



Northern Ireland  
Assembly

Committee for the Office of the First Minister  
and deputy First Minister

# OFFICIAL REPORT (Hansard)

Inquiry into Historical Institutional Abuse Bill:  
Committee Consideration

12 September 2012

# NORTHERN IRELAND ASSEMBLY

## Committee for the Office of the First Minister and deputy First Minister

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

Mr Mike Nesbitt (Chairperson)  
Mr Chris Lyttle (Deputy Chairperson)  
Mr Thomas Buchanan  
Mr Trevor Clarke  
Mr Colum Eastwood  
Miss Megan Fearon  
Mr William Humphrey  
Mr Alex Maskey  
Ms Bronwyn McGahan  
Mr George Robinson

**The Chairperson:** Members, before we hear from our final witness, is there anything from that session that we want to include in our correspondence to the Office of the First Minister and deputy First Minister (OFMDFM)?

**Mr Maskey:** We need to get a response from OFMDFM on all these matters. Most are interlinked in some shape or form. Some witnesses have made additional points, but all the presentations have some commonality. There are also some conflicting recommendations. People have said that there is, largely, agreement but, in fact, on some of these matters there is not. There are stark differences of opinion, but I think that, as a rule, we should ask OFMDFM. If we are to have OFMDFM officials before the Committee to deal with a lot of these points, we will need those answers.

**Mr Lyttle:** A key issue seem to be the clarification of whether fostering, adopting and schools are included in the category "institutional", which is a point that you raised, Chairman. In addition, we need clarification on the scope, or intention, of the panel to inquire into non-institutional child abuse.

**The Chairperson:** I think that we still have a consensus that we want this to be done as quickly as possible. Also, we are now of the belief, and do not contest, that it is not a totally inclusive process. Some who have been abused will not fall under the inquiry's scope, so some other process will be required.

**Mr Maskey:** The focus of the whole discussion and debate is primarily and initially led by a number of courageous victims and survivors of historical institutional abuse. The Bill is intended to deal with that. It is not intended to deal with a range of other matters, which are equally important but fall without the Bill. That is why I was quite annoyed when listening to people coming in here and talking about second-class citizens. I do not want to reinforce anybody's view that they are second class. In general, people should be mindful of their terminology.

**The Chairperson:** That was a report of what was being said.

**Mr Maskey:** That is fair enough, but then you keep repeating it. If I say something, it needs to be addressed. If I make an argument or a complaint here, someone should discuss it with me or challenge me on it, and a very important debate may ensue as a result.

It is just my opinion, and my colleagues will share it. Everyone here is of the view — we discussed this last week — that all those involved in the process seem well-intentioned. So if there are some deficiencies in the Bill, let us deal with them.

Already, what is emerging is a very negative counter-narrative to what should be a positive development of the Bill. I am a bit frustrated, because people from some quarters are using language that is not designed to be encouraging and certainly not designed to be constructive. We have to be involved in constructive criticism in order to get the Bill right.

I am sharing with the Committee a wee bit of my frustration because if I was out there reading some of the recent press reports, I would think that there were people up here who were going out of their way to obstruct an inquiry.

My party is one of those involved in OFMDFM, and I believe that those people are very well-intentioned. However, if I were a victim who was reading what others, including some political parties in the Executive, were saying, I would be asking myself why people up in Stormont were dragging their heels when people are trying to get the process sorted out more quickly.

In expressing my frustration, I am asking for people, particularly here, to be constructive and positive. By all means, we should all air every single concern that we have, but let us deal with them more positively.

**The Chairperson:** OK, but on that specific point, when Patrick Corrigan used the term "second class" he was reflecting what people were saying to him. He has a duty, I suppose, in that he has to go back to those people who may have listened to this session. He does not want them to say that he did not reflect their view.

**Mr Maskey:** That may be fair enough, but I do not want people to have a lingering perception that I am acknowledging, or accepting, that anyone has been treated as second class. There is a difference, which is why I took issue with it.

**The Chairperson:** Yes, and the point has been made.

**Mr Maskey:** Someone could come to my house tonight and put their argument, and I might have to say to them that they are wrong.

**Mr Lyttle:** I will be brief. My observation is that Committee members and those giving evidence have gone out of their way to frame all their comments positively and have recognised the hard work that has been done and the good intentions that have got us to this point, but there are some key concerns.

Whether or not it was the intention of parties, issues such as, for example, the 1945 cut-off point, have caused some trauma and may have made people feel akin to being excluded or second-class citizens. I recognise that this term seems to have caused particular concern, and I take that on board. Nevertheless, we do not need to lose track of the fact that people are committed in a positive way.

I do not know to which members or political parties you are referring when it comes to press reports, and we probably do not need to go into that, but from a Committee point of view, we have endeavoured to ensure that press comments that we make as a Committee are constructive. It is useful for that to go on record.

**Mr Maskey:** We agreed last week that we would do that, but then I read other comments. That is fair enough. People can say whatever they want, but they may well end up being challenged. I do not want that, because people are asking us —

**Mr Lyttle:** I do not know who you are referring to from outside, so I cannot respond.

**Mr Maskey:** That is OK, fair enough.

**The Chairperson:** I do not know what the comments are, but I do not want to open something up —

**Mr Maskey:** I am trying to generalise, Chairperson. All I am saying is that this is a very important issue. Everyone seems to want to resolve it as quickly, and with the maximum amount of integrity, as possible. Everyone seemed to be on the same hymn sheet last week, and all I am saying is that we should proceed on that basis.

**The Chairperson:** OK.

**Mr Maskey:** I am sorry, Chairperson, but it has become an issue. If I were a victim, I would be thinking that there are people up here, including those driving the Bill, who are trying to exclude them or treat them as second class. Let us be a bit more positive.

**Mr Eastwood:** I did not really want to get into this, because we just need to get on with sorting out the Bill. I do not think that anything that has been said by anyone here in a public Committee meeting or by anyone in the media has been in any way contradictory to anything that Alex said.

We have all agreed that this matter needs to be dealt with as a matter of urgency, but we have also all agreed that there are issues with the Bill that we need to sort out. Everyone is coming at it in that vein. Every political party supported the Bill's passage through the Assembly and this Committee happening as quickly as possible. There is no argument, so we just need to get on with the job.

**Ms Fearon:** I would just like some clarification. As Bronwyn and I were not officially on the Committee last week, we missed a lot of what was going on. I know that there is consensus that 1945 is not a reasonable starting point and that we will write to OFMDFM about that, but what about the upper limit? That has not really been mentioned.

**The Chairperson:** The consensus is that a start date of 1945 is not reasonable and that it would be reasonable to start at 1921. A closing date of 1995 was chosen because, after that, new legislation came into effect, and the Department said that those new rules mean that that period is covered. In submissions, groups such as the Children's Law Centre said that those are not as robust as was being suggested. So there is more of a debate over the finish date. As a rule, we write to the Department for its opinion on the witness statements and evidence that have come to the Committee.

**Ms Fearon:** That is OK. I was just clarifying what was being sent, because we were not here last week.

**The Chairperson:** Sure.