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Northern Ireland Assembly

Monday 18 November 2013

The Assembly met at 12.00 noon (Mr Speaker in the Chair).

Members observed two minutes' silence.

Matter of the Day

Weekend Violence

Mr Speaker: Mr Gregory Campbell has been given leave to make a statement on the violent events in Northern Ireland over the weekend, which fulfils the criteria set out in Standing Order 24. Mr Hussey and Mr Lyttle also submitted requests, and I intend to call them immediately after Mr Campbell has spoken. If other Members wish to be called, they should rise continually in their place. All Members will have up to three minutes to speak on the subject, and I remind Members that no points of order or other business may be raised while we deal with this issue.

Mr Campbell: As you said, Mr Speaker, we made an application because of the very serious nature of the problems that emerged over the weekend. I propose to be quite brief because there were a number of incidents that, I am sure, caused widespread concern across the community.

In Coleraine, at 5.00 this morning, a young boy of 15 years of age was shot in both legs by masked men.

On Saturday evening in Strabane, a police patrol was the target of a pipe bomb attack in the town. The area commander, Andy Lemon, said:

"Had this device exploded, it could have killed or maimed anyone close by."

In east Belfast, at about 10.45 on Saturday evening, there was a petrol bomb attack on Alliance Party offices. One petrol bomb ignited on the street and was put out by a passing police patrol.

In north Belfast, on Saturday morning, a number of windows of properties in the Ardoyne area were the subject of attack by people believed to belong to Óglaigh na hÉireann.

Earlier on Saturday, there was security alert that caused people to have to leave their homes as a result of a suspicious object in the area.

The combination of those events makes it very clear to us all that there are those across the community, whether loyalist, republican or not affiliated in such a way, who want to try to drive us back to the past. The community has to be absolutely clear, not just in its unity of opposition to such attacks, which, of course, we will demonstrate today, but it must take that unity further and ensure that the people who carried out those attacks cannot do so again. They must be apprehended by the police, brought before the courts, convicted and put in prison. That is the only way that they will be unable to carry out those activities again.

In some of those incidents, there were allegations of antisocial behaviour. Whether it is the police, social services or us as public representatives, we have to be absolutely clear that the system works when dealing with allegations of antisocial behaviour, so that those who try to carry out such activities are ostracised by the community, rather than some in the community welcoming those attacks. Hopefully, there will be no such welcome. We will abhor and rightly condemn the attacks and ensure that those responsible are brought before the courts.

Mr Hussey: I thank the Member for bringing the Matter of the Day to the House. One thing that all the attacks have in common is that they were committed by cowards. They were committed by people who are not prepared to stand for election or to stand up to argue with you face to face. These attacks were done in the shadows.

The attack on the Alliance Party office in east Belfast was reprehensible. At least the two MLAs and the Member of Parliament from the Alliance Party have stood before the electorate and have been elected to represent the people.

The people who fire-bombed the office were not elected to do anything.

In east Londonderry, a young boy of 15 years of age was attacked in his home. What sort of hero are you to do something like that? It was not right in the past and it is not right now. That was an act of cowardice.

In my constituency of West Tyrone, an attempt was made to kill police officers in Strabane by throwing a pipe bomb at a police car. Had that bomb exploded, we would be talking about the deaths or serious injury of police officers. Not only that, a member of the public removed the pipe bomb and put it on safe ground. That person has to be commended for his actions. He at least was thinking of his neighbours. The rogue who came into Strabane with that bomb did not give a hoot for the people of Strabane. He did not care whether that bomb bounced back into the street and was picked up by a child. It was an attempt to murder and to terrorise. All those events have one thing in common; they were attempts to terrorise.

Everyone in the House will condemn all those actions. I agree with Mr Campbell that every step should be taken to have those people apprehended. They should be behind bars and nobody should support their actions in any way, shape or form. Whether it is for loyalism or republicanism, those actions were wrong. I totally condemn those actions on behalf of the Ulster Unionist Party, and I hope that the police have those reprobates behind bars very soon.

Mr Lyttle: I am grateful for the opportunity to add the condemnation of the Alliance Party to the serious, cowardly and reckless violence we saw in Northern Ireland at the weekend. There was an attempted murder in Strabane of PSNI officers, who have support from across the community. A child was shot in Coleraine, and our thoughts and prayers are with that boy and his family regardless of the circumstances. The paramilitary-style vigilantism that we saw in north Down and north Belfast is completely unacceptable and has to be rejected by every right-thinking member of our community.

We also saw the latest in a line of attacks in a targeted campaign on the office in east Belfast that is shared by the democratically elected representatives Judith Cochrane MLA, Naomi Long MP and me.

I thank and commend the PSNI for its response to that incident.

Every Member of the House needs to reflect very carefully on the language that they use in

demonstrating their support for the PSNI and the rule of law in Northern Ireland. We have to be very clear and unequivocal in our condemnation of all these attacks. Although PSNI officers place their life on the line in service to this community in response to such attacks, the language and actions of some elected representatives in our community have, in my opinion, fallen short of what is required from them in supporting the PSNI, the rule of law and democracy.

I also say to anyone who is harbouring individuals connected to any of these incidents to realise that, until the people who are involved in or behind the attacks are taken off our streets, any member of any family in our community could fall victim to them. We must never accept or grow indifferent to this type of behaviour. We have to work with the PSNI, and the PSNI must do all that it can to take these people off our streets.

The chair of the Police Federation has questioned the validity of the UVF ceasefire, and my colleague Naomi Long MP has called for serious consideration to be given to the reinstatement of the Independent Monitoring Commission (IMC). It is an issue of serious concern that the Secretary of State needs to give urgent attention.

In closing, I will say one other thing. On the same day that the political office that I share with Judith Cochrane MLA and Naomi Long MP was attacked, I heard the Alliance Party be accused of being part of tribal furniture in Northern Ireland. Let me make this very clear: the Alliance Party was founded to stand against sectarianism, division and violence and for a shared society, democracy and the rule of law, and it will take much more than political or physical attacks to stop us from doing so.

Mr Speaker: I ask Members to rise continually in their place if they want to make a contribution.

Mr McAleer: Go raibh maith agat, a Cheann Comhairle. On behalf of Sinn Féin, I, too, condemn the events of the weekend. One of the events happened in my constituency of West Tyrone, in which there was a pipe bomb attack on the PSNI. There was also the mutilation of a 15-year-old in Coleraine and an attack on the Alliance Party offices. There are also ongoing protests that are drawing PSNI resources away from other duties.

I am very disappointed by what happened over the weekend. It is very important that the community know that there is absolutely no

support for this type of activity in the community. The people involved are not presenting any alternatives. People want to live in peace and move on, and the people who are carrying out these attacks have absolutely nothing to offer the people of this country.

I reiterate my party's absolute condemnation of what went on over the weekend. It was totally unacceptable, and we join other parties in making that very clear by sending a loud voice from the Chamber.

Mr Speaker: I remind Members that they have three minutes in which to speak. Members know that I am very reluctant to interrupt them on such a sensitive issue.

Mr Dallat: Like the other Members who have spoken, I condemn totally all the incidents. In my own area in the past three weeks, there have been four such incidents. The one in Coleraine this morning certainly was a wake-up call: a 15-year-old child's house was entered at 5.00 am by hooded men with revolvers and baseball bats. That was a time at which grown men should have been in their bed preparing for a day's work, yet this is what they were doing. In Portrush, a similar incident happened last week. Before that, a family in Garvagh had two cars burnt out, and there was an incident in Ballymoney.

We have come to use new words — well, they are not that new — in our vocabulary that should be got rid of. Words such as "paramilitary" and "punishment-style shooting" are no part of a normal democratic society. This Assembly is the democratically elected body.

12.15 pm

The PSNI is the Police Service of Northern Ireland, which is doing its best to help us, as politicians, to build a new society that does not have terms such as "paramilitary" or "punishment-style shootings". We have a Public Prosecution Service, and we even have a Minister of Justice. However, we still have brigadiers and OCs 15 years after the signing of the Belfast/Good Friday Agreement. That is not on.

However, I want to be positive and constructive. The wider community has an important role to play in this. People might not understand that this morning at the Lodge Road police station, police officers are building a jigsaw. Some individual might have the vital piece that completes the picture. I appeal to people. It

was somebody else's child this morning. We do not know whose child it might be the next time the men with hoods and balaclavas call at the door.

I have confidence that the foundations are solid enough to withstand the recent incidents. However, people need to be aware that, although it might be somebody else's problem this time, next time it could easily be their problem. Therein lies the key: everyone needs to be part of the picture.

Mr Newton: I welcome Mr Campbell's initiative in bringing this matter to the Chamber. I will start by condemning all violence, including that which is supposedly politically motivated. All violence is wrong. To make it absolutely clear, the PSNI is the force of law and order, and it is the PSNI that we owe our allegiance to inside and outside the Chamber.

