



Northern Ireland
Assembly

COMMITTEE
FOR THE OFFICE OF THE
FIRST MINISTER AND DEPUTY
FIRST MINISTER

OFFICIAL REPORT
(Hansard)

**Responses to the Consultation on the
Draft Public Assemblies, Parades and
Protests Bill (Northern Ireland)**

27 July 2010

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Members present for all or part of the proceedings:

Dr Stephen Farry (Deputy Chairperson)
Ms Martina Anderson
Mrs Dolores Kelly
Mr Barry McElduff
Mr Francie Molloy
Mr George Robinson
Mr Jimmy Spratt

The Deputy Chairperson (Dr Farry):

Copies of the responses to the consultation on the draft Bill have been tabled. I am sure that everyone has read them in great detail in the 15 minutes since we got them. Those responses were e-mailed to members yesterday. I thank the Committee staff, who have worked very hard, particularly over the past 24 hours, to prepare the documentation for the meeting. That has been a massive undertaking.

A letter from the Department is included in members' packs. The letter refers to an e-mail that was sent on 28 June, which included responses to the draft parades Bill. The letter states that the e-mail contained correspondence, which included content that was not directly relevant to the consultation document, or which requested follow-up information and could not, therefore, be deemed to be a formal response. The Department wishes to withdraw that e-mail.

The Committee Clerk:

Two documents were included in the original e-mail that had nothing to do with the consultation. The Department felt that it should have sifted through the information and should have sent us only the papers that are relevant to the draft Bill. Basically, the second e-mail that the Department sent does not include the two documents.

The Deputy Chairperson:

We are being asked to withdraw those. I think members will understand why.

Mr Spratt:

Absolutely, but I think that stuff should be properly sifted before it gets to Committee. It is scandalous how much trivia is put on the agenda. It shows a lack of understanding. The actual content of stuff that is put in front of us is not checked enough. That raises a serious question, and I want that to be noted.

Mrs D Kelly:

The consultation period finished on 14 July, and we received the responses only today. I am sure that notice was given to the Department that we were meeting today to discuss this. It is a poor showing by the Department. Producing such a petty document for our perusal today shows a lack of acknowledgement of the role of the Committee. I want that message to be conveyed back to the officials and, indeed, the Ministers.

Ms Anderson:

It depends on the approach that the Committee is going to take to the consultation. It is highly unusual for a Committee to submit a consultation response. Each political party usually submits a response. The Committee's role is to scrutinise the legislation on a clause-by-clause basis. We are not at that stage. My party has made a submission, and I am sure that other parties have done likewise. What we are in receipt of here is background information that will assist us when we reach the stage of clause-by-clause scrutiny.

The Deputy Chairperson:

Perhaps I could deal briefly with the two responses that were tabled on 28 June: are members content that those responses are withdrawn and redacted?

Members indicated assent.

Mr Spratt:

I agree with some of what Martina said. The Committee has never, in my understanding, responded to a consultation process. From a party perspective, we will want to deal with each stage of the legislation as it goes through the Assembly, whether that will be by amending the legislation or whatever.

I suggest that we note the consultation documents that we have received. Certainly, we as a party need to have a conversation about the consultation, and I am sure that the party will respond in due course, or may have responded: I am not quite sure where we are with that, but we need to have a conversation about it. From my party's perspective, we should note the documents and will respond. We have a number of issues with the draft Bill, which we will respond to in the form of suggested amendments as it goes through the House.

Mrs D Kelly:

Given the very diverse views that exist, I do not think that we will get agreement on a consultation response. Our party is far from supportive of the draft legislation, as members will see when they read our response. I am sure I have heard public comment about it, and I note from scanning through the consultation responses that the police are also objecting to elements of it. In some cases, there are areas in which Committees can, do and should make responses, but this is not an area that we will agree a collective view on at this stage.

The other point that I want to raise is about how we intend to take the matter forward with respect to hearing from and inviting witnesses who have responded.

