which people claim but who do not meet the this new criterion will not get special treatment.

A week before the closing date for nursery place applications a man can walk out of a job and honestly complete an application form for income support in his social-security office. His child then goes to the top of the queue for a place in a nursery school. That is the obscenity of these regulations. Once the child is allocated a place, he can then go back to his job having got his child in. He will have satisfied the criterion, and that is totally unacceptable.

This is the problem in Kilkeel. In some lucky parts of the Province this is not an issue, because they have adequate nursery-school provision for almost all the children.

Mr Dodds: On the question of provision, one of the Minister's defences, as I understand it, is that the number of places will rise. There are 45% of places at

the moment, and that will rise to 55% and 75% by 2001. Does Mr Wells agree that it would have been better if the Minister had waited until those places were available before he implemented this scheme?

10.15 pm

Mr Wells: The Member makes a valid point.

Little does the Minister know that eight angry housewives from Kilkeel will be heading towards his office on Monday morning and, if he knew as much about Kilkeel people as I do, he would know that a good Mourne man is not born, he is quarried, and his wife has a strong character as well. Those people intend to demand that this scheme is put on ice for a year to enable the provision to be increased and, because the allocation system is in total confusion, to let the dust settle.

Kilkeel is an important part of my constituency and of south Down. If people in Moira or Lurgan were encountering this difficulty, it would not involve a journey to the ends of the earth to take their children four or five miles down the road to alternative nursery education. It might be inconvenient and difficult, but it is possible.

In Kilkeel, twice as many children as there are available places are chasing those places because there is no alternative. The nearest nursery provision is in Downpatrick, which is 24 miles in one direction, or Newry, which is 20 miles in the other. It is totally impractical for those parents even to seek alternative places, and those in Kilkeel are fully booked. Parents are in a difficult position.

I agree with Mr Wilson about special-needs children. It is totally wrong that the criteria have been drawn in such a way that a child with severe learning disability or physical disability is placed at the bottom of the queue, behind those on income support and jobseeker's allowance.

I may be ruled out of order for what I am about to say, but it comes from the heart. It is grossly unfair that those who are working hard to keep their children and to give them the best possible start in life are being put in second place to those who have done little to support their children.

I was asked in Kilkeel on Wednesday night "Where are all of those people who are on income support and jobseeker's allowance when the queue was on outside the school at 4 o'clock in the morning?" They were nowhere to be seen. They did not care enough about their children to come out and join the queue with the working people. But now, through no fault of their own, those people who queued are being penalised while those who did nothing to secure places for their children are going to the top of the queue. That is totally wrong.

At the meeting on Wednesday night, we agreed to take an all-party delegation representing all sides of the community and, in particular, the parents of children with special needs, to see the Minister. We intend to be forthright with him and tell him that the situation is unacceptable.

Mr Dodds: I apologise for yet another intervention. I agree with almost everything that the Member has said, but I should be grateful for clarification on his point about people queuing. I take it that he did not mean that every person on income support does not care about his or her children. There are sometimes good reasons why such parents are unable to avail of the opportunities to register.

Mr Wells: That is an important point, and I am delighted that the Member has given me an opportunity to clarify the matter. I did not intend to imply that those on income support are any less loving or caring towards their children, but rather that when there was an opportunity to secure places for their children, very few of them took it. Those who had to go on to do a full day's work had to queue to secure places.

I am not asking for preferential treatment for working parents or for those on family credit or income support. I am asking for fair treatment — for everyone to be treated equally in the allocation of places.

Just in case this is the last speech on the last day, may I thank you, Mr Initial Presiding Officer, for your tolerance. You have had to endure my rather twisted and strange wit, which is difficult to live with. It has been a pleasure to serve under your Chairmanship, and I hope that we will be back in a few weeks time and that you will be, in your rightful place as Speaker.

The Initial Presiding Officer : On behalf of my Colleagues, the Clerks, the Hansard staff, the interpreters, the Doorkeepers and those who laboured in the Business Office to produce that enormous list of Marshalled amendments, under great pressure at times, I thank the Member for South Down (Mr Wells) for his kind comments.

In having such an extended sitting, we have required the staff to do rather more than they would be expected to do even in other places where the hours are long. I take your kind words as being essentially for the members of staff too. They have served us exceedingly well.

Adjourned at 10.21 pm.

THE NEW NORTHERN IRELAND ASSEMBLY

Thursday 15 July 1999

The Assembly met at 10.30 am (the Initial Presiding Officer (The Lord Alderdice of Knock) in the Chair).

PRESIDING OFFICER'S BUSINESS

Mr P Robinson: On a point of order, Mr Initial Presiding Officer.

The Initial Presiding Officer: I cannot take a point of order now, because the Assembly has not quite been constituted. I will take it later.

I have received the following letter from the Secretary of State:

"Under the Northern Ireland (Elections) Act 1998 it is my responsibility to determine at what times the Assembly shall meet. In accordance with the schedule to that Act, I hereby direct that the Assembly shall meet from 15 July at 10.30 am until 30 July at 6.00 pm."

I will take your point of order now, Mr Robinson.

Mr P Robinson: Mr Initial Presiding Officer, can you assure the Assembly that the notification that you have just read was communicated to every party in the Assembly and that the Ulster Unionists, in particular, are aware that the Assembly is meeting? We need to know that they knew about the sitting but did not want to come and take a stand to exclude Sinn Féin from the Executive.

The Initial Presiding Officer: All reasonable precautions were taken to ensure that all Members and all parties were informed, and I have no reason to believe that any were not.

Rev Dr Ian Paisley: Further to that point of order, Mr Initial Presiding Officer. Would it be correct to conclude that the First Minister (Designate) had, of course, been informed that the Assembly was meeting?

The Initial Presiding Officer: I have nothing to add to my previous comment. Under Initial Standing Order 22(2)(b), notice of a motion under Standing Order 24(1) or (2) requires the Presiding Officer to defer the procedure for the appointment of Ministers (Designate) until the Assembly has voted on that motion but, subsequent to that vote, requires him immediately to proceed. I have received such a notice of motion.

Before taking the motion, I wish to make two rulings which shall apply to this first item of business.

First, while giving notice of a motion under Standing Order 24 has no specific requirements, the moving of such a motion requires that one of three criteria must be met. These criteria are set out under Standing Order 24(5). As I have received no notice under Standing Order 24 5(b) or (c) I shall invite the proposer to provide evidence that criterion (a) is met. I will accept written notice bearing the signature of 30 Members, or the support of 30 Members demonstrated by their rising in their places, or both.

If this criterion is met the motion may be moved and the debate will proceed. If it is not met I will not allow the motion to be moved and the procedure for the appointment of Ministers (Designate) shall immediately proceed as required by Standing Order 22(2).

In either event my second ruling shall apply. It is that, once commenced, the procedure under Standing Order 22 will not be interrupted except by leave of the Assembly or in terms described by Standing Order 22(7) where a nominating officer requests a brief adjournment. This second ruling is based on the practice described in 'Erskine May', page 319, which explains that an order of the day must be proceeded with, arranged for a future day or discharged. In the case of the Order Paper, and specifically item 3, it is clear that the first option only is available to the Assembly. If those rulings are clear I shall proceed.

SINN FÉIN: MOTION FOR EXCLUSION

The following motion stood on the Order Paper in the names of Rev Dr Ian Paisley and Mr P Robinson:

This Assembly resolves that Sinn Féin does not enjoy the confidence of the Assembly because it is not committed to non-violence and exclusively peaceful and democratic means and, therefore, consistent with Standing Order 24(2)(a), determines that members of Sinn Féin shall be excluded from holding office as Ministers or Ministers (Designate) for a period of 12 months beginning with the date of this resolution.

Mr P Robinson: On a point of order, Mr Initial Presiding Officer. I require clarification with regard to Standing Order 24(5). As we have provided evidence that 29 Members support this motion, do you require evidence of the support of just one more Member for a debate to go forward? And is it the case that the thirtieth person need not be someone who will vote for the motion at the end, but simply one who is prepared as a democrat to have it debated? Any Member, even though he does not intend to support the content of the motion at the end of the debate, can, in order that we may have a debate, rise in his place and indicate support for it.

The Initial Presiding Officer: You have explained the position. I do not disagree with what you have said.

Mr C Wilson: Further to that point of order, Mr Initial Presiding Officer. I ask you to confirm that this motion stands in the name of 29 Members, representing the Democratic Unionist Party, the United Kingdom Unionist Party, the Northern Ireland Unionist Party, the United Unionist Assembly Group and one Ulster Unionist, Mr Peter Weir. Isn't it a united Unionist motion which has the full support of this side of the House?

The Initial Presiding Officer: I cannot confirm that. The position is that there are 28 names in support of the motion. There were 29. Therefore I must ask Dr Paisley whether he can satisfy the requirements of Standing Order 24(5)(a). Does the motion have the support of 30 Members?

Mr C Wilson: Further to that point of order. Before Dr Paisley speaks may I ask you —

The Initial Presiding Officer: I am not prepared to take a point of order as I have already asked Dr Paisley to respond.

Rev Dr Ian Paisley: The best thing for you to do, Sir, is to put the matter to the Assembly to determine the number of supporters. We received no notice from Mr Weir that he had withdrawn.

The Initial Presiding Officer: I currently have 28 signatures. I must therefore ask whether there are any Members other than the 28 signatories who support the proposal for the moving of this motion. If there are any, will they stand in their places?

Seeing none, I assume that there are not 30 Members in support of the motion and that it is therefore not competent and falls.