There were two major incidents in east Belfast at the weekend. One was a hoax bomb in Dundonald. Those who were subjected to it were unaware at the time that it was a hoax. The fear, anguish and inconvenience that they and all who live around that area suffered was very strong indeed. We also owe a debt of gratitude to those whom we refer to as the bomb squad, who risk their lives in going to deal with these matters, not knowing whether it is a hoax or real.

The other major incident, which was the attack on the political offices, was a despicable incident that was carried out by someone already referred to as having "nothing to offer" this community.

On Saturday morning, a young man appeared in court for a previous incident. This question remains: what or who motivated that young man to carry out that incident? He is a young man who is disabled and in employment and who, according to the press, cannot come near Belfast and has to live in Lurgan. What or who motivated him to do that?

I have no doubt that the person who carried out this latest attack will be caught by the PSNI and taken before the courts and will probably face a custodial sentence. What is happening? What and who in our society is encouraging this type of action?

Gregory Campbell secured this Matter of the Day, and he, probably more than most in the Chamber, knows the effect of political violence. He suffered from it. Other DUP Members suffered from it. Not so long ago, we were in the Chamber debating the attacks on Sammy

Brush. The homes of our councillors and MLAs have been attacked, and we understand and have seen the effects of those who have attacked the DUP, or any other political party, whatever their motivation.

Mr Byrne: I condemn all the acts of violence that have happened over recent weeks. In particular, I refer to the pipe bomb incident in Strabane that Mr Hussey referred to. In Strabane, over the past 10 years, excellent relations have grown between the police and the community. The pipe bomb attack is a serious setback to the confidence that people have in policing in Strabane. I utterly condemn it, and I hope that the police are successful in apprehending those responsible. A pipe bomb is a deadly device, and, thank heavens, no police officer or member of the public was killed. I commend the member of the public who removed the pipe bomb from the road and threw it into a waste site, but it is a sign that there are some dangers out there, and we cannot be complacent.

Mr B McCrea: The attack on the Alliance Party offices or an attack on any political party is an attack on democracy. I absolutely and completely condemn it, and I stand with that party on that matter. An attack on a police officer is also an attack on democracy, and I stand with the PSNI full square, without any equivocation whatsoever, and I urge all Members, when considering matters to do with the police, to support them at all times.

When we then get the situation where vigilantes think that they can take the law into their own hands and attack young people, that is also an attack on democracy. A Member who spoke earlier asked what motivates those people to go and do such things. I do not know what motivates them, but I say to Members here present that it is our job and our responsibility to make democracy work, and the language that we use should send out a very clear message to all the people of Northern Ireland that there is no future that is not a democratic future.

Mr Allister: The litany of criminality that we saw over the weekend — much of it quite patently paramilitary — was utterly shameful. Whether it was the shooting of the young boy in Coleraine, the pipe bombing in Strabane, the fire bombing of the Alliance Party offices or the issuing of vigilante threats in Bangor, all those are shameful and wrong. They are testament to the ongoing failure of the Belfast Agreement, which was supposed to bring the new dawn of peace and reconciliation, but which, in part, is the very reason why we have this continuous

manifestation of criminality. If, as politicians, you support the undermining of the rule of law by the early release of prisoners — and many in this House did — and you diminish the status of the rule of law, you cannot be entirely surprised that, subsequently, others follow in that mode of diminishing and discrediting the rule of law.

It seems to me that, under the Belfast Agreement, sadly, there has emerged an acceptable level of criminality, lest the process should be disturbed. There are certain players who seem to think and to act as if they are above the law because they are seen to be key to the process. When they flex their muscles, as they do, it is a consequence of having paid the price that we paid in rewarding terrorism and criminality under the Belfast Agreement. So I think that politicians need to be more circumspect before they seek to distance themselves from the fusion of criminality that flows from the fact that, in this Province, we rewarded criminality. We are reaping what we sowed, and, sadly, that is the reality. It was so wrong, then and now.

Mr McNarry: It seems to me that, no matter what agreements we put in place in the name of democracy, there will be, as there are now, people who will try to undo them and people who are nothing short of criminals. That is what we are dealing with.

The daily violence news readout seems as normal as the weather forecast or the sports results but it is not normal. Therein lies the problem, because we are being sucked back into what some people once said was an acceptable level of violence. Indeed it is not, and it cannot be, nor can we accept what people suggest to be an acceptable level of violence.

Mr Campbell does well in creating space for our views to be heard, but I believe that we could go further. It seems appropriate that you, Mr Speaker, alongside the First Minister and deputy First Minister, should make clear the widely held views of the Assembly expressed this morning. It seems that that voice and face, representative of the Assembly, needs to be out there, along with us here and the words that are being said today. However, we need to give greater emphasis to our views and to having them heard, and to having their meaning penetrate the people to give them assurances. The people who are lying in their beds, who will go out tonight to do some damage, are not listening to any of us, but the broader audience is important. That is the audience that sent us here. I give thanks to Mr Campbell for giving us

this opportunity, but I ask that we, perhaps, take it that bit further.

Mr Buchanan: All attacks, irrespective of their source, are an attack on democracy. No one, but no one, is above the law. I rise to add my condemnation of all the attacks over the weekend, especially the pipe bomb attack on a police patrol in Strabane in my constituency. There is no doubt that that was a blatant murder attempt on police officers. It is only by the grace of God that we are not mourning the death of a police officer or members of the public in the House this morning.

There is no room in society for this type of behaviour. All that can be done must be done to bring those responsible to justice. That responsibility lies with every elected Member of the House who, if they have any information, must bring it to the police. Likewise, any member of the public who knows something or someone who may have been involved in anything must bring it to the police, because this must be brought to an end. These people must realise that there is no place for them to carry out this type of activity within society. Therefore, we send out our words of condemnation from the House this morning.

Mr D Bradley: Go raibh maith agat, a Cheann Comhairle. I certainly rise to condemn the violent actions that happened at the weekend in Coleraine, Strabane and east Belfast. I also take the opportunity to condemn the recent shooting in the legs of a man in my constituency in Cullyhanna in County Armagh. I visited the victim a few days ago and heard from him how four men, armed with guns and hammers, burst into the kitchen of his home, hit him in the face with a sledgehammer and shot him in the legs, while his wife and daughter were held in another room.

No statement from any group can justify that barbaric action, and there are no aims, objectives or strategy that can, in any way, justify the use of violence. It was wrong in the past and it is wrong now. Those responsible for that attack are nothing more than the armed wing of criminals whose only interest is moneymaking.

I stand with the victim of that barbaric shooting. The whole community stands with him. My hope is that those responsible will be apprehended by the police and dealt with by the courts.

12.30 pm

Speaker's Business

Mr Speaker: Before we return to today's business, I want to address a matter that is causing me and our Deputy Speakers some concern.

On a number of occasions recently, Members have blatantly and persistently ignored directions from the Chair, particularly when it comes to being told that the time for their contribution is up. I have two examples but, in all my time as Speaker, I have never known Members having to be asked on five if not six occasions to bring their remarks to a close.

If Members deliberately go over their time, they need to understand that what is really happening is that they are eating into the time of other Members who wish to make a contribution. Whether I or one of the Deputy Speakers is in the Chair, the authority is the same. I have to say that we have seen a pattern from all parties in the House — no one party is to blame — of Members deliberately going over their speaking time, particularly when they are being told directly that their time is up.

Members, I hope that I do not have to return to this subject. We have watched it for some time and the problem has been on the increase. When an issue is on the increase, I have no choice but to speak to the House and deal with it. I hope that every Member will understand where I, as Speaker, am coming from. Members will know that they get a warning that their time is either almost up or gone. When I see Members rising in their place with a huge bundle of papers, I think to myself that there is no way that that Member will be able to say all that he or she wants to say within five or 10 minutes. I remind the House that time limits are set by the Business Committee. We will leave it there.

Executive Committee Business

Road Races (Amendment) Bill: First Stage

Mr Kennedy (The Minister for Regional Development): I beg to introduce the Road Races (Amendment) Bill [NIA 29/11-15], which is a Bill to amend the Road Races (Northern Ireland) Order 1986 to provide for contingency days to be specified in an order authorising the use of roads in connection with road races and for the substitution of a contingency day for a day specified in such an order.

Bill passed First Stage and ordered to be printed.

Occupational and Personal Pension Schemes (Automatic Enrolment) (Amendment) Regulations (Northern Ireland) 2013

Mr McCausland (The Minister for Social Development): I beg to move

That the Occupational and Personal Pension Schemes (Automatic Enrolment) (Amendment) Regulations (Northern Ireland) 2013 be approved.