The Deputy Chairperson:

That is probably the more relevant point. I think that the mood of the meeting is that we are minded to note the responses to the consultation so far and not to provide a formal Committee response. My party is happy with that. For some reason, the Office of the First Minister and deputy First Minister (OFMDFM) has not forwarded my party's response to the Committee. Therefore, to ensure that we have a full record of what everyone said, I shall ask the Committee Clerk to circulate a copy to each member.

I recognise that the legislation is important, and the sheer volume of responses from the public and various organisations shows the interest in the subject in the wider community. It will be an important item for us to discuss in the autumn. Is the mood of the meeting that note the responses at this stage and make no formal Committee response, other than to simply draw the Department's attention to the various party positions?

Ms Anderson:

To pick up on what Dolores said: there is probably a lot of common ground on the amendments to the Bill that will be suggested. For example, many of us would like any reference to public meetings to be removed from the definition of “public assemblies”. There is also probably cross-party support for that and, as we go through the Bill clause by clause, the Committee may make formal recommendations on amendments.

The Deputy Chairperson:

To pick up on Dolores’s point: although it may be slightly premature at this stage, I am mindful that OFMDFM is still working to the timetable that was agreed at Hillsborough, which, in itself, is tight and would result in the Bill being submitted in the week commencing 6 September. The Committee Stage will also be tight, and I do not know at which stage we need turn our attention to how we handle that, particularly given the sheer volume of responses. As we sift them, we will no doubt be able to identify a number of common themes and, hopefully, narrow things down significantly. Does the Committee Clerk have any thoughts on how we should handle things?

The Committee Clerk:

At Committee Stage, we normally put a public notice in the papers asking for responses to specific clauses and schedules. With the Department of Justice Bill, before deciding whether we needed an extension to the timetable or whether we could hold extra meetings within the 30 working days, we waited to see what responses we got, whether we could physically process the workload within 30 working days and how many respondents the Committee wanted to take oral evidence from.

The Deputy Chairperson:

I am conscious that we may run against the timetable that was set out at Hillsborough. Therefore, given the political desire to move the matter forward on that timescale, do our normal processes allow us to do so, or do we need to consider how we might streamline or fast-track the process to ensure that the Committee gives proper consideration to the Bill and receives a balance of views?

The Committee Clerk:

It is purely up to the Committee to decide whether it wants to put a motion to the Business Committee for an extension or to hold meetings five days a week to get it done within the 30 days.

Mr Spratt:

I thought that we agreed that we would have additional meetings if necessary. As far as I am concerned, that agreement remains in place and, as far as my party is concerned, we are working to the timetable that was laid down in the Hillsborough agreement. That is where we sit at the minute, and there is a willingness from this side to facilitate any additional meetings that are deemed necessary. I thought that the Committee had already agreed that.

Mrs D Kelly:

The Hillsborough agreement has not been adhered to in respect of parades legislation. As I understand it, the code of conduct was to have been published by the end of May. It was published only in the past couple of weeks and will now run into September. I do not recall any requests from the Committee for accelerated passage.

The Deputy Chairperson:

That would not have happened yet.

Mrs D Kelly:

OK. However, given the importance of the Bill and, indeed, the weight of responses to this part of the process and what will be received through the consultation on the code of conduct, which I am sure will be equally weighty, I would have thought that we need to give full consideration to all responses and to all elements of the legislation, regardless of the timescale that was set in the Hillsborough agreement. In the past, political parties have said that they do not do deadlines.

Ms Anderson:

We must adopt a can-do approach. When all Committee members were around the table, the mood was that they were willing to apply themselves to ensure that the Bill is given due and full consideration. No one is suggesting that we try to cut any corners. The Bill will receive the required full consideration of the Committee. All members are prepared to facilitate additional meetings.

Mrs D Kelly:

We can do that only if the Department plays ball by supplying us with timely information.

The Deputy Chairperson:

We have probably taken the issue as far as we can today. We will not make a formal

Committee response but simply note parties' responses and draw those, and other responses, to the attention of the Department. In early September, we will return to the issue.

Mrs D Kelly:

Have responses been published on the Department's website?

The Deputy Chairperson:

I doubt that, but we will clarify the situation with the Department.

Mrs D Kelly:

We should ask the Department because people will be interested in the topic.