Mr P Robinson: On a point of order, Mr Initial Presiding Officer. Can you rule that this is the only legal mechanism to exclude Sinn Féin from an Executive in Northern Ireland and that the absence of the Ulster Unionist Party ensures that it cannot be triggered?

The Initial Presiding Officer: I am not sure that I can confirm that this is the only legal mechanism. That would be a rather wide-ranging judgement, and therefore I cannot confirm the proposition.

NOMINATION OF MINISTERS (DESIGNATE)

The Initial Presiding Officer: Immediately prior to entering the Chamber, I received a Standing Order, in manuscript form, from the Secretary of State. I have just had it handed to me in typed form, which is rather easier to read. It is an additional initial Standing Order referring to the running of d'Hondt. As it would be improper for me to proceed without Members of the Assembly having had an opportunity to read the Standing Order, I am suspending the sitting for 15 minutes so that Members may do so. We shall then proceed forthwith to the appointment of Ministers.

Mr Adams: On a point of order, a Chathaoirleigh. Given the failure of the DUP move to exclude Sinn Féin, can we presume that after this suspension we can move to trigger d'Hondt and nominate Ministers?

The Initial Presiding Officer: You can, Mr Adams, but it would be wrong to proceed when a Standing Order has been promulgated which even I have not had an opportunity to study properly. Copies of the Standing Order are available in the Members' Lobby.

Rev Dr Ian Paisley: Further to that point of order, Mr Initial Presiding Officer. You have said that d'Hondt will run. I take it that this Standing Order does not prevent that.

The Initial Presiding Officer: I will wish to study it, but, as I understand it, it does not prevent the running of d'Hondt.

Mr Dodds: On a point of order, Mr Initial Presiding Officer. Can you confirm, as a matter of courtesy to Members, when you or your office received a copy of this manuscript Standing Order from the Secretary of State? We have become used to rules being made up as we go along. This is another example, following the procedure that was initiated in the House of Commons. Will you let us know precisely when you received that communication from the Secretary of State?

The Initial Presiding Officer: I received the manuscript amendment just prior to coming into the Chamber — certainly less than half an hour ago. I received the typed form more recently, and it is proper for Members to have an opportunity to read it.

Rev Dr Ian Paisley: They do not have copies.

Rev William McCrea: It is the first they have heard of it.

The Initial Presiding Officer: I have asked that it be provided in the Members' Lobby. We shall try to ensure that it is available. I propose to suspend the sitting for 15 minutes. I am in a difficult position but wish to ensure that our proceedings are conducted decently, properly

and in order. Copies will be available as soon as possible.

Rev Dr Ian Paisley: By leave of the House could we say 30 minutes?

The Initial Presiding Officer: I cannot say 30 minutes, as I am not entitled to do so under Standing Orders. Fifteen minutes is the maximum that I am permitted. Let us take the 15 minutes and address the matter then.

The sitting was suspended at 10.45 am and resumed at 11.02 am.

The Initial Presiding Officer: I trust that all Members have been able to get copies of the additional Standing Order. It is only proper for me to read the letter from the Secretary of State and the additional Standing Order in order to put them on the record. The letter states

"It is my responsibility under paragraph 10 of the schedule to the Northern Ireland (Elections) Act 1998 to determine the Standing Orders of the Assembly during the shadow period. It is therefore hereby determined that the Additional Standing Order on the appointment of Ministers (designate), attached below, should become Standing Order 22 with immediate effect.

The previous Standing Order 22 made on 9 July is hereby revoked."

The substance of the change is the addition of paragraph 15 and a reference to paragraph 15 in section 1 of Standing Order 22. Members will note that the changed part of the Standing Order reads as follows:

"On the completion of the procedure for the appointment of Ministers (designate) under this Standing Order, the persons appointed shall only continue to hold Ministerial office (designate) if they include at least 3 designated Nationalists and 3 designated Unionists."

I trust that the Assembly is clear about the new Standing Order.

As required by the Initial Standing Orders, I have, by reference to the party affiliations indicated by Members when taking their seats, published a consolidated list of political parties represented in the Assembly, the Assembly Members belonging to each political party and the nominating officer for each party.

At the sitting of the Assembly on 16 February 1999 a joint proposal from the First Minister (Designate) and the Deputy First Minister (Designate), relating to the number of ministerial offices to be held by Northern Ireland Ministers and the functions which would be exercisable by the holders of such offices after the appointed day, was agreed with cross-community support.

I am now required by the Initial Standing Orders to conduct the allocation of ministerial offices (designate) in accordance with the procedures that are set out in the Initial Standing Orders. Before commencing, I wish to remind Members of the requirements set out in those Standing Orders. I shall ask the nominating officer of each political party, in the order required by the formula

contained in the Initial Standing Orders, to select an available ministerial office (designate) and nominate a person to hold it who is a member of his or her party and of the Assembly.

Should a nominating officer require further time to consider a selection or a nomination, it is open to me to permit a brief suspension. However, if no such request is made, if the nominating officer does not make the selection or nomination required within the maximum period of five minutes, or if the nominee does not take up the selected ministerial office (designate) within that period in accordance with the Initial Standing Orders, I am required to disregard the nominating officer and his party for the purposes of filling the remaining ministerial offices (designate). I will then ask the nominating officer next in line, in accordance with the required formula, to select and nominate. I should also explain that, under the terms of the Initial Standing Orders, the First Minister (Designate) and the Deputy First Minister (Designate) may be nominated to hold ministerial office.

It is also required that Ministers taking up positions affirm the Pledge of Office contained in schedule 4 to the Northern Ireland Act 1998. Discussions through the usual channels on the procedure that we should adopt have indicated that it would be helpful if I were to read the Pledge of Office so that it does not have to be read in full by each of the nominated Ministers. The Pledge of Office is as follows:

“To pledge:

- (a) to discharge in good faith all the duties of office;
- (b) commitment to non-violence and exclusively peaceful and democratic means;
- (c) to serve all the people of Northern Ireland equally, and to act in accordance with the general obligations on government to promote equality and prevent discrimination;
- (d) to participate with colleagues in the preparation of a programme for government;
- (e) to operate within the framework of that programme when agreed within the Executive Committee and endorsed by the Assembly;
- (f) to support, and act in accordance with, all decisions of the Executive Committee and Assembly;
- (g) to comply with the Ministerial Code of Conduct.”

The Ministerial Code of Conduct is also included in schedule 4 to the Northern Ireland Act 1998.

I call on Mr Trimble, as the nominating officer for the political party for which the formula laid down in Standing Orders gives the highest figure, to select a ministerial office (designate) and nominate a person to hold it who is a member of the Ulster Unionist Party and of the Assembly.

The Standing Orders require that a response come within five minutes.

Five minutes was allowed for a response from Mr Trimble.

The Initial Presiding Officer: Mr Trimble has not made a nomination within five minutes, so I am required by the Standing Orders to disregard the nominating officer of the Ulster Unionist Party and his party for the purposes of filling remaining ministerial offices (designate).

I call on Mr Hume, as the nominating officer of the political party for which the formula laid down in Standing Orders gives the next-highest figure, to select a ministerial portfolio and to nominate a person to hold it who is a member of the Social Democratic and Labour Party and of the Assembly.

Mr Hume: I nominate Mr Mark Durkan for the Department of Finance and Personnel.

The Initial Presiding Officer: Will Mr Durkan confirm that he is willing to take up the office?

Mr Durkan: Yes. I affirm the Pledge of Office as set out in schedule 4 to the Northern Ireland Act 1998.

The Initial Presiding Officer: Mr Durkan has been appointed Minister (Designate) of Finance and Personnel.

I call on Dr Paisley, as the nominating officer of the political party to which the formula laid down in Standing Orders gives the next-highest figure, to select a ministerial portfolio and to nominate a person to hold it who is a member of the Democratic Unionist Party and of the Assembly.

Rev Dr Ian Paisley: Mr Initial Presiding Officer, you informed me that I could have a 15-minute suspension. I want that 15 minutes.

The Initial Presiding Officer: As I said earlier, a nominating officer has the right to call for a 15-minute suspension in order to consult with colleagues. The sitting is therefore suspended for 15 minutes.

The sitting was suspended at 11.15 am and resumed at 11.30 am.

The Initial Presiding Officer: I call on Dr Paisley to make his nomination.

Rev Dr Ian Paisley remained seated.

The Initial Presiding Officer: I remind Dr Paisley that he has five minutes left in which to make his nomination and that any nominee will have to affirm the pledge within that time.

Rev Dr Ian Paisley: In order to oust Sinn Féin from office, in keeping with the wishes of the majority of the Unionist people, I refuse to nominate.

The Initial Presiding Officer: I call on Mr Gerry Adams, as the nominating officer of the political party for which the formula laid down in Standing Orders gives the next-highest figure, to select a ministerial portfolio and to nominate a person to hold it who is a member of Sinn Féin and of the Assembly.

Mr Adams: Tá mé buíoch duit, a Chathaoirleach. Ainmním Bairbre de Brún mar Aire Enterprise Trade and Investment.

The Initial Presiding Officer: I must ask that you make the nomination in English also, as it has to be made before the Assembly. *[Interruption]*

Mr Adams: Thank you. Thanks for your encouragement, Gentlemen.

I want to nominate Bairbre de Brún as Minister of Enterprise, Trade and Investment.

The Initial Presiding Officer: Will Ms de Brún confirm that she is willing to take up this office?

Ms de Brún: Cinntím sin, agus dearbhaím gealltanais na h-oifige mar atá siad leagtha amach i sceideal 4 don Acht um Thuaisceart Éireann 1998.