The regulations amend the principal automatic enrolment regulations to, in effect, ban certain consultancy charges in automatic enrolment schemes. As I have said to the House previously, when dealing with pensions I am conscious that it is easy to get lost in a maze of technical provisions and pensions jargon. However, the rule that we are considering is somewhat technical. Although I will try to keep my statements and comments at a fairly high level, some jargon is, unfortunately, inevitable. I will do my best to keep it to a minimum.

The Pensions (No. 2) Act (Northern Ireland) 2008, and corresponding provision in the Westminster Pensions Act 2008, introduced a duty on employers to enrol eligible job holders into a qualifying workplace pension scheme and to make minimum contributions to it. Under the legislation, employers are able to choose the qualifying workplace pension scheme that they adopt to discharge this duty. A qualifying scheme is one that meets specific criteria, for example an occupational pension scheme or a workplace personal pension scheme.

To ensure that scheme members are adequately protected, it was recognised from the outset that administration charges etc should be appropriate and as low as possible. The intention is to protect consumers by tackling high and inappropriate pension charges.

The problem with some consultancy charges is that they may be used for purposes which do not benefit all the scheme members who are required to pay them. Many consultancy charges are characterised by high upfront contribution charges which have the potential to seriously affect an individual's pension savings, particularly if they move jobs frequently, and to undermine confidence in the workplace pension reforms and pensions generally.

The regulations introduce a further condition that any part of a scheme that provides money purchase benefits must meet an automatic

enrolment scheme. The scheme must not allow any deductions from contributions, investment returns or the value of the member's rights if they are to be used to fund an agreement between the employer and a third party. In effect, the regulations ban certain consultancy charges in automatic enrolment schemes. That is not meant to impinge on the normal day-to-day running of pension schemes. Trustees etc can continue to pay for important services for the efficient running of schemes.

There is, I believe, broad consensus that a key factor in the success of automatic enrolment will be to ensure that members' contributions etc are not eaten up by inappropriate or costly charges. The regulations are an important step in tackling an emerging problem.

Mr Maskey (The Chairperson of the Committee for Social Development): Go raibh maith agat, a Cheann Comhairle. The Minister outlined in some detail the purpose of the regulations. The Committee considered the SL1 pertaining to this legislation at its meeting on 12 September 2013. Subsequently, we looked at the statutory rule at our meeting on 3 October. As the Minister pointed out, the rule came into operation on 14 September. The Committee, after consideration of the regulations and the report from the Examiner of Statutory Rules, agreed to support the recommendation of the regulations from the Minister. Therefore, the Committee recommends that the Assembly supports the regulations.

Mr McCausland: I am pleased with the level of consensus that there is on the regulations. I thank the Chair and members of the Committee for Social Development for the positive way in which they have dealt with them. I therefore commend the motion to the House.

Question put and agreed to.

Resolved:

That the Occupational and Personal Pension Schemes (Automatic Enrolment) (Amendment) Regulations (Northern Ireland) 2013 be approved.

Private Members' Business

Civic Forum

Mr Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes to propose the motion and 10 minutes to make a winding-up speech. All other Members who are called to speak will have five minutes.

Mr Attwood: I beg to move

That this Assembly notes its decision of 9 April 2013 on the recall of the Civic Forum and the lack of progress to date; further notes that there are over 500 submissions to "Haass/O'Sullivan" from civic organisations, victims' groups, individuals and the wider community, and the authority of that input; believes that the Civic Forum can further capture this input, thereby building inclusion and helping to remedy the failures of politics; and calls on the First Minister and deputy First Minister to recall the Civic Forum by the end of January 2014.

Mr Speaker, given your earlier comments about the length of speeches, I want to assure you that I do not intend to read into the record any of these documents, but I will refer to them shortly.

I would be surprised if it was not recognised across all the parties and Benches in the Chamber — then again, the Chamber never fails to surprise me — that one of our greatest strengths in Northern Ireland and Ireland generally is our civic and community organisations, be they sporting, volunteering, charitable, rights based, community based or victims' and survivors' groups. The scale of all that is arguably unlike that of any other part of these islands. It is a measure of the calibre and capacity of people to organise themselves in order to look after their own interests and to seek to look after the interests of others.

In my view, the scale and capacity of the civic world in this part of Ireland was one of the essential elements in ensuring that, during the years of conflict, we did not see civil strife escalate beyond its appalling and traumatic scale. It is my view that conversations by parents and grandparents, between civic leaders and within community organisations held the line, especially at critical points in our history when things could have escalated and deteriorated at the same time. That thought informed the architects of and the signatories to

the Good Friday Agreement in 1998, when, in recognition of the scale, capacity and contribution of the civic world, it was proposed that there would be a civic forum.

I am sure that other contributors will touch on the many ways in which civic society can input into our politics and governance, including through the Committees of the Assembly, consultation exercises and a wide range of partnerships. If that is done in the way in which it is meant to be done, it is all worthwhile and healthy. However, it was the view of the House earlier this year when it passed a motion on the matter, and it is the SDLP's view now, that giving enhanced expression and an enhanced role to civic society can help our politics and our place to deal with many of the multiple issues that are all around us and that we need to address urgently.

I have brought these four documents in, Mr Speaker, without reading from them, because, as the panel of parties in the Haass/O'Sullivan process knows, the four volumes were sent to us last Friday by Richard Haass and Meghan O'Sullivan. These are the first four volumes of contributions to the Haass/O'Sullivan talks from outside the talks room. Even these volumes will not capture all those submissions, because these are the ones that third parties and individuals consented to share with the parties.

Any of the panel parties and representatives in the Haass/O'Sullivan talks process cannot but be impressed by the authority, wisdom, ambition and generosity that marks so many of these contributions. They are not only from volunteers, sporting and charitable bodies, rights groups and victims and survivors organisations, but from countless individuals. The fact that, to date, there have been 500 submissions to the Haass/O'Sullivan process demonstrates that there are people outside the talks room in the wider world who have been waiting for this moment to have their say, to comment on the failures and fault lines of politics and to propose remedies. Although it may be disputed by other panel members, it is my view that the wisdom outside the talks room is certainly greater than the wisdom inside it, and we have a lot to learn from that.

How would reconfiguring and recalling the Civic Forum now help us and our society? Here are three ways in which that could be done. The first is to emphasise my point that the wisdom in civic society is arguably greater than that in political society. If we want to shape this society in the image of the right values, with the hopes that have been dashed and the ambition that has been squandered since 1998, the more

we need to heed and hear the wider civic world. That includes organisations with which I would have some differences, including the marching orders, on some matters. Unless we try to capture, heed and hear that wisdom, our politics and this place will not prosper and live up to the hope and ambition to which we all seek to aspire.

Secondly, as with the Good Friday Agreement, some of the thinking behind the Civic Forum was to build what was known as the "inclusive society", given that, in our history, people rightly felt that there was the politics of exclusion when it came to this part of the world. Some would argue that the politics of exclusion continue. I might differ from their position on that argument or differ in the scale of what they claim, but there are clearly organisations and people who feel that peace and politics have passed over them in the past number of years. We need to learn from that, and, without indulging bad practice and wrong approaches, we need to try to find ways and means of being more inclusive.

12.45 pm

Thirdly, it is my view that if, in or close to the Building, there was a gathering of civic voices in Northern Ireland, that, in itself, would be a guide to the political parties. It would increase our capacity and challenge us to achieve more than we have done. For all the achievements of devolution — there have been great achievements that should never be diminished — such as the new beginning for policing and the united stand against terror, there is the great unfinished business of agreement politics, and there are people who could guide us with their wisdom and authority as we take forward the necessary decisions and politics over the next period. Given that those in the wider civic world are saying to Haass and O'Sullivan that they want to participate in peace and politics moving forward, it falls to us to listen to their voices and include them more and more in how we take peace and politics forward in this part of Ireland.

There are some voices — not very loud, I have to say — who say that this would mean more bureaucracy and more cost. The evidence is that the cost is very low, especially compared with some of the acute costs that fall to the people of Northern Ireland from disputed issues, not least up in Twaddell Avenue. However, the cost of not including is much greater and cannot be measured in pounds or euros. Inclusion has the potential to ensure that the costs of division that we see all around us at the moment do not escalate and embed

themselves in the future of this part of the world.

The SDLP's motion is very explicit: it calls for the Civic Forum to be reconvened by "the end of January 2014." In my view, the membership of the Civic Forum should be reconfigured because, as Ian Paisley and Martin McGuinness said when the review of the forum commenced in 2008 following restoration, society has moved on since 1998. Therefore, the membership of the forum could be reconfigured to reflect that. I do not dispute that; I agree with that. I have some ideas about how the forum could be reconstructed to make it more representative and enable it to have a bigger and better input into our politics than heretofore. However, the review of its membership should not delay the reconvening of the forum, in order to send out the message that if, on the far side of Haass, we conspire together to build a better future, in doing so, we should recognise the great authority of the civic world —

Mr Speaker: The Member's time is almost gone.

Mr Attwood: — and seek to include that more as we go forward.

Mr Moutray: It is almost with a sense of disbelief that I note that the SDLP is playing the same broken record that it plays every so often with regard to the Civic Forum.

Mr Lyttle: Will the Member give way?

Mr Moutray: No, the Member will have his opportunity. I cannot seem to grasp its infatuation with the Civic Forum and the need to recall it, given that it had no purpose when it was in place. Even if recalled, it would have no purpose but cost an extortionate amount to run. I do not intend to speak for terribly long on the motion, given that, on three occasions, I have, on this very Floor, said everything that I need to say on the matter. My objection to recalling this ineffective body —

Mr A Maginness: Will the Member give way?

Mr Moutray: No, I am quite happy to let the Member have his turn later.

My objection to recalling this ineffective body is clearly documented. To be honest, I do not care if the Civic Forum is never recalled. Let us be honest, it was a product of the Belfast Agreement, which our party opposed and still does. It was operationally ineffective, with not

one of its original recommendations accepted or implemented by the Executive of the day. I have no reason to believe that, if recalled, it would change.

When the forum was operational, it was largely composed of the great and the good of society. I refer to the comments made by Lord Kilclooney when he said of the Civic Forum in 'The Irish News' that it was:

"a luxury the people of Northern Ireland cannot afford".

I am sorry, but it cost half a million pounds at that time to fund that unelected and ineffective quango. I prefer to see that amount of money, and it is probably greater now, going into something much more worthwhile, something that would help our constituents.

I welcome the SDLP's comments on the Haass talks, and I am delighted that over 500 submissions have been made to him, albeit different in their nature. I trust that Dr Haass will bring about some creative new thinking and suggestions that can be looked at seriously by the Executive, but sadly, I cannot say the same with confidence about the Civic Forum. Its historical records clearly document that, as a body, it was not expert in this field. Simply, the Civic Forum was not necessary when it was created; it was not heeded when it spoke; and it was not valued enough by some of its members for them to attend. What we will see if it is reintroduced is another talking shop, and that is not what the Northern Ireland people need.

I want to be very clear that I, like other Members, was elected to the House to represent my constituents. To my mind, the public do not want to have another level of bureaucracy, another talking shop. I want to be very clear that I am not against connecting with our communities and I am not against stakeholders feeding into the decision-making of the House to help guide us in what the needs are, but I am against elaborate and expensive structures, which is exactly what the Civic Forum has proved to be. I oppose the motion.

Ms Fearon: Go raibh maith agat, a Cheann Comhairle. Unlike the previous Member who spoke, I welcome the opportunity to speak on the motion. Sinn Féin will support it.

The recall of the Civic Forum would only seek to enhance our decision-making process and promote further inclusion. There is without doubt a growing sense of apathy in our communities, and any step taken to increase engagement must be viewed positively. This is

even more apt given the unrest that we have witnessed over the past year. There is clearly a growing number of people who feel frustrated; that is illustrated by at least a dent in community relations in several places.

It would have been an excellent time for politicians to lead from the front on equality issues and on parity of esteem, but clearly we have been let down by some in that regard. I am proud of the steps that my colleagues have taken, particularly in recent times. I think that Máirtín Ó Muilleoir has shown exceptional leadership.

Any recall of the Civic Forum must ensure that it is a truly all-inclusive body, a structured outlet to allow people to have their voices and opinions heard and engaged. It is essential that room be made for the voices of young people, rural communities, women, ethnic minorities, the lesbian, gay, bisexual or transgendered (LGBT) community, the disabled and people from all socioeconomic backgrounds. We need to encourage full participation by all sections of society.

As I have said, there is a growing sense of disillusionment out there, and I fear that it has grown since the last time we debated this issue. The very make-up of this Chamber could be a contributing factor to that opinion, and serious commitments must be made to tackle the gender, age and ethnic profile of the Assembly to ensure that it is truly representative.

I welcome the volume of submissions that have been made to the Haass talks. The more engagement we have from civic society, the more beneficial it will be for all. It demonstrates a need to have an arena where civic society can be involved in tackling the bigger issues. We cannot allow those who have contributed to fall by the wayside.

Recalling the Civic Forum would be useful in tackling some of the more difficult issues that often result in little more than finger-pointing in this Chamber. The forum could be a place for measured debate on important issues and would only be enhanced by the absence of party-politicking. However, we should not limit the discussions to solely political items. There are also wider societal issues that need to be addressed, not least the way in which young people are stereotyped. We need to find ways to address the prevalence of sexism in our society and all that goes with it.

While I support recalling the Civic Forum, I think that we need to have a wider discussion about its terms and its make-up. The Civic Forum is a

Good Friday Agreement commitment, so we need to ensure that other commitments are not forgotten. Both the British and Irish Governments have reneged on many of the promises that were made, and it would be remiss of me not to take the opportunity to call for the introduction of a bill of rights.

I welcome the news of President Higgins's upcoming visit to Britain and I hope that it can be a catalyst to fulfil all the commitments made between the Irish and British Governments. Having heard the merits of establishing a Civic Forum today, we should bear in mind the economic climate that we find ourselves in and we should not rush into recalling the old model. We should be exploring how to do things in a more efficient and innovative way.

We support the motion. We feel that it would give a voice to those sections of society that currently feel excluded from the daily business of the Assembly. It would provide for greater transparency, which is something that nobody in the House should fear.

Mr Cree: It seems no time since we had this same debate, and nothing has changed since then. The Civic Forum was the brainchild of the Women's Coalition and achieved very little during its two-year existence. To be fair, it certainly was worth a try, but it cost over half a million pounds, and there was very little to show for that cost.

Paragraph 22 of the St Andrews Agreement states:

"The Northern Ireland Executive would support the establishment of an independent North/South consultative forum appointed by the two Administrations and representative of civil society."

As a result of our experience here with the Civic Forum, it is difficult to see the rationale for continuing with a North/South forum. It would be interesting to know what the situation is with that proposed body and its likely operating costs.

Returning to the Civic Forum, we do not want another unelected, quasi-parliamentary organisation. Our existing Committees already perform a similar function in taking evidence from the public, various bodies and society in general. Much more could be done to develop that system and to improve contact between government and the public.

The Ulster Unionist Party values the views of civic society, and we must continue to engage

with it. So far this afternoon, little new information has come to light. We know that the First Minister and the deputy First Minister agreed to a review of the Civic Forum way back in May 2008. However, we are still awaiting a response, and perhaps we might hear something today about the current situation. In the meantime, I oppose the motion.

Mr Lyttle: On behalf of the Alliance Party, I welcome the opportunity to speak in support of the motion and our commitment to participative democracy in Northern Ireland. I expected that most democratic parties in the Assembly would have been able to give that same commitment today, but, then again, some Members never cease to amaze me.

Regarding the motion, Mr Moutray said that the SDLP is playing a broken record. Well, the Assembly previously voted in favour of a similar motion, so it is a bit strange to refer to a motion that has been given the support of the House as a "broken record". Then again, some things never cease to amaze.

Whether Mr Moutray and his party like it or not, the establishment of a Civic Forum is a requirement of the Northern Ireland Act 1998, on which these institutions and this society are founded. It is also an opportunity to enhance the representativeness and effectiveness of our political process.

I agree with Mr Cree that we have seen how certain MLAs, Ministers and Committees can work hard together to engage constituents and organisations in the political process, and the Northern Ireland Assembly and Business Trust (NIABT) and Assembly Community Connect are other means through which to do that. However, I believe that the Civic Forum, or a recalibrated Civic Forum, is one way in which to include the creativity and expertise that we have in civic society in the political process and to encourage enhanced democratic participation in Northern Ireland.

The Alliance Party has consistently supported the inclusion of civic society in the political process. Indeed, Alliance Party leader David Ford wrote to the First and deputy First Minister in January this year to propose a shared future working group that would have the involvement of civic society and an independent chair. It appears that they like the idea, and they have used it in reference to the Haass talks group. The Haass talks group has received around 500 submissions. Mr Attwood physically demonstrated the extent of the bound volumes that we have to wade through in the coming days and weeks as we seek to harness those

ideas expressed to find long-term solutions to difficult issues that, frankly, the Executive and the Assembly have not been able to grasp to date.

I support the motion, but I would like to put forward a number of qualifications. We heard that the First Minister and the deputy First Minister have sat on a review of the Civic Forum for a quite a number of years. Again, that is possibly not too surprising. We also heard that the deadline of 14 January may be somewhat unrealistic, so we may need to look at that again.

Any recalibrated Civic Forum would, of course, need to be focused and properly representative, not have an unwieldy or excessive budget and have a tight appointment process. I think that we can look to other jurisdictions for some guidance on such a formation. My understanding is that Scotland's Futures Forum has been able to establish itself with a balanced funding format and to utilise relevant expertise on discrete targeted themes that, in Northern Ireland, could include how we best approach the ageing population that we have here, for example. So, I think that that model could be given some serious examination.