I can confirm that, and I affirm the pledge of office as set out in schedule 4 to the Northern Ireland Act 1998.

The Initial Presiding Officer: Ms Bairbre de Brún is now appointed as Minister (Designate) of Enterprise, Trade and Investment.

I call on Mr John Hume, as nominating officer of the political party for which the formula laid down in Standing Orders gives the next-highest figure, to select a ministerial portfolio and to nominate a person to hold it who is a member of the Social Democratic and Labour Party and of the Assembly.

Mr Hume: I nominate Mr Sean Farren as Minister for Regional Development.

The Initial Presiding Officer: Will Mr Farren confirm that he is willing to take up the office?

Mr Farren: Cinntím — agus tá áthas orm — an gealltanais sin a thabhairt.

I affirm the pledge of office as set out in schedule 4 to the Northern Ireland Act 1998.

The Initial Presiding Officer: Mr Farren is now appointed Minister (Designate) for Regional Development.

I call on Mr Gerry Adams, as nominating officer of the political party for which the formula laid down in Standing Orders gives the next-highest figure, to select a ministerial portfolio and to nominate a person to hold it who is a member of Sinn Féin and of the Assembly.

Mr Adams: Maith thú. Tá mé buíoch duit arís, agus ainmním Martin McGuinness mar Aire Agriculture agus Rural Development.

I thank you again, and I nominate Martin McGuinness as Minister of Agriculture and Rural Development.

The Initial Presiding Officer: Will Mr McGuinness confirm that he is willing to take up this office?

Mr McGuinness: Tá. Yes. I affirm the pledge of office.

The Initial Presiding Officer: Mr McGuinness is appointed as Minister (Designate) of Agriculture and Rural Development.

I call on Mr John Hume, as nominating officer of the political party for which the formula laid down in Standing Orders gives the next-highest figure, to select a ministerial portfolio and to nominate a person to hold it who is a member of the Social Democratic and Labour Party and of the Assembly.

Mr Hume: I nominate Ms Brid Rodgers as Minister of Higher and Further Education, Training and Employment.

The Initial Presiding Officer: Will Ms Brid Rodgers confirm that she is willing to take up this office?

Ms Rodgers: Cinntím go nglacaim leis an ghealltanais mar atá leagtha amach i sceideal 4 in Acht Thuaisceart na h-Éireann 1998.

I affirm the pledge of office as set out in schedule 4 to the Northern Ireland Act 1998.

The Initial Presiding Officer: Ms Brid Rodgers is now appointed Minister (Designate) of Higher and Further Education, Training and Employment.

I call on Mr Sean Neeson, as the nominating officer of the political party for which the formula laid down in Standing Orders gives the next-highest figure, to select a ministerial portfolio and to nominate a person to hold it who is a member of the Alliance Party and of the Assembly.

Mr Neeson: When I came into the building this morning it was my intention to nominate if this procedure were moving forward. However, I refuse to do so because of the unforgivable absence of the Ulster Unionists and the outrageous Standing Order, which states

“On the completion of the procedure for the appointment of Ministers (designate) under this standing order, the persons appointed shall only continue to hold Ministerial office (designate) if they include at least three designated Nationalists and three designated Unionists”.

I and my party are not prepared to be made patsies through any outrageous act by the Government, and I do not intend to nominate anyone.

The Initial Presiding Officer: I call on Mr Gerry Adams, as nominating officer of the political party for which the formula laid down in Standing Orders gives the next-highest figure, to select a ministerial portfolio and to nominate a person to hold it who is a member of Sinn Féin and of this Assembly.

Mr Adams: Ainmním Pat Doherty mar Aire Oideachais.

I wish to nominate Mr Pat Doherty as Minister of Education.

The Initial Presiding Officer: Will Mr Doherty confirm that he is willing to take office?

Mr Doherty: Cinntím go nglacaim.

I affirm the pledge of office as set out in schedule 4 to the Northern Ireland Act 1998.

The Initial Presiding Officer: Mr Doherty is now appointed Minister (Designate) of Education.

I call on Mr John Hume, as nominating officer of the political party for which the formula laid down in Standing Orders gives the next-highest figure, to select a ministerial portfolio and to nominate a person to hold it who is a member of the Social Democratic and Labour Party and of this Assembly.

Mr Hume: I nominate Mr Eddie McGrady as Minister of Health, Social Services and Public Safety.

Mr McGrady: Mr Initial Presiding Officer, I do not accept the nomination.

The Initial Presiding Officer: I return to the nominating officer, Mr Hume, to ask if he has a further nomination in regard to this or any other portfolio.

Mr Hume: I nominate Dr Joe Hendron as Minister of Health, Social Services and Public Safety.

The Initial Presiding Officer: Will Dr Hendron confirm that he is willing to take up this office?

Dr Hendron: I so confirm, and I affirm the Pledge of Office as set out in schedule 4 to the Northern Ireland Act 1998.

The Initial Presiding Officer: Dr Joe Hendron is now appointed as Minister (Designate) of Health, Social Services and Public Safety.

I now call on Mr Robert McCartney QC, as nominating officer of the political party for which the formula laid down in Standing Orders gives the next-highest figure, to select a ministerial portfolio and to nominate a person to hold it who is a member of the United Kingdom Unionist Party and of this Assembly.

Mr McCartney: It comes as a shock to me that Dr Joe Hendron accepted his nomination and is willing to share power, in the light of the treatment he was afforded at the hands of Sinn Féin in the 1992 election. As a democrat, under no circumstances would I consider for a second nominating either myself or anyone else in my party to sit in an Executive with two members of the IRA Army Council, Mr McGuinness and Mr Pat Doherty. I refuse to make any nominations.

The Initial Presiding Officer: I call on Mr John Hume, as nominating officer of the political party for which the formula laid down in Standing Orders gives the next-highest figure, to select a ministerial portfolio and to nominate a person to hold it who is a member of

the Social Democratic and Labour Party and of this Assembly.

Mr Hume: I nominate Mr Denis Haughey as Minister for Social Development.

The Initial Presiding Officer: Will Mr Haughey confirm that he is willing to take up the office?

Mr Haughey: A Chathaoirligh, I affirm the Pledge of Office as set out in schedule 4 to the Northern Ireland Act 1998.

The Initial Presiding Officer: Mr Haughey is appointed as Minister (Designate) for Social Development.

I now call on Mr Gerry Adams, as nominating officer of the political party for which the formula laid down in Standing Orders gives the next-highest figure, to select a ministerial portfolio and to nominate a person to hold it who is a member of Sinn Féin and of this Assembly.

Mr Adams: Ainmím Mary Nelis mar Aire Culture, Arts agus Leisure. I nominate Mary Nelis as Minister of Culture, Arts and Leisure.

The Initial Presiding Officer: Will Mrs Mary Nelis confirm that she is willing to take up this office?

Mrs Nelis: Yes, a Chathaoirligh, and I affirm the Pledge of Office as set out in schedule 4 to the Northern Ireland Act 1998.

The Initial Presiding Officer: Mrs Mary Nelis is now appointed Minister (Designate) of Culture, Arts and Leisure.

I now call on Mr John Hume, as nominating officer of the political party for which the formula laid down in Standing Orders gives the next-highest figure, to select a ministerial portfolio and to nominate a person to hold it who is a member of the Social Democratic and Labour Party and of this Assembly.

11.45 am

Mr Hume: I nominate Mr Alban Maginness as Minister of the Environment.

The Initial Presiding Officer: Will Mr Alban Maginness confirm that he is willing to take up the office?

Mr Maginness: I so confirm, and I affirm the Pledge of Office as set out in schedule 4 to the Northern Ireland Act 1998.

The Initial Presiding Officer: Mr Alban Maginness is now Minister (Designate) of the Environment.

That concludes the process for the appointment of Ministers (Designate). However, I must draw to the attention of the Assembly that under Standing Order 22(15), determined this day, the persons appointed shall continue to hold ministerial office (designate) only if they include

at least three designated Nationalists and three designated Unionists. The designations have been published, and it is clear that under this Standing Order the appointments cannot continue.

PERSONAL STATEMENT

The Deputy First Minister (Designate) (Mr Mallon):

May I thank you, Mr Presiding Officer, for giving me the opportunity to make a personal statement to the Assembly.

On 1 July 1998 I was honoured to be elected, on a cross-community basis, as the Deputy First Minister (Designate) to serve all the people of Northern Ireland. On taking that office I affirmed my commitment to non-violence and exclusively peaceful and democratic means; my opposition to any use of force by others for any political purpose; my commitment to work in good faith to bring into being the arrangements set out in the Good Friday Agreement; and my commitment to observe the spirit of the Pledge of Office. I have tried to the best of my ability to do that.

Since 1 July I have worked with the two Governments, my party and all the other parties to give effect to that pledge. For over a year the fundamental institutional elements of that agreement have not been implemented. We have all benefited from unparalleled time, support and energy from the Prime Minister, Tony Blair, and the Taoiseach, Bertie Ahern, and, though it has become fashionable in recent weeks to criticise the Secretary of State, the reality is that without her efforts, her willingness to think the unthinkable and her resolve we would never have had the Good Friday Agreement.

The key element of the pledge which was taken by the First Minister and myself was our commitment to work in good faith to bring into being the institutions set out in the Good Friday Agreement. That agreement received overwhelming support in Ireland, North and South, Unionist and Nationalist, in the referenda of 22 May 1998. That overwhelming support endures, despite the frustrations of implementation and the limitations of leadership. Since 1 July, deadline after deadline has been missed: 31 October, the day specified for the inaugural meeting of the North/South Ministerial Council; 10 March 1999; Hillsborough; Downing Street; Castle Buildings; 'The Way Forward'; and the legislation to ensure the fail-safe clause. Permutation after permutation has been tried. We have tried, and I have tried, every move in the book and outside it to ensure that this agreement worked and that the institutions were set up.

On 2 July 1999, in 'The Way Forward' document presented by the two Prime Ministers, the Governments set out the best possible way of resolving this impasse. It embodies principles that I have always espoused. First, that decommissioning is not a prior condition in the Good Friday Agreement. Secondly, that it is an obligation under the Good Friday Agreement. Reflecting this in 'The Way Forward', the Governments set out three commitments agreed by all the parties: an inclusive

Executive exercising devolved powers; decommissioning of all paramilitary arms by May 2000; and decommissioning to be carried out in a manner determined by the International Commission on Decommissioning.

Most importantly, in order to provide reassurance, the Governments agreed a fail-safe clause. It provided that if decommissioning were not carried out as specified by the International Commission all institutions would be suspended. It also provided that if there were no inclusive Executive all institutions would similarly be suspended. This reflects guarantees that I gave at our party conference last November — one to Unionists in the event that decommissioning did not occur and one to Sinn Féin in the event that the Executive was not truly inclusive. Those two guarantees were rooted in the conviction that those who reneged on the agreement could not expect to continue in office. Both are now formally copper-fastened in this fail-safe clause.

However, the Ulster Unionist Party says that that is not enough. It used this crisis to get more concessions out of two sovereign Governments in order to bleed the process dry. They stand by their demand for prior decommissioning — a condition that is found nowhere in the agreement, and one that is alien to its principles.

Rev Dr Ian Paisley: On a point of order, Mr Initial Presiding Officer. Is this a personal statement or is it going to the heart of a debate that we were not allowed to have? It goes far beyond a personal statement.

The Initial Presiding Officer: It is a personal statement. I am considering two or three questions as to how we conduct ourselves immediately thereafter.

Rev Dr Ian Paisley: I intend to ask for the right to comment.

The Initial Presiding Officer: I am not shocked.

Mr Paisley Jnr: Further to that point of order, Mr Initial Presiding Officer. How much time does the Deputy First Minister (Designate) have for his personal statement?

The Initial Presiding Officer: The Deputy First Minister (Designate) is making a personal statement which I believe to be of some importance to the Assembly.

Mr Paisley Jnr: On a further point of order.

The Initial Presiding Officer: I am not taking any further points of order at this stage. It is for me to decide when to take points of order. I shall take this one after the Deputy First Minister has resumed his seat.

The Deputy First Minister (Designate): Thank you, Mr Presiding Officer. I insisted, with your permission, that I do the House the courtesy of making my statement here and not elsewhere. I shall continue.

The Ulster Unionists stand by their demand for prior decommissioning — a condition that is not found in the Good Friday Agreement, and one that is alien to its principles. What they are doing is worse than failing to operate an inclusive Executive: they are actually preventing its creation. They are dishonouring this agreement; they are insulting its principles.

Over the past year more space has been sought and more given, and on each occasion more space is required. More time is then needed and more understanding of the difficulties, real or imaginary, that are faced. The best efforts of two Governments and of the parties, even in recent days, have borne no fruit. I speak not just of my efforts as Deputy First Minister but also of those of the Secretary of State, the Prime Minister, the Taoiseach and the President of the United States. When, in the past, could we have had such support? When can we hope to have such support again? It is a matter of genuine regret that others could not, and did not, respond to their relentless efforts. There has been visit after visit and meeting after meeting day after day. Regrettably — and I say this more in sorrow than in anger — those efforts have been not just spurned but scorned.

It is now clear that the two Governments will have to initiate a review under the terms of this agreement. They must ensure that that review is not a means to buy time for any political party but the fundamental review envisaged in the agreement. Everyone must go into it as an equal. I and the SDLP will co-operate fully with the review under those terms, without the trappings of office or the benefits of title. That review is now the future of the political process. If the leader of the Ulster Unionists wishes to speak for his party in the review he should do so as its leader and only as its leader. He cannot do so from the privileged position of First Minister of the Assembly.

The agreement does not belong to any individual or party. It belongs to the people. They voted for it. They own it. Consistent with my pledge, I am obliged to uphold it on their behalf. For that reason, and that reason alone, I have concluded that it is my overriding responsibility to uphold, above all else, the democratic will of the people of Ireland, North and South, expressed, as never before, in the referendum of May 1998 endorsing the Good Friday Agreement.

It is now necessary that I resign as Deputy First Minister. I wish to inform the Assembly that, accordingly, I offer my resignation now, with immediate effect. It was this Assembly that elected me to that position, and it is essential that I announce my resignation to the Assembly. I do this with great reluctance and with a recognition of the awesome responsibility that we all have towards lasting peace and the future of all of the people of Northern Ireland. I now believe that this is the

only way in which I can ensure that a meaningful review of aspects of the agreement will be carried out and that, subsequently, a fully inclusive Executive can be created on the basis of cross-community support.

I thank you, Mr Presiding Officer, and Members of the Assembly for your indulgence towards me. They may now understand why I had to be a little long-winded. I hope that I have made it clear that I respect each and every person in the House and the views of them all. I do not treat the Assembly with contempt.

12.00

The Initial Presiding Officer: I have one or two comments about that personal statement. First, points of order are not usually taken during a personal statement. That is why I left them to the end. Secondly, it seems to me — I have to make this decision on the hoof — that the personal statement by the now former Deputy First Minister (Designate) was of such substance and importance that the party leaders in the Chamber ought to have an opportunity to respond to it. Mr Adams has already indicated his wish to speak, and he will therefore be called next.

I have received an indication from the Secretary of State that she wishes to confer with me, but I have sent back advice that the party leaders in the House ought first to have an opportunity to make their comments. As you know, we have a remit from the Secretary of State under the Elections Act, but I have sought her indulgence to enable us to continue for the present.

Usually there is no time limit on personal statements, but there is still a limit of 10 minutes on speeches generally.

I will now take the point of order from Mr Ian Paisley Jnr, and then we will proceed to the party leaders. Mr Adams will be called first.

Rev Dr Ian Paisley: I intimated to you that I was unhappy about this and wanted to speak about it. Why are you calling someone from across the House when I am the one who raised the matter with you?

Mr McLaughlin: We were first.

The Initial Presiding Officer: I am not aware of that. Mr Adams indicated to me before the Deputy First Minister (Designate) spoke that he too wanted to speak, and the Deputy First Minister (Designate) himself had already raised the question with me.

Mr Paisley Jnr: On a point of order, Mr Initial Presiding Officer. I wanted clarification on how much time you intended to allow the Deputy First Minister to indulge in his statement. You gave him 10 minutes and five seconds.

It is interesting that he refused to say anything about the guns of the Provisional IRA. Maybe if he had taken

a stand on that issue he would not have had to resign today because we would have had a Government without Provisionals.

The Initial Presiding Officer: That is not a point of order, and I have already answered the substance — if there was such — of the point you have made. There is not usually a time limit on personal statements.

Rev Dr Ian Paisley: I do not understand this. A Member is told that something is to happen and asks you if he may speak afterwards, and he is called before the House even knows that that has happened. None of the rest of us knew. I was not told, as the leader of the third-largest party, that there was to be a statement. I was not afforded that courtesy, so I was not able to ask beforehand to speak. However, I asked in the middle of the speech — as soon as I could.

If it had been a personal statement Mr Adams would have had to be ruled out of order because there is no debate on a personal statement. But because this deteriorated into a savage attack on people who have different principles from those of the hon Gentleman we are having a debate. If it had been a personal statement you would have had to rule that Mr Adams could not be called. That is my argument, and I should be called first on this issue.

The Initial Presiding Officer: There are a number of incorrect presumptions in the Member's statements. I do not think that it is for me to parse those bits which are correct and those which are incorrect. I have sought from the Secretary of State the opportunity for party leaders to make their comments before the Assembly is suspended.

Mr McCartney: The leader of the Democratic Unionist Party has made a valid point in relation to the information that is available to the Assembly. Is there any reason for departing in these circumstances from the convention that has been established in this House that the leaders of parties speak in accordance with party strengths? That principle, if applied here, would cut across all the arguments, debates and suggestions about some people being informed while others were not. It is a solid principle upon which you, Mr Initial Presiding Officer, should stand.

The Initial Presiding Officer: Again, you are repeating an incorrect assumption. The request from Mr Adams to speak was not on the basis of the statement. He made his request at an earlier stage.

Mr P Robinson: On a point of order, Mr Initial Presiding Officer. It would be helpful if you were to give some direction to the House on the procedures arising from the personal statement. Which Standing Order covers the issues of resignation and reappointment? Does the position of the First Minister (Designate) automatically fall as a result of the resignation of the

Deputy First Minister (Designate)? Was that resignation given to you in writing? Does it have to be in writing? If so, may we have copies of it? We need answers to these questions so that we can put this issue in its proper context.

The Initial Presiding Officer: I shall answer the questions as best I can. There is no requirement for the First Minister (Designate) or the Deputy First Minister (Designate) to put his resignation in writing prior to devolution. The appointments fall under the Initial Standing Orders under the Elections Act — they are not under the substantive Standing Orders which would exist under the Northern Ireland Act — and so there is no need for resignations to be given in writing. This resignation has not been given in writing, and you have heard the statement. The only written version will be in the Official Report.

Members will recall that the First Minister (Designate) and the Deputy First Minister (Designate) were elected — I use the common parlance — “on a slate”. Were we in a post-devolution situation and operating under the Northern Ireland Act both positions would fall when one Minister resigned, but the remaining individual would continue in a caretaker capacity for up to six weeks. Before the end of that period the Presiding Officer would call for a further election. However, we are still functioning under the Northern Ireland (Elections) Act for these purposes, and therefore the position of the First Minister (Designate), as I understand it — and you have simply asked me for an immediate view — is unchanged. It is possible that some Standing Order, or other arrangement, is already on the way, but I have no knowledge of it.

Mr Adams: The point of order of which I gave notice before Ian Paisley spoke was about the absence of the First Minister (Designate). In order to shorten this farce, I am prepared to give way to Ian Paisley if he wishes to speak before me. I would, with your indulgence, speak as party leader after that.

The Initial Presiding Officer: I am grateful to you for —

Rev Dr Ian Paisley: I want to speak as of right in this House.

The Initial Presiding Officer: Mr Adams has indicated that he is prepared to give way. Does Dr Paisley want to accept?

As it is clear that the Member does not accept, we must proceed.

Mr P Robinson: On a point of order, Mr Initial Presiding Officer. It is not in the gift of any Member to give way to someone other than in debate. My hon Friend the Member for North Antrim is perfectly entitled to stand in his own right when you call him to do so.

That is what he is asking for. He is not prepared to accept the grace and favour of a member of the army council of the IRA.

The Initial Presiding Officer: I am simply trying, if people are being courteous to each other, to convey those courtesies backwards and forwards. It is not for me to make judgements on the motives of any Member; it is for me simply to conduct the business. I call Mr Adams. Mr Hume, Dr Paisley and others will then be called in the usual order.

I remind Members that we now come under the 10-minute rule.

Mr Adams: Tá mé buíoch duit arís, agus tá brón orm nach dtug Ian Paisley an seans domhsa a thug mise dósan. Tá mé lán-chinnt go mbeidh brón agus fearg ar a lán daoine nuair a chluinfeas siad faoi imeachtaí an lae inniu san áit seo. Tá an-bhrón orm féin agus ar Shinn Féin faoin a raibh le rá ag Séamus Mallon. Rinne Séamus Mallon a dhícheall. Ní aontaím leis i gcónaí — sin mar atá an saol — ach mar a dúirt mé, rinne sé a dhícheall mar leas-Chéad Aire ainmnithe.

Many people will be very angry and very sorry at the farce that we have seen here today. Many people will be saddened at Seamus Mallon’s statement of resignation. While he and I did not agree all of the time, he did his best. And we can expect no more from people than that they do their best. I want to pay tribute to the way he conducted himself as Deputy First Minister (Designate).

I was rising to make a point about Mr Trimble’s deliberate absence from here and about all the efforts that have been made by many people — by the two Governments, some of the parties here, the President and the former President of South Africa and the President of the USA, but more importantly, perhaps, by the people of this island, north and south, who voted for the agreement.

There will be young people at university or working in England or Scotland today who have decided not to come home. There will be young people listening to or watching these proceedings — mostly Unionists — deciding to leave and not come back. There will be business people deciding not to invest.

I am sure that at a personal level Dr Paisley is a nice man. I am sure that as a husband, as a father, as a grandfather and even when with his colleagues he can be charming, affectionate and funny. But here, in terms of his leadership of a section of our people and of the type of climate and politics that he has been involved in throughout his adult life — in particular the last 30 years — his behaviour has been disgraceful.

The absence of the UUP, and especially of the First Minister (Designate), is also disgraceful.

The Good Friday Agreement was a compromise. It was a compromise between all the elements on this island, particularly those in the North. The people of a Unionist view — those within civic Unionism, those within community activism, those within the main Protestant churches and those in the business community — must this morning feel disappointed at what happened yesterday in Glengall Street. The only reason the UUP moved to Glengall Street is that they can be sure that no Nationalist can get in there. They can be sure that no Catholic can get in there.

This is not about guns and the hero of Clontibret and the founder of Ulster Resistance and those who were involved in all the different armed organisations over the last 30 years. We have only to think of the career of Brian Nelson and the current attacks on isolated Catholics and Nationalists, with weapons brought in by him, some of which were brought in by Ulster Resistance. We have only to think of all of that.

12.15 pm

It would be easy to give vent to justifiable and righteous anger, but let me look to the future. We have placed firmly on the record our position in relation to the British Government's handling of recent developments. But if the Unionists think that the equality agenda is going to disappear they are mistaken. The equality agenda is only beginning. If the Unionists think that they are going to hold on to the RUC they are mistaken. We still need a new policing service for all the people of this state. If Unionists think that human-rights legislation will not be enacted nor a human-rights regime created and that all the other social, economic, cultural and political matters will not proceed they are sorely mistaken. Mr Blair and the Taoiseach, Mr Ahern, have a huge responsibility to proceed, to develop and move forward on all the other aspects of the agreement.

I am an Irish Republican, and as the executive leader of Sinn Féin I had to lead the party into this Chamber. That was a huge step for us to take. It was a huge step in trying to face up to our responsibilities. I believe in the Irish national flag, in peace and equality between Orange — in this month of the Orange — and Green. I believe that, despite the best efforts of our Colleagues on the opposite Bench and those Colleagues who are absent, we will bring about on this island the type of society in which young people can grow up free from sectarian hatred and imprisonment and, yes, free from violence.

I have acknowledged all the hurt that all of us have both inflicted and endured. The Members on this Bench survived "bloody Sunday" and, on 5 October, Duke Street. We have been CS-gassed; we have been CR-gassed; we have been plastic-bulleted; we have been in H-blocks; we have been on prison ships; and we have been in prison cells. As we conclude this little farce, we

still look for sensible, positive Unionism to grasp the opportunity to take its place with the rest of us on this island, in harmony, in justice and in peace with each other.

Tá mé buíoch duit as an seans seo a thabhairt domh labhairt inniu. Ba mhaith liom mo bhrón a chur in iúl gur chuir an tUasal Mallon an ráiteas seo amach inniu.

Thank you, Sir, for your patience and for this opportunity to pay tribute to Seamus Mallon for the way he has behaved. I regret that he has felt it necessary to resign, and I think that Mr Trimble's position is now totally untenable.

Mr Hume: I would like to express my deep gratitude and congratulations to Seamus on the honourable statement that he has made. He was clearly underlining our complete commitment to the creation of totally inclusive institutions that bring together all sections of our people. I think that I speak for the majority of people in Northern Ireland, right across the divide, in expressing appreciation for the enormous amount of detailed work that he has done as Deputy First Minister in difficult circumstances and under great pressure. As the review takes place, we look forward to using all our energies to ensure that the agreement is implemented in all its detail.

Rev Dr Ian Paisley: A personal statement on a resignation in another place would be listened to, and there would be no debate on it. Usually, party leaders would know that it was going to take place, but I had no knowledge of this one. I have no objection to any Member, let alone the Deputy First Minister, exercising his rights.

I remind Mr Mallon that my party did not vote for him, that he had no support from us. When he was elected we knew where he stood and what his principles and aims were. We said that we would be concentrating totally on opposing his aims. He knew that well. I have nothing further to say with regard to his statement. However, he took the opportunity to launch a broadside upon those Members with principles — principles that they will not forgo regardless of the cost.

I welcome the derogatory remarks made by Gerry Adams. I would not like him to say "Well done, Ian". He has said "Well done, David", but he is not so inclined to say "Well done, David" today. I know that the IRA bombers and killers hate me and that I am on their hit list. On two occasions they have attempted to kill me. I know all about that. It does not concern me one iota.

But today the Member has maligned the people of Northern Ireland. I represent the majority of Unionists in Northern Ireland. I speak as their mandated leader, and he has to realise that the dealings with other factions of Unionism are over. Unionism is coming together at

the grassroots and is beginning to exercise its strength, and he had better realise that it is not the type of Unionism that runs away. We were told that we ran away from talks. We did not. We said that we would not be there when the gunmen came into the talks. Mr McCartney's party said the same thing. We kept to our mandate. We would have been dishonest if we had not done that. We did not run away.

On this crucial day, when the voice of united Unionism should have been heard, the main Unionist party is not here because Mr Trimble is attempting to hold on to office. That is what this is about — people who are prepared to sell their souls for office. I am not in that business. I have always been prepared to put my beliefs in my manifesto. People have hated and cursed me for that and have said that it is terrible, but I have always been honest. I have said what they will get if they vote for me.

Today I say to the House that we all have to heed the ballot box. Gerry Adams is not prepared to do that because the ballot box in this country declares clearly that the people do not want those involved in violence in the Government of Northern Ireland.

I have a list of the people who have been murdered in the past year. Who murdered them? The IRA. It will take more than Bertie Ahern's wriggling to tell the people of Northern Ireland that the IRA is different from Sinn Féin. They are the same. I am not the only one to say that; both parties in the United Kingdom Parliament have preached using the words "inextricably linked" from the Front Benches.

When they were told to look up the word "inextricably" they said that they did not want to do so. It means that the organisations are one and the same. Indeed they are one and the same. When Mr Adams looks at his beard in the morning — not to shave, but to check that he has washed it properly — he says to himself "Am I Gerry Adams, the leader of the IRA, or am I Gerry Adams, leader of Sinn Féin? I am going to the Assembly today, so I must be the leader of Sinn Féin." Or he might say "I am going to south Armagh today, so I must be the leader of the IRA." They are one and the same thing.

The people of Northern Ireland gave their verdict a few days ago. They said that they would not tolerate having people who are associated with paramilitary organisations, and who are carrying out these murders, in the Government of Northern Ireland. IRA/Sinn Féin is the only such organisation which, under this legislation, is in a position to enter the Government. Those Unionists who did not run away have today been able to derail this whole process, to bury it in a Sadducee's grave, from which there can be no resurrection.

It was very insulting for the Secretary of State to call this meeting and run the d'Hondt system today. It was also insulting for the Government to say that they would delay the legislation at Westminster, while pushing this process through here. Did the SDLP and Sinn Féin really think that they could push it through? It is a farce. It is no wonder that the Member for South Down refused to take part by accepting a nomination. Then his colleague resigned as Deputy First Minister (Designate). Why did we have to go through this farce? We had people being congratulated and applauded on their appointment to ministerial posts which they were to hold for only 10 or 15 minutes. What will the people of Northern Ireland think of the House today? Everyone will know that we were engaged in a farce.

The Irish Republican Army has continued to kill with impunity. Mr Farren, who is very eloquent on the subject of Dunloy but not so eloquent when his constituents are beaten up by the IRA, will be interested to know of an attack which took place a few days ago. Having beaten up a man, the IRA wrecked his car and his house, before going to his son's house and attacking him as well. On their way home they broke the windows in the Free Presbyterian church. This is the sort of violence we can expect from IRA/Sinn Féin and which we are asked to put up with.

In the last 12 months there have been 46 shootings and 119 beatings and mutilations. These attacks were carried out not by Loyalists — who have attacked people, and whom I condemn utterly — but by the IRA. In west Belfast there have been 22 shootings and 27 beatings; in east Belfast, four shootings and 25 beatings; in north Belfast, five shootings and 24 beatings; in south Belfast, two shootings and 12 beatings; in Armagh, four shootings and 10 beatings; in Strabane, no shootings but 11 beatings; in Londonderry, five shootings and four beatings; in Dungannon, no shootings but two beatings; in Cookstown, one shooting and two beatings; in Lisnaskea, one shooting and one beating; in Downpatrick, one shooting and one beating; and a man was shot in England.

The Initial Presiding Officer: Please bring your remarks to a close.

12.30 pm

Rev Dr Ian Paisley: These are IRA atrocities which have taken place in the last 12 months.

Mr Initial Presiding Officer, I am amazed that you would try to stop me. Far worse things have been said by others. But maybe it is the time factor.

The Initial Presiding Officer: It is the time factor. I must ask you to draw your remarks to a close.

Rev Dr Ian Paisley: Today has been a good day for Northern Ireland. Democracy has triumphed. There are no IRA men in the Government of Northern Ireland.

Mr Neeson: First of all, I pay tribute to the Deputy First Minister (Designate). I have always believed him to be an honourable man, and during the course of the last year he has carried out his duties with great honour. Sadly, I cannot say the same of those colleagues who are absent, or to those who, with their jibes and sneers during Mr Mallon's speech, did no honour to the Assembly today. Unlike Dr Paisley, I think this is a very sad day for the Assembly and for the people of Northern Ireland, particularly the 72% who last year voted "Yes" for the Good Friday Agreement. Those people who came out in such numbers to vote in favour of the agreement must feel betrayed by the absence of the Ulster Unionists from this Chamber today.

The Good Friday Agreement is not dead. My party is totally committed to that accord, which we signed last year. I recognise that because of today's events it is now inevitable that we will go into review, but the important thing, as far as I am concerned, is that the agreement is still alive.

In recent months we have attempted to move this process forward to honour the wishes of the vast majority of people in Northern Ireland and to create a power-sharing devolved Government. The Ulster Unionists jumped at the opportunity of signing the Hillsborough declaration, which, in fact, committed paramilitaries to token decommissioning. I believe that the joint statement, 'The Way Forward', made by the two Governments at Castle Buildings gave much stronger commitments, not only in relation to devolution but also with regard to the very thorny issue of decommissioning. I cannot comprehend why the Ulster Unionists could jump at the Hillsborough declaration but could not find a way to accept 'The Way Forward'. It is essential that the pro-agreement parties stick together to ensure that the process moves forward. It can, if we all act collectively.

The former Deputy First Minister (Designate) referred to the meeting on 1 July last year. I firmly believe — and I am sure many colleagues in this Chamber today agree — that we should have moved then to establish the Executive, to set up the various Committees and to appoint Chairpersons, Deputy Chairpersons, and so forth. The failure to do so has created the problems we now face.

I regret that we missed the deadlines in July and October. We had a golden opportunity to move the process forward in the interests of all the people of Northern Ireland by implementing 'The Way Forward'. One thing that concerns me greatly is that we are now creating a political vacuum. We all know that a political vacuum will allow dissidents on all sides to undermine the democratic process. Even in my constituency of East

Antrim there have been a huge number of sectarian attacks in recent months. I believe that people who are opposed to the Good Friday Agreement will try to fill the vacuum that has been created.

We are in great danger of losing the international goodwill that has been created since the signing of the Good Friday Agreement. I am quite sure that Tony Blair and Bertie Ahern are fed up with the shenanigans of recent weeks. There is a serious danger of our losing goodwill, not only in the British Isles but also on the international scene.

Mr Campbell: On a point of order, Mr Initial Presiding Officer. I do not know how long the leader of the Alliance Party intends to go on, but, given the failure of the clock to indicate how long he has been speaking, could you enlighten us as to how long he has left?

The Initial Presiding Officer: My apologies. We have had a problem with the clock. He commenced at 12.30 pm.

Mr Neeson: To my left I see no victors in the events that are unravelling here today. But there are big losers — my children and your children. They must feel betrayed.

Mr R Hutchinson: I can speak for my children. They are delighted.

Mr Neeson: I believe that those children must feel betrayed by their politicians, for we have failed to move forward and create the institutions which so many people in Northern Ireland crave.

Rev William McCrea: On a point of order, Mr Initial Presiding Officer. Is it in order for any Member to attribute opinions to our families? My family had a right to vote in the election, and they proudly voted "No".

Rev Dr Ian Paisley: The IRA tried to kill the lot of them.

The Initial Presiding Officer: I am reasonably generous on points of order. One may make all sorts of attributions in political speeches without necessarily being out of parliamentary order. Please continue, Mr Neeson.

Mr Neeson: I thought that it was a secret ballot. How does Mr McCrea know what way his children voted, unless he dictates to them as well? *[Interruption]*

I hope that the two Governments will now move with speed to hold the review and that there will be consultation with the parties in the Assembly so that we can give some hope to the 72% of the electorate in Northern Ireland who last year voted "Yes". The Good Friday Agreement is still alive and kicking.

Mr C Wilson: Members entering the Chamber this morning will have walked past a plaque on the wall immediately outside. The inscription on the plaque reads

“In memory of Edgar Samuel David Graham, Assembly Member for Belfast South 1982-83, shot by terrorists on 7 December 1983”.

It finishes with a simple charge to all who believe in the democratic process:

“Keep alive the light of justice”.

The RUC officer who trained Edgar Graham in the use of a personal firearm, just weeks before his untimely murder, told me that he would not have known what hit him, for it happened so quickly and was done from behind, in a cowardly fashion. Members here today know what hit Edgar Graham, and who organised the attack. I sat this morning, with my head bowed, as we witnessed an attempt by Her Majesty’s Government to place in positions of power those who signed Mr Graham’s death warrant. Those who, this morning, were put forward for positions in the Government of Northern Ireland have been responsible for terrorising the very community over which they were to exercise authority.

My party has played its part in keeping alive “the light of justice” in the Chamber today. We refuse to accept in government those who have been responsible for terrorising this community. Members who were proposed for office today sit on the IRA’s army council and have been directly involved. The message that goes round the world today should not be that Unionists are refusing to share power with Roman Catholics or Nationalists; it is just that we refuse to have unreconstructed terrorists in the Government of Northern Ireland (people who — to use the Prime Minister’s description — are inextricably linked to private armies).

It ill behoves Mr Mallon to lecture this side of the House about democracy. We have seen what has been described as the pan-Nationalist front standing to applaud, in unison, the election of those nominated for office here this morning. I hope that those pictures have gone across the world. Mr Mallon and Mr Hume should seriously consider amending the name of their party to remove the word “Democratic”. It is an affront to democracy and justice for them to stand with those on the other side whom they know, as Mr McCartney has —

Mr O’Connor: Is it in order for Mr Wilson to talk about democracy when two Members from his party were themselves helped in the election by former terrorists?

The Initial Presiding Officer: My comments about political attribution apply also to this point of order.

Mr C Wilson: Today we have seen the unholy alliance which has developed between the SDLP and

Sinn Féin/IRA. It is sad that Mr Hume and Mr Mallon were not prepared to stand by those who are committed solely and totally to the democratic process and that they are not prepared to meet the commitments they have made in the Chamber. I refer specifically to Mr Mallon’s statement that he would be prepared to see the expulsion of Sinn Féin if it were not prepared to commence decommissioning. All of that seems to have gone, as have the commitments made by Mr Ahern and all the others who tried to convince Unionists to place their trust in Sinn Féin/IRA.

I was elected on a pledge to oppose the Belfast Agreement. Lest anyone misunderstand what we were opposed to, let me put it on record that our opposition to the Belfast Agreement was based on five fundamental principles.

12.45 pm

We were opposed to all-Ireland bodies with executive powers over Northern Ireland (and I am pleased to say today that the actions of the Unionist grouping within the Assembly have managed to thwart that proposal); we were opposed to a united Ireland and to the erosion of British sovereignty; we were opposed to terrorists in government with control over the future of the people they had terrorised; and we were opposed to the mass release of terrorist criminals and to terrorists retaining weapons while the RUC was to be demoralised and disarmed.

I am not opposed to peace, stability and reconciliation, but, as we said when we addressed the people at the time of the referendum, the agreement offers no hope of peace, no end to violence and no likelihood of political stability. I ask people to measure our position today against that prediction of what the Belfast Agreement would or would not deliver.

Let us begin to see the end of the undemocratic structures of the Belfast Agreement. Let us clear the site and start to build upon the foundations to enable us to offer the people of Northern Ireland an accountable, clear and transparent form of government. Perhaps in the future we can return to this Chamber and start the process of offering the people of Northern Ireland what they are entitled to and what they deserve.

Today — and perhaps this will be the last sitting of the Assembly — it is noteworthy that in other parts of the United Kingdom democracy goes on. Scotland and Wales were not faced with a choice between having terrorists in government and having no government. Because of that, democracy continues in their Chambers, and Members are permitted to look after the interests of their electorates. I trust that, having seen the end of an undemocratic proposition, those who are committed to solely peaceful means will come together to achieve

democratic government for the people of Northern Ireland.

Mr Boyd: A serious allegation has been made in this Chamber by a Member from the SDLP — that two of our party members are linked to terrorist organisations. I ask you, Mr Presiding Officer, to investigate this scurrilous allegation.

Mr McClelland: On a point of order, Mr Initial Presiding Officer. Does Mr Boyd agree that some of his members from South Antrim have belonged to terrorist groupings?

The Initial Presiding Officer: All sorts of things are being said backwards and forwards. I am monitoring as carefully as I can exactly what is being said, and not things that are being implied — and that is not very easy or straightforward. I ask Members to try to stick to the rather substantial and significant developments that there have been.

Rev Dr Ian Paisley: Surely the hon Member has a right to reply to the allegation thrown across the House by the hon Member from the SDLP. He should withdraw the comment. It is unfair that this man is said to be associated with terrorists and is not given an opportunity to deny it.

The Initial Presiding Officer: The Member rose and made a remark about an earlier comment. His repetition of it was not accurate, as I recall. I had not called a point of order at that stage, so his intervention would not have been taken. However, now that the Member has raised the question, it is on the record. I have to take the point of order, and there may well be a response.

Mr McClelland: Can the Member for South Antrim (Mr Boyd) assure us that no member of his party in that area belongs or has belonged to a terrorist organisation?

The Initial Presiding Officer: Let me make it clear that Members address the Chair and not each other. I cannot confirm or deny or make any comment on the point that has been made. If there is a point of order it should be made to the Chair and not across the Chamber. Do you have a point of order?

Mr McClelland: Will you confirm that no member of Mr Boyd's party in South Antrim has belonged or now belongs to a terrorist organisation?

The Initial Presiding Officer: I do not think that that is a point of order, nor do I believe that it is for me to confirm or not to confirm any such matter. It does not seem to me to bear much relevance to what is going on. It is not a point of order.

Mr Agnew: At the outset I must apologise on behalf of Mr Denis Watson. Unfortunately his daughter has been taken ill, which is why he is not in the Chamber.

This debate seems to have arisen out of the comments by the recently resigned Deputy First Minister. He made some allegations as to where people on this side of the fence are coming from and where we stand. One of the significant things about the debate is that those of us who were elected on a "No" ticket have stood united throughout all of this. Our position has not altered in any way.

We are still opposed to psychopathic serial killers sitting in the Government of our country, and that position will not alter. Those guilty of Teebane, La Mon, "bloody Friday" — the leader of Provisional Sinn Féin knows all about "bloody Friday" in Belfast and what happened then — have blood on their hands. For that reason this is a good day for democracy. We will not have those people sitting in the Government of this land.

It has been said that 72% of the people were in favour of the agreement. That is absolute nonsense. Anyone who makes such a comment is not living in the real world.

We all know now without a shadow of doubt that the vast majority of Unionist people are totally opposed to the agreement. They are also totally opposed to Provisional Sinn Féin's being in the Government of our land and to the treaties that are being put in place. It is very clear that the debate is not all about decommissioning or about preventing Catholics from coming into government. It is nauseating to hear members of the Provisional IRA in this Chamber accusing some of us of being anti-Catholic and of not wanting Catholics in government. It is slander — a deliberate and blatant lie by people who have based their whole campaign on lies. Republicans are very good at creating a lie and then building a case on it. How many people have been killed over the past year? Three have been killed and there have been 160 beatings at the hands of the Provos in this so-called peace period. Peace may be the cry, but where this crowd is concerned war is the reality.

Decommissioning is not the only issue. We all know that, once in government and with the treaties in place, they would be quite happy to pull the plug on the Assembly. What will happen when the plug is pulled? The North/South bodies will still be there, still functioning, and we will have joint authority. That is one of my reasons for being totally opposed to the agreement.

Decommissioning has become a red herring. It is said that if we get rid of it everything will be hunky-dory and we can all sit down together and have a cosy arrangement. Of course, that will not be the case, for other issues have been forgotten. I know where I am coming from. I know where the people whom I represent are coming from, and I know their position. They do not want me to have anything to do with those who, by bomb and bullet, have tried to bring down this

state and to undermine the credibility of the security forces, the Government and elected representatives, all in furtherance of a satanic end.

I know where I am coming from. I also know where this crowd is coming from. For that reason I am totally opposed to those aspects of the agreement that cover such matters as treaties. As we go forward, I remember how the last Assembly finished. The Speaker read a prorogation Order at about 3.00 pm, and we stayed until after midnight and were led out or carried out by members of the RUC. Peter Robinson spoke for seven or eight hours, and we all respected his great stamina, power and authority.

I intend to speak not for seven or eight hours but for seven or eight minutes — and I will have trouble doing that.

I repeat that a realignment of Unionism is taking place. It is not being created but is evolving. A flame has been lit across this Province that will see the new Unionism evolve and eclipse these people for ever.

Mr Ervine: I am disappointed with many things but especially with Seamus Mallon's resignation. I may not agree with everything that he believes in or says, but he is a man of integrity, political skill and ability. I am frightened and worried about the consequences of his resignation. It cannot be taken in isolation; it must be taken in the context of empty Benches, no executive authority in this society and the death of the Good Friday Agreement. I do not like to contradict my colleague, but I say "You have won; we have the death of the Good Friday Agreement."

Let us look at what that means. It means that the rest of the United Kingdom will have devolution and we will not. The rest of the United Kingdom has also suffered, whether through violence or through the consistent propping-up of this place in military terms. The people there have spent billions and have carried their boys home in body bags — boys who were trying to protect this society and give people an opportunity to find a way to the future.

The British Government have even less hair than I have, for they have been pulling it out for years wondering how the people of Northern Ireland might make a fist of the future. We have answered loudly and clearly that we are not able, not mature enough, to take on the responsibility of accountable democracy. It is dreadful that the governance of Northern Ireland by the people of Northern Ireland may not be possible.

Mr Agnew says that a flame has been lit across Northern Ireland and that we are seeing a realignment. I am deeply disappointed at that, not because I will not be part of the flame but because of the damage that it will do to our relationships with the rest of the United Kingdom. Folk there will point to the fact that of the

56 million people in the United Kingdom the Unionist community accounts for 900,000. Having accepted that the Good Friday Agreement is dead, you throw out with it the principle of consent for Northern Ireland.

The people of the United Kingdom, in perfectly correct democratic circumstances, might wish to have a direct say in the affairs of Northern Ireland. Many people on the mainland understand the difficulties in Northern Ireland, but they are vastly outnumbered by those who do not. We blame them for not understanding, but the skill and powers of oratory of our leaders have never quite managed to explain the problem. We rant and rave, and as I stand here worried and fearful for the future, the guffawing and the enjoyment of some are obscene in the extreme.

1.00 pm

The world has been watching the debacle that is the Parliament of Northern Ireland. All of us should take heed of what the world thinks. We can no longer live in our little parochial society; we can no longer shout at the window and hope that the big bogeyman will go away. Governments no longer have friends; they have interests, and when their interests are damaged they will make decisions that damage others.

I hope never to be in a position to say "I told you so", but I feel certain that I will. The Unionist community is committing political suicide for very narrow and base reasons. It is not because it cannot countenance change, for the majority of the absentees can countenance change. As I have said before in this House, decommissioning was never an issue between Unionism and Nationalism. It was an issue within Unionism — a battle for hearts and minds, taking people absolutely nowhere. Those involved have succeeded, and there is no doubt that the consequences will be severe. And I have not even mentioned the potential for violence.

We live in what has been a violent society, though some Members believe that we live in a normal society where one can do normal things. In an abnormal society, in the creation of which every one of you is complicit — some perhaps less than others but complicit nevertheless — you might accept that you sometimes have to do abnormal things to try to create circumstances of normality. You are refusing to do that because you are the grand democrats.

The will of 72% of the people — actually 71·12%, but a substantial and serious majority — has today been stood on its head. The sneering grand democrats who do no wrong, the saintly people who have no complicity in the pain of an abnormal society, have stood democracy on its head. The 71·12% stated what they wanted, but the grand democrats would not have it. It did not mean that you could not have your view or your opinion, but you have agitated, tried to

frighten people and hyped the circumstances out of all proportion. And you have succeeded. *[Interruption]*

The Initial Presiding Officer: Order.

Mr Ervine: The death of the political process leaves some of us with a very serious responsibility. Before there was a political process, there was a peace process. Had we waited for some politicians to create a peace process, of course it would never have happened. There are those of us who feel a moral responsibility to hang on to a peace process for as long as possible. We in the Progressive Unionist Party will turn our attention to persuading those who will listen that peace is still the better option.

I have to live in the real world, and the real world is potentially the Anglo-Irish Agreement Mk II. The people whom I assist in political analysis will not take easily to two Governments acting over their heads, as they did before. The Unionist community will be angry at having been bypassed in an Anglo-Irish Agreement Mk II. I appeal to Tony Blair to realise that that is the wrong way to go.

The people of Northern Ireland have to find some way to live together. They must find a way to share this earth. The pain, sorrow and tragedy have affected us all, and we must find a way of ensuring that our children and our children's children will not do this all over again. None of that will be easy to achieve, but it will be a hell of a lot easier without an Anglo-Irish Agreement Mk II to further pollute and alienate.

Finally, I want to pay tribute to Seamus Mallon. If there is another opportunity his skill, ability and talent will be used for the benefit of the people of Northern Ireland — provided that there is somebody sensible within Unionism to harness them and to ensure that there are no extremes.

Ms McWilliams: I too should like to pay tribute to our Deputy First Minister (Designate). He said that he had tried and tried and tried again and that this process had been bled dry. On many occasions some of us felt that he too had been bled dry. His face often matched that white hair as we tried over and over and over again to make this work. He never stopped, and I hope that, despite his resignation, he will not give up. As he travelled around the countryside he probably saw that the peace process was ahead of the political process. It is up to us to try to make the two go in tandem. I hope that he will be able to walk that road with us and that one day we will be back here with an opportunity to vote him into office again.

Like many others in Northern Ireland, I am sad today. Some people, who have not even paid us the courtesy of turning up to give us their views, are determined to exclude others, but in doing so they have excluded us all. Dr Paisley said that the strength of Unionism was

rising again. That is not the kind of country that we want to live in or could live in — a country in which only one community has the strength. Nationalism could say the same, as could Republicanism and Loyalism, about the strength of its community. Whatever else we did on Good Friday, we recognised the diversity of the communities, not the strength of one community over another. If that is the voice of celebration, it is a very sad voice to hear in this Chamber. Where will the slogan “Not an inch for peace, not an inch for political compromise” lead us?

It is sad that at last night's meeting it took only 15 minutes to decide to throw out the declaration “The Way Forward”. That was just one minute for each month that it has taken us to implement the agreement. We knew that implementation would be as hard as the work that went into making it. Some are arguing today that it is over, but we cannot let that bring us down.

Too often it was said that the anti-agreement people would win. If some wallow in the demonisation of others and in scurrilous comments such as have flown across this Chamber today, and if that is what passes for a celebration of bringing this agreement down, God help those who believe in the power of politics.

I did believe in politics. That is why, after the agreement and the referendum, we stood for election. We wanted to give the people something new.

What have the Ulster Unionists said “No” to? They have said “No” to the majority of people recognising the constitutional status of Northern Ireland. They have said “No” to the recognition of citizens' allegiances — their Britishness and their Irishness — and to their entitlement to a democratic devolved Government in Northern Ireland. Most of all, they have said “No” to the consent of the people.

We never had an opportunity before to ask the people of Northern Ireland how they would like to be governed. We did that last year. Look at what we have done today. When are we going to give difference its due? Whatever else the Deputy First Minister (Designate) did, he told us not to be wedded to the old state of affairs in Northern Ireland, but to try to build a society in which we could be reconciled with each other. We still have to do that, and it will be an uphill struggle.

We have much hard work to do. We heard this morning — and Mr Ervine has reiterated it — that we must have a review. Can anyone imagine what that will be like? I heard people in the corridor saying “Review? We will give them a review.” This is what the Good Friday Agreement overcame: a determination to have only one's own position put forward. That will not work in Northern Ireland. This will be the most difficult review we ever had.

It has been said too often that we will never be able to put the pieces together again in the way we did on Good Friday. We shall have to try. As leader of the Women's Coalition, I have often said that when sleeping women awake, mountains will move. We certainly have a hell of a lot of mountains to move. All I ask is that the Deputy First Minister (Designate) continue to help us move them.

Mr McCartney: It was with a touch of sadness that I heard of Seamus Mallon's resignation. There are many things in politics that he and I do not share and many things on which we are in profound disagreement, but I take no personal joy in his resignation. He will be aware that if I had been responsible for the negotiation of an agreement with him and his colleagues it would have been very different from the Belfast Agreement. I think he also knows that whatever I had entered into I would have honoured.

I feel insulted by the patronising and high-flown lectures about our futures and our children's futures that we have had today from the leaders of Sinn Féin and the PUP, both of which are inextricably linked with terrorist organisations that have inflicted murder and mayhem on both sections of the people of Northern Ireland. Each has been responsible not only for inflicting suffering on the other community but in many cases for inflicting even greater coercion and violence on members of its own.

1.15 pm

I take no lessons about democracy from such people. I believe in democracy and in pluralism. I have no problem whatever, as I have said on more than one occasion in this Chamber, about sharing power or responsibility, equality or human rights with Catholics — Fenians, if you like — Republicans or Nationalists. But, as a democrat, I have profound disgust at the thought of sharing power with people who do not know the meaning of the word "democracy".

The Good Friday Agreement, as, sadly, it is called by many people — the Belfast Agreement, to give it its proper title — was founded on a fraud. It was a fraud against both communities, for its obscurantist language was deliberately designed to make both believe that it encapsulated their objectives. Nationalists and Republicans were, I believe, led to think that the agreement imposed on them only a duty to use whatever influence they might have on paramilitary and terrorist organisations to deliver decommissioning by 22 May 2000. I believe in strict terms, and I have said before in the Assembly that the agreement did not impose on parties connected with terrorist organisations a condition that those organisations should decommission by that date.

Such a condition was imposed by a far greater and higher authority — by the very fundamental principles

of democracy and of democratic procedure. Nowhere in the democratic world was there such a Caliban, such a Frankenstein, such a monster, as the process that was designed to govern the people of Northern Ireland, for it would have permitted those who are inextricably linked with armed terrorists to take their places in a Government which was alleged to be democratic but which could, at any time, by the use or threat of violence, impose the wishes of a minority upon a majority.

Over the past three years I have found it very difficult not to respond when greeted in friendly terms by name — surname and Christian name — by members of political parties inextricably linked with terrorist organisations. Though it seems unnatural and discourteous, I do not respond, because I see absolutely no difference between Sinn Féin and the IRA and absolutely no difference between David Ervine's party and the UVF. Both have inflicted the most disgusting crimes on society.

I will be happy at any time to engage in the democratic process with anyone, even if he has — and possibly continues to have — blood on his hands, but only if I am assured that he has given up violence permanently and completely and believes in the principles of democracy. When people were asked to give proof of their new-found democracy it was missing. Why? In a democracy a minority party must persuade the electorate to make it a majority party if it wishes to exercise power. But if a minority party can never persuade the electorate to make it a majority party, what does it do? *[Interruption]* No, you go out and get a gun or a bomb, and you threaten.

I listened to Mr Adams patronising Unionists with lofty sentiments about democracy in the future and about our children. This is the man who was commander of the Belfast brigade of the IRA on "bloody Friday". This is the man who now presents himself as a kind, fatherly and thoughtful democrat. I listened with equal disgust to Mr Ervine as he strung together a collection of sound bites with the facility of a trained parrot. He told us what would happen in the streets. He postured and used all the guile of the advocate. To tell us what? Perhaps he was telling us that he is no longer associated with the UVF. He advises them politically. And there was the latent threat that people who know that they now have no Belfast Agreement might just have to resort to other things, that they may escape from his control, that they may continue to do all the violent, wicked and absolutely horrible things that the UVF has been doing.

I draw absolutely no distinction between terrorists. There are no such things as Republican terrorists and Loyalist terrorists, good terrorists within the agreement or bad terrorists outside it. There are only terrorists, and

terrorists use violence, murder and bombings to achieve what they cannot achieve through the democratic process. Yet we have Mr Ervine and Mr Adams patronising those who have no bombs and no guns and who have never killed anyone. I was not mentioned by Mr Adams because in absolutely no circumstances do I measure up to any of the things of which he accused others. I have never carried bombs or associated with paramilitaries of any kind, whether Orange, Green, Republican or Loyalist — never.

I believe in pluralism and democracy, and while there are guns in the possession of people who are inextricably linked to political parties they cannot be included in a democratic Government. That is where I differ from Seamus. He believes that you can let them in for a little while. I believe that trying to house-train fascists gives a poor return, as Gen von Schleicher and von Papen and all of those who thought that they would bring the National Socialists into government discovered in 1934. We are not about to rediscover it in Ulster in 1999.

The Initial Presiding Officer: Dr Paisley questioned whether I was following a somewhat unusual practice,

and I confess that there is some truth in what he said. When the personal statement was being delivered by the former Deputy First Minister (Designate) I received a notification from the Secretary of State. However, as your Presiding Officer, I felt that its terms foreclosed on an opportunity for leaders of the parties to comment on what I believed was more than simply a personal statement. I therefore sought, on your behalf, the leave of the Secretary of State to hold back on what she had said until I felt that all the party leaders had had an opportunity to speak. I hope that what I did was right; it was certainly done with the best of intent.

The Secretary of State's letter reads as follows:

"Under the Northern Ireland (Elections) Act 1998 it is my responsibility to determine at what times the Assembly shall meet.

On 14 July 1999, in accordance with the Schedule to the Act, I directed that the Assembly should meet from 15 July at 10.30 am until 30 July at 6 pm.

My direction of 14 July 1999 is now revoked with immediate effect. The Assembly should not meet until I have issued a further direction."

Adjourned at 1.25 pm.

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