1.00 pm

As has been mentioned, we undoubtedly have a wealth of expertise across our society. There is undoubtedly a frustration in our community with the political process, and I think that this is a way to seek to re-engage people from across our community in Northern Ireland. To be effective, we ultimately need a truly diverse membership that adequately represents our community and that will be able to make a constructive contribution to finding solutions to problems in Northern Ireland. There are clearly individuals from all backgrounds in business, academia and the community and voluntary sector who could make meaningful contributions on extremely important themes, such as the economy, integrating education and protecting against the welfare reform that lies ahead.

The Alliance Party adds its support to the motion and thinks that the Assembly needs to get on with addressing this issue.

Mr G Robinson: I will speak very briefly to the motion. I note that the proposers of the motion are keen to waste public money on what I believe to be a publicity stunt at a time when one party dragging its feet on welfare reform will cost the Northern Ireland block grant £5

million monthly from next January. This is a failure of politics, as the motion refers to, and, as a party, we will not be duplicating the services that we provide in the Assembly.

I do not believe that spending money on a civic forum can be justified. Where is the money coming from? What services will have to be cut to fund a civic forum? Where is the benefit to the people of Northern Ireland, as has been shown in the past?

Mrs D Kelly: Will the Member give way?

Mr G Robinson: No, I am moving on.

I believe that civic inclusion may be damaged, as funding could be lost to projects that provide a greater cost-benefit outcome. I also see the call for the Civic Forum as a duplication of the work of the Haass/O'Sullivan talks, and I fail to see how expecting groups or individuals to make the same submissions to a second body is of any real benefit to building inclusion.

In the current situation, where the Executive are already forced to make budget cuts, it is unreasonable to expect further budget cuts to be made to facilitate the political agenda of some in the House. That would be just another expensive consultation exercise at unjustified cost to the public purse and the creation of another quango that should never be recalled. I oppose the motion.

Ms McGahan: Go raibh maith agat. I support the motion. The Good Friday Agreement is about local representatives making decisions that affect us and the people that we represent on an inclusive basis. The Civic Forum was set up under the Good Friday Agreement to engage wider civic society, and its mission statement states:

"The Civic Forum will exercise effective community leadership and directly influence the building of a peaceful, prosperous, just, cohesive, healthy and plural society."

MLAs must use every opportunity to build and continue contact with non-governmental organisations, community groups, trade unions, the business community, agricultural and rural communities, women's groups, youth organisations and so forth. We must learn of their aspirations and needs and work with them to take those forward into the Assembly and the rest of the Good Friday Agreement institutions. Outreach to those communities is elected representatives' core work.

The Civic Forum is an important method of active participation, and it could bring about change whereby people from the voluntary, business and community sector feel as though they are making a contribution to improving others' quality of life. That can be a very rewarding experience. Active participation opens up the process, and the Civic Forum was agreed in the Good Friday Agreement as a means of ensuring transparency in the political process. As identified in the mission statement, we have to build a peaceful, prosperous, just, cohesive, healthy and plural society, and we can do that by widening and deepening our engagement with individuals and groups in our areas so that they start to identify with the need for change and for a new society that is based on human rights and equality. Elected representatives need to take on their leadership role in the building of that community for change.

It is my understanding that some good work was done while the forum existed. It provided a structured approach for people to come together. However, more was to be done: that is for sure. The Office of the First Minister and deputy First Minister (OFMDFM) carried out a review to determine its value and see how it could be best improved.

Democracy means the strength or power of the people. We have equality and fairness for all our citizens, regardless of race, religion, gender or political opinion. Human rights are enjoyed by all. Sinn Féin is committed to efficient government that is cost-effective. However, equality and representative safeguards cannot be diluted in any fashion. Equality should not cost money. If it does, it is money well spent.

The finance argument has been used when it suits. However, when flags protests happen, they cost the economy millions, and, overall, there is silence in that regard. It is ironic that some Members argue against a Civic Forum by stating that we have engagements via all-party groups (APGs), constituency offices and Committees. I agree. However, when the flags issue became a major problem, the unionists set up a unionist forum to address the underlying reasons for the protests. The problem with that is that it was not inclusive; it consisted of only unionists and loyalists talking.

The setting up of the Civic Forum is an important action that we can take to make our society more inclusive. It is important that we are socially aware, that we are of the people, and that we understand the problems and issues faced by community groups, NGOs and other groups that we are not part of. That is

crucial. Elected reps need to exploit all available forums as opportunities through which to drive forward the participation of the people and their community groups, transparency in governance, and the accountability of the Assembly and its institutions to the people. We need to work to make those forums and working groups more than just talking shops, so that they impact on the business of the political institutions. In doing so, we will deepen the political process through social dialogue by contributing to peace, reconciliation and political progress.

Mr Spratt: I am pleased to speak on the motion today. It is fair to say that the Civic Forum was not highly regarded by my party. We have already heard examples of that. It was viewed by many as an expensive talking shop. It achieved little or nothing in the period in which it was in existence, and the wider electorate knew little or nothing about it.

My office has not received one single call to have the Civic Forum returned. I would be surprised if other Members have not experienced the same. We already have representation at local government through councils, through the Assembly, through Westminster and through Europe. Is anyone really going to benefit from another non-elected forum being put in place? It would give more opportunities for the media and public to criticise the cost of government, and probably rightly so. My party has consistently called for a reduction in the number of MLAs and Departments, so, in my and my party's view, it would be unrealistic to recall the Civic Forum on that basis. At a time of economic recession, would it not be better for some of the money that would be poured into such an unelected quango, as it has been described, to be put into mainstream government schemes so that the public would get some sort of repayment?

Mrs D Kelly: I am pleased that the Member has agreed to give way. On the issue of the proposed Programme for Government target and objective of the reduction of the number of MLAs and Departments, does the Member concede that that objective was to have been reached by December 2012? Therefore, is the Member more concerned about holding up the failure of the Executive to the scrutiny of others than he is about participative democracy?

Mr Speaker: The Member has an added minute.

Mr Spratt: Thank you, Mr Speaker. I hear what the Member is saying about the failure of the

Programme for Government, but there are many good, positive areas in the Programme for Government as well. Certainly there are areas that are difficult, and there are difficult areas to be got through the Executive, but, at least most of the other parties, unlike your party, Mrs Kelly, are not threatening to throw the dummy out of the pram and walk away from the Executive. At least the other parties are putting something positive in to try to resolve some of those issues.

On the recall of the Civic Forum, Members have mentioned cost. If you look back at the previous Civic Forum, you will find that, on many occasions, it was difficult to even get the people who were appointed to it to come along. In fact, the Benches were very sparsely populated on many occasions. It would also be difficult to get a body that is representative of all in civic society in Northern Ireland. Some Members have alluded to that. Mr Lyttle alluded to making sure that it was representative of the whole community.

The flags protest has been mentioned. I notice that, for some Members opposite, the flags protest and the cost of it is something that is mentioned. The PSNI mentions this regularly as well. What about the cost of the stuff that we were talking about in the Matter of the Day — the kneecappings, the brutality and all of the other issues that are taking place in our community? I do not hear about any costs in relation to those issues from the PSNI or, indeed, from any of the Members on the opposite Benches. So perhaps we should look right across the board.

I am Chair of a Committee, and folk from civic society come along on a regular basis. Only last week, I had a conversation with members of the trade unions about some transport issues. So, many members from different areas of civic society attend Committees. In fact, perhaps three or four days a week in the Great Hall, you will get groups, many of them from civic society, appearing in the Long Gallery. Members who are democratically elected to this House are lobbied on a whole plethora of issues and concerns. I think that that is the way to do it, through this democratically elected forum.

So, I am afraid that the Civic Forum is an expensive talking shop that achieved nothing in the past. I think that it is unlikely to be able to achieve anything in the future. So, like other Members of my party, I oppose this motion.

Mr Maskey: Go raibh maith agat, a Cheann Comhairle. It has been an interesting debate

so far in that most, if not all, of the contributors have said that they value civic engagement and welcome very much people participating in politics, particularly in conjunction with Members in this House within these institutions. That, therefore, is, for me, very positive, and as my two party colleagues have done, I support the motion. I may not agree entirely with the sentiment of the motion, and I do not think that it is terribly well written, either. Notwithstanding that, we very much share the purpose of the motion, which is to see the re-establishment of a Civic Forum, and we give our wholehearted support to that.

It is important to say that this is certainly not about, in our view, any attempt to have a mirror image of this Assembly or to have any sense of a second Chamber. This is, essentially, to make sure that we have people out there in wider society having the right and the ability and the format within which they can participate in the wider issues that affect all of us here in society. I would argue that, had we had a Civic Forum operational for the past number of years, we probably would not have needed to have a Haass process because, clearly, we would have had the benefit of people out there who have views on these matters as well as the political parties have. The fact that we as parties have not been able to resolve these difficulties tells us that there is a clear deficit in the substantive dialogue that is required to reach agreement on these matters.

1.15 pm

I make it very clear that we do not want to see a mirror image of this House; we do not want a second Chamber. I think that these institutions, the Committees herein and other forms of consultation are very important. That all relates to specific policy issues and initiatives, and that is important. However, my party sees the role of a Civic Forum as being for people with a voice and a role in society to have the opportunity to participate in and have a say on wider issues, whether it is equality, symbols and emblems, the past and so on. All those voices are important and all those contributions are necessary. Therein lies a challenge for people in civic society.

In any developed democracy, anywhere around the world, there are people in trade unions, the community and voluntary sector, the business sector and in all Churches and faith organisations. That wide range of organisations has views on social matters, but we do not hear those views in general terms because those stakeholders, when confined to the limitations of the consultations of the

institutions here, deal only with specific policy issues. I believe that wider civic society has a role to play, has a voice and has to have an input. Workers are involved in institutions. Why do the workforce, industry representatives or unions not have a voice on what flag flies over their roof, as well as on their working conditions? These are all matters for society and they will take more than politicians to resolve.

When we listen to contributions, we hear that people want much more dialogue. There are contradictions in the Chamber. The DUP says that it is against the Civic Forum because it is a creation of the Good Friday Agreement. Well, its Members are in this Building and these institutions, which are creations of the Good Friday Agreement. That has to be borne in mind by everybody here. The Good Friday Agreement was something that people all came to. There was a lot of give and take, and I think that a lot of hope was created. People in this room and others like us, people within the political world, have squandered some of the good hope that was generated in 1998. I think that we have an opportunity, through the re-establishment of the Civic Forum, to recreate some of that hope. It will not solve all the problems, but it will give more people a voice.

Ultimately, the whole ethos of and intent behind these institutions and the way in which they were organised was to make sure that we undo the decades of exclusivity. People in this society were marginalised, oppressed and excluded. The whole peace process was about bringing all those voices around the table, giving people a sense of their own worth and giving people equality in broader society. The Civic Forum is one means of creating a place for people who have been in those positions in the past, and, more importantly, who have things to say about the future.

Unfortunately, the Ulster Unionist Party has once again demonstrated that it continues routinely to row back on every single component of the Good Friday Agreement. I think that that is to the shame of the current party leadership. I think that it was Mr Moutray who recalled a comment from John Taylor, Lord Kilclooney —

Mr Speaker: The Member's time is almost gone.

Mr Maskey: He was the man who said that he would not touch the Good Friday Agreement with a bargepole. Thankfully, we are all here as a consequence of the Good Friday Agreement, but we need to develop it.

Mr Speaker: The Member's time is gone.

Mr Eastwood: I am very glad to speak in favour of our motion. The reason for the motion is not that we are a broken record. We got the motion passed last April, but nothing has happened, unfortunately. We do not want to use our time to discuss things that we have already had passed by the House. Unfortunately, however, sometimes we have to do that, because it seems as though some people are not listening. We are lectured to all the time by the party opposite about democracy. A democratic decision was taken here, Mr Speaker, and nothing happened. I think that people need to realise that.

My party colleague Mr Attwood, in proposing the motion, talked very eloquently about the Haass talks and the fact that over 500 submissions have been received from people in civic society who have bothered to get organised and active to try to shape the future of this place. I think that that is a very welcome sign for our society. It should be a very welcome thing for this Government.

Mr Lyttle: Will the Member give way?

Mr Eastwood: I will.

Mr Lyttle: Does the Member agree that the extent and substance of the contributions to the Haass talks from civic society is demonstrative of the role that a Civic Forum could play in other issues? In relation to the Haass process in particular, does that show that it is incumbent on all parties involved to agree long-term solutions to all the issues that are on the table?

Mr Speaker: The Member has an added minute.

Mr Eastwood: Thanks very much. I thank the Member as well for the added minute.

The Member said exactly what I think. It says something very positive about our society that so many people in civic society are prepared to become involved in a process that, let us be honest, at the beginning, not a lot of people had a lot of hope for. We have always been hopeful about the Haass talks, and we still are. We are determined to make sure that those agreements can be made.

It has been alluded to, but the point of and reason for the Haass talks is that politics and this place failed. We had to spend tens of millions of pounds policing disputes on our streets in Belfast. Whatever about the reasons

for that — this may not be the right time to discuss the reasons behind those protests — the fact is that it happened. The fact is that large sections of our society told us that they were not happy with where we were going and how we were leading things. Maybe that should tell us something. Maybe we should wake up and listen to those people out there — I might not agree with them — who were on the streets telling us that politics is not working. In particular, maybe we should listen to the people who have gone to the bother of submitting documents to the Haass talks to tell us how they think that they can become involved in society. Those people did not do that because they are anti-politics, anti-democracy or anti-Stormont Assembly. Those people did it because they want it to work. They want this place to work, and they want to help shape a better society for all our people in Northern Ireland. Sometimes they are very far ahead of this place when it comes to that.

Mr Speaker, take the example of our city in the last year and even before that. You have had a very key part to play in all that. The example is of the creation of a culture of constant conversation in which people, from all different sections of society, get together and look at problems that might arise six months down the line. That is an example that this whole place can learn from. Why not do it in a Civic Forum? Why not cut these issues off at the pass? Why not realise —

Mr Dickson: I am grateful to the Member for giving way. Does he not also agree that the role of a Civic Forum is not to deal with matters in a pressure cooker forum, in which we are consulted and consultations have time limits, but to be there genuinely to take the broad picture and take non-pressure cooker time to look at issues and debates over a great length of time? We have to bear in mind that organisations such as trade unions, churches and various other actors and players in civic society have their own roles and remits and that a Civic Forum is only a part of what they want to do. However, when they come together, they have an amazing contribution to make.

Mr Eastwood: I thank the Member very much for his contribution. He is absolutely right. That is the point of a Civic Forum. It is so that people can sit down quietly — out of the way, not in here — to debate and discuss and try to solve problems before they arise. That is a true benefit of a Civic Forum.

We should not be afraid of it. If people are criticising the Northern Ireland Assembly, they will do it anyway. Why not make them part of

the process so that they are not only flagging up the problems but become part of the solution? That is the role of the Civic Forum. I do not understand why we would be afraid of that. People talk about cost. The cost of the Civic Forum the last time around was half a million pounds. It cost £18 million to police the flags protest. I do not know what it has cost up to now with Twaddell Avenue and all the other things that have happened.

Leaving those issues to the side, the very fact that those things happened is because of this place's failure to get to grips with some of the issues that were coming down the line but that we had not realised were happening. That is very sad. The Civic Forum would have been able to head some of those issues off at the pass.

I have to say —

Mr Speaker: The Member's time has almost gone.

Mr Eastwood: — that I am very disappointed that the Ulster Unionist Party has again rolled back from the Good Friday Agreement, whether it is on the Civic Forum, the North/South forum or whatever else. I am surprised to hear that the DUP and the Ulster Unionists —

Mr Speaker: The Member's time has gone.

Mr Eastwood: — are against what were called quasi-democratic or quasi-parliamentary forums —

Mr Speaker: Mike Nesbitt.

Mr Nesbitt: May I begin by apologising that I was not in the Chamber for the beginning of the debate? As Chair of the Committee for the Office of the First Minister and deputy First Minister, I was in the Long Gallery to welcome His Excellency Mr Tulga Narkhuu of Mongolia, who is its ambassador to the Court of St James's. He was opening an exhibition in the Long Gallery, which I commend to Members. You will learn much about the history and the people of Mongolia, not least about their most famous son, Genghis Khan, who was probably not a fan of civic fora.

Two Members accused the Ulster Unionist Party of trying to row back from the Good Friday Agreement. That is not the case. Let us remind ourselves that the fundamentals of the Good Friday Agreement were not based on a civic forum but on the concepts of reconciliation, tolerance, mutual trust,

partnership, equality and mutual respect. Delivering on those fundamentals is down to us, the Members of the Legislative Assembly —

Mr Maskey: Will the Member give way?

Mr Nesbitt: I will give way in one minute, Mr Maskey. That will be done not by others in another place but by us in the Chamber, the Committee Rooms, the all-party groups and the other workings that are undertaken by the 108 Members of the Legislative Assembly. The Ulster Unionist Party remains 100% wedded to delivering on those fundamentals.

Mr Maskey: I thank the Member for giving way. Just a few minutes ago, the Member's party colleague said that his party is opposed to the motion. The motion simply calls for the re-establishment of the Civic Forum. That is a direct requirement of the Good Friday Agreement, which your party supported, albeit lukewarmly.

Mr Speaker: The Member has an added minute.

Mr Nesbitt: Thank you very much, Mr Speaker. I disagree with the Member's characterisation of the support of the Ulster Unionist Party for the Good Friday Agreement.

The Civic Forum is in the agreement and in legislation. However, not all legislation is good legislation. I think that the experience of those who took part in the Civic Forum and those who reviewed it was that it was not the best mechanism for engaging in consultative and participative democracy. We have no ideological difficulty with participative or consultative democracy. It is a question of whether the forum, as constituted, was the best mechanism, and very few, if any, believe that it was.

Mrs D Kelly: I thank the Member for giving way. He mentioned the review of the Civic Forum. The review findings have never been published, so how can you make a judgement on the findings? OFMDFM failed and refused, under FOI or any other mechanism, to publish the report.

Mr Nesbitt: By way of answer I would say that, as far as I know, you tabled the motion before any of us were in receipt of the 500-plus submissions to the Haass process, which we now have. However, your motion refers to the "authority" and wisdom of those submissions. How could you know that about submissions that you had not had the opportunity to study? I

have no doubt that many of the submissions are full of authority and wisdom. I look forward to reading them, and I am sure that Mr Lyttle did not really mean that he felt that he was going to have to "wade through" the four volumes of Haass submissions. I am sure that we will all enjoy looking at them.

Mr Lyttle: I thank the Member for giving me the opportunity to correct any inaccurate inference on my part, if there was any. It is the contrary. I agree with the motion. There is extreme utility in those submissions, and it is a privilege to have been able to read through them.

Mr Nesbitt: I thank the Member for his clarification.

As I said, I think that the question is how you best go about it. A few weeks ago, the Ulster Unionist Party tabled a motion on consultation. We made it clear that we spend a lot of money consulting with the public, but how we do that is very variable, depending on the Minister and the Department. We called on the First Minister and deputy First Minister to publish a review of best practice. Like the SDLP, we could stand here and say that that motion was passed by the House yet nothing has been done about it, but that is the case. Hopefully, in the fullness of time, the First Minister and deputy First Minister will come back and talk about how best we can consult.

As I said, we are not ideologically opposed to engaging with the public on these issues. However, are we trying to reinvent the wheel? Take the economy, for example. We have the Confederation of British Industry, the Institute of Directors, the Northern Ireland Chamber of Commerce, Pubs of Ulster and the Northern Ireland Independent Retail Trade Association. Is it not a question of how well the House and Executive engage with those experts to seek their views?

1.30 pm

For engaging with the voluntary and community sector, we have the Northern Ireland Council for Voluntary Action (NICVA). Even NICVA, and I point this out to Mrs Kelly, was critical of the way that the Civic Forum was run. NICVA supported a social partnership body, but it felt that there were flaws in the Civic Forum, in its structure and its operation. I understand the frustration at the review not being published by OFMDFM, because it would be useful. However, this party cannot support a motion that calls for the Civic Forum simply to come back in its old form by January 2014.

Mr McCallister: I welcome the motion and am happy to support it. I regret that we have to debate the issue for a second time in such a short period.

The return of the Civic Forum would be a welcome addition to public and political discourse in Northern Ireland. It is vital that the forum and the strong civic voice that it provides are heard. It is vital that people are engaged in the process, and we do, at times, need a critical friend to counteract the work that is going on here.

So, if we were to reconstitute the Civic Forum, we would need to give some thought to what it might look like, what form it might take and who would be on it, as well as clearly defining its role. Overall, there would be benefits to its reintroduction.

I warn of some of the downsides: things that would have to be worked out if the forum were reconstituted. I do not want a Civic Forum that is almost a challenge to the representative democracy of the House. It has to be clear from the start that the Assembly is where the people's representatives are — people were elected to here — and that the forum would be an addition to that and a useful body that would bring the knowledge of the various strands of civic society together.

Mr Wells: I thank the Member for giving way. He prides himself on being on the ground in South Down and further afield. Has he met a single person in the past decade who expressed any problem with there not being a Civic Forum or pressed him to have it reopened? Since it was suspended many years ago, no one has written, e-mailed or spoken to me about it.

Mr Speaker: The Member has an added minute.

Mr McCallister: I respectfully suggest that they knew his view on the subject and that writing to or e-mailing him about it could be counterproductive.

Mr A Maginness: I thank the Member for giving way. On the latter point that Mr Wells raised, has the Member met in his constituency people who are alienated from politics and who are looking for an alternative way of expressing their point of view?

Mr McCallister: I have indeed. We have only to look at the voter turnout at times to see

evidence of disengagement. At our conference on Saturday, I used the stat that less than 10% of people think that this place is doing a good job. There is enormous public alienation here, and that comes back to the dysfunctionality of the Executive and the House. That is one thing that I warn about if we reconstitute the forum: we must not devolve our dysfunctionality to the Civic Forum. I also warned about devolving our dysfunctionality to local councils, because that is where we get completely stuck.

We have listened to various Members speaking here. Alex Maskey, quite rightly, recognised that if we had had the Civic Forum, we might well have avoided a Haass-style talks process, which is an important point. We pretty well managed to create a homemade crisis. I accept that not all the submissions are on public record, but we know from talking to various groups what they are likely to be. We hear from colleagues about the foot-dragging that goes on in this place over welfare reform, one side blaming the other. We see £80 million of social investment money parked and not used. Those are signs of our dysfunction in this House that we are not tackling.

What do we need from a civic forum? We need the tolerance and partnership that Mr Nesbitt spoke about. I heard him speak before about the spirit, and not just the letter, of the Good Friday Agreement. I suggest to him, Mr Speaker, that constituting a Civic Forum is exactly what the spirit of the agreement is about. I agree with other Members that it is sad that the Ulster Unionist Party is moving back from a firmly pro-Good Friday Agreement position. There is nothing that I can do about that now, but it is hugely regrettable and a mistake to move back from the firm position of supporting the agreement.

We need something that retains accountable and responsible representative democracy. We cannot devolve our dysfunction to a Civic Forum. We must ensure that civic society remains a critical friend as opposed to almost a complicit friend.

Mrs D Kelly: It is important at this stage to reiterate our various party support for participative democracy and recognise the role that civic society has in reaching all sorts of solutions to our varied problems.

A number of Members reflected on what appears to be the rollback of the Ulster Unionist Party from aspects of the Good Friday Agreement, despite the fact that over 78% of people in the North, and 98% on the island as a whole, voted for the agreement. Some people

would do well to reflect that it is the will of the people.

Some Members spoke about an expensive talking shop, and here we are sitting in one. It is really incredible when one looks at the December recess looming, yet when one looks at the business of the Assembly, other than the transposition of legislation that has to be introduced here from Westminster, very little legislation is coming across from any ministerial portfolio.

It is sad to reflect once again that despite the fact that we have four Ministers —

Mr Spratt: Will the Member give way?

Mrs D Kelly: I will in a second.

Despite the fact that we have four Ministers in the Office of the First Minister and deputy First Minister, not one chose to make themselves available to respond to the debate.

Mr Spratt: I notice that the Member used the term "Ministers". I assume that she is including her own party's Minister in that.

Mrs D Kelly: As the Member opposite will know, there have been significant delays in RPA and other legislation because OFMDFM will not allow them to go forward. As the Member well knows, OFMDFM controls the legislation, so that is where those questions should be directed. I am sure that the Member also knows that not more than three weeks ago, the OFMDFM Committee had to cancel its meeting because the reports and agenda had not been made available to it by the Ministers' Department. If one thinks that the Civic Forum at a cost of £500,000 could be an expensive talking shop, they need to look more introspectively at their own contribution and what their role here has been.

Mr Dallat: Does the Member agree that we are still a fledgling democracy and that, as such, we need the widest possible spectrum of support? It is absolute arrogance to believe that the Assembly can run this place on its own, without widespread support from the wider community.

Mrs D Kelly: I thank the Member for his contribution. It reflects the contributions of others in recognising the huge number of submissions by the community and voluntary sectors and, indeed, wider society. Mr Attwood referred to individuals who made submissions to the Haass/O'Sullivan talks of their own accord.

There has been a failure of political leadership in dealing with some of the thornier issues of our past and some of the issues around a shared future and the whole cost of parading. I think that it was Mr McCallister who said that the Civic Forum could be a critical friend: that is what it was always envisaged to be. When OFMDFM refuses to publish the findings of the review, one can only conclude that the review findings were in favour of a Civic Forum, given the dislike of the party opposite, in particular, of the notion of a Civic Forum and that wider engagement with civic society. I do not understand what it has to fear from a critical friend in the delivery.

When this term of office commenced, I think that it was the First Minister who said that the Executive would be judged on delivery. Here we are, over two years into that delivery, yet it is questionable what has been delivered. I think that it was again Mr McCallister who referred to the £80 million social investment fund, which he said had not been spent. That is not entirely accurate, given that consultants have benefited to the tune of over £400,000, but wider society has not benefited. Yet, we see rising levels of poverty and the threat that they will rise further as a result of the welfare reform proposals.

I do not think that anyone can have anything to fear from the motion. Hiding behind a potential cost of half a million pounds is not a good argument. In referring to you, Mr Speaker, Mr Eastwood talked about the culture of conversation in Derry. It is not that long ago that there were horrific images of Derry, particularly around parading. How much times have moved on, and that is because people have engaged with each other. It is not just the political leaders who engaged; it was wider society that reached a conclusion. Wider society can challenge politicians to stretch themselves to move beyond their hinterland and take some risks for the greater good of the community and not just be concerned about how their own vote might rise or fall according to the decisions that they take.

A number of contributors from the Sinn Féin Benches were very much in favour of the amendment and the recall of the Civic Forum, and I welcome that. They recognise the talents and skills of wider society in leading to a more inclusive future for us all and a more inclusive society. Some of them talked about how equality is not something that we should fear, and, if there is a cost of half a million pounds for equality, so be it. One of the lessons of the

past is that we had an unequal society, and we all know what happened as a consequence.

Mr Attwood, in his opening remarks, talked about the wisdom of civic society and having the right values, hope and ambition for all our futures. I do not think that too many of us, other than some on the other Benches, could disagree with that. Those of you on the other Benches have recognised the wisdom, hope and ambition of many contributors to consultation exercises and of witnesses before Committees. You have recognised the value of the contribution that others make in those instances.

There is one other point that I want to make, and it concerns the St Andrews legislation. I think that it was the First Minister again who shouted from the rooftops about how the points that he got into the St Andrews Agreement would ensure that there was greater accountability of Ministers and greater accountability and authority of the Assembly. That has proven not to be the case, when you reflect on the fact that it is now months since this democratically elected Chamber held a democratic vote and the majority voted in favour of the re-establishment of the Civic Forum. Yet, it has failed to materialise. That calls into question much of the self-pronounced praise and reflection of individuals who do not think that they should be present to hear what is said in the Assembly, which has a clear role and responsibility to hold to account the Executive and to scrutinise its action or, more appropriately, its inaction over a number of years now.

Once again, I urge the Members opposite, particularly the Ulster Unionist Party, which had the courage in 1998 and attempted to move society forward in accepting the Good Friday Agreement, to reflect and to endorse what was the will of the people, as reflected in the referenda on the Good Friday Agreement or, if they prefer, the Belfast Agreement.

1.45 pm

Question put.

Mr Speaker: I remind Members that Question Time is at 2.00 pm.

The Assembly divided:

Ayes 48; Noes 45.

AYES

Mr Agnew, Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mrs Cochrane, Mr Dallat, Mr Dickson, Mr Durkan, Mr Eastwood, Dr Farry, Ms Fearon, Mr Flanagan, Mr Ford, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Ms Lo, Mr Lynch, Mr Lyttle, Mr McAleer, Mr McCallister, Ms J McCann, Mr McCarthy, Mr McCartney, Ms McCorley, Mr B McCrea, Dr McDonnell, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr A Maginness, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Ayes: Mr Eastwood and Mrs McKeivitt

NOES

Mr Allister, Mr Anderson, Mr Beggs, Mr Bell, Ms P Bradley, Ms Brown, Mr Buchanan, Mr Campbell, Mr Clarke, Mr Copeland, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Mr McCausland, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Noes: Mr McQuillan and Mr G Robinson

Question accordingly agreed to.

Resolved:

That this Assembly notes its decision of 9 April 2013 on the recall of the Civic Forum and the lack of progress to date; further notes that there are over 500 submissions to "Haass/O'Sullivan" from civic organisations, victims' groups, individuals and the wider community, and the authority of that input; believes that the Civic Forum can further capture this input, thereby building inclusion and helping to remedy the failures of politics; and calls on the First Minister and deputy First Minister to recall the Civic Forum by the end of January 2014.

2.00 pm

(Mr Principal Deputy Speaker [Mr Mitchel McLaughlin] in the Chair)

Oral Answers to Questions

Office of the First Minister and deputy First Minister

Mr Principal Deputy Speaker: As Members are aware, Standing Orders now provide that topical questions will be taken after the listed questions. We will have 30 minutes of oral questions and 15 minutes of topical questions.

Haass Talks: Budget

1. **Mr Nesbitt** asked the First Minister and deputy First Minister to outline the budget for the panel of parties of the Northern Ireland Executive chaired by Dr Richard Haass. (AQO 5000/11-15)

Mr P Robinson (The First Minister): Costs relating to the work of the panel of parties are being met by the Office of the First Minister and deputy First Minister (OFMDFM). They include the expenses incurred by the Haass team, any additional expenditure such as travel and subsistence that directly relates to its work and a small remuneration to its researcher. We are projecting that the likely cost will be approximately £135,000, with costs to date totalling £73,000. It is important to record once again our appreciation of the fact that Richard Haass and Meghan O'Sullivan have offered their services on a pro bono basis. Therefore, they are not taking a fee for their time or the time incurred by their press officer and an additional researcher.

Mr Nesbitt: I thank the First Minister for his answer. He will be aware that he has a budget line of £2.2 million in the current year and £2.39 million in 2014-15 for a body called the Public Assemblies, Parades and Protests Body. Will he update the House on the activity of that organisation?

Mr P Robinson: We have, of course, made funding available for anything that might arise out of the Haass talks. I hope that, as Dr Haass has indicated, all parties will roll up their sleeves and come seriously to the table over the next number of weeks so that we might reach some agreed conclusion as a result of the Haass talks. The Department is ready to

respond to any conclusion that might be reached.

Mr Lyttle: What is the First Minister's view on whether a single, independent legacy commission with a framework of investigation and information recovery, thematic inquiry and storytelling could form the basis of a comprehensive mechanism for dealing with the past, as part of the Haass talks?

Mr P Robinson: It is important that, when we collectively appoint somebody to carry out the role of facilitating all-party dialogue on these matters, we negotiate with the panel of parties rather than across the Floor of the Assembly. There are aspects of that to which I would respond warmly and others that would need to be drilled down a little before we could reach a conclusion. Certainly, however, there seems to be some consensus about the ability of victims to tell their stories without cross-examination or interrogation.

Mr Maskey: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Notwithstanding all the challenges that face the process in the weeks ahead, what is the First Minister's estimate of confidence in the ability of Mr Haass and his team to produce a report by Christmas?

Mr P Robinson: We need to be very clear that this is not about putting the onus on Dr Haass and Meghan O'Sullivan. If there is going to be a positive outcome, it will be because the Executive parties that are on that panel reach a conclusion. That depends very largely on whether those parties are going to retreat into old ways because there is an election or two next year or whether they are prepared to look at what is in the best long-term interests of the people of Northern Ireland. I hope that it is the latter. My party is certainly up for attempting to resolve the differences on these matters. Undoubtedly, it will be more likely that we will get agreement on issues relating to parades than on flags, and it will be easier to get agreement on flags than on the past.

Mrs Hale: Given the recent comments of the SDLP that the chair should bring forward his own recommendations, will the First Minister confirm the remit of the panel in relation to consultation and resulting recommendations?

Mr P Robinson: The panel has been working with Dr Haass and Meghan O'Sullivan in the process of hearing the views of stakeholders, interested parties and individuals around the Province. That material is being collated. The next stage is when we will attempt to get

agreements. The terms of reference are very clear and put the onus on the panel to reach agreement; they do not put the onus on the facilitator. He is there to urge and to meet the overall desire of the panel in reaching agreement; it is not his role or responsibility to reach agreement for us. I have no doubt that he may have views, and I have no doubt that he may want to express those views, but the recommendations, according to the terms of reference, will come from the panel alone.

Mr Byrne: Does the First Minister agree that issues such as dealing with the past are so paramount to the people that the costs of the Haass process would be negligible in relation to the wider remit and importance of making sure that we get the right outcomes at this juncture?

Mr P Robinson: I have always had difficulty trying to define what people mean by dealing with the past. If dealing with the past requires us to have a shared narrative of history, I think it is impossible for that to happen. If it is about how we deal with those who are the victims of the past, I think that it is possible to get agreement on how we might ensure that those who have suffered as a result of the past are treated in a certain way and have a proper place in the future of Northern Ireland. There is clearly a range of issues about how we deal with certain events of the past that have caused very considerable problems over the past number of months. I am not sure how, on the one side, it is possible for some people to look at an event in the past as something that retraumatizes them, while somebody else, at the same time, thinks that it is something worthy of celebration or commemoration.

Investment: USA Visit

2. **Mr McQuillan** asked the First Minister and deputy First Minister, following their trip to the USA in October 2013, what measures are being taken by their Department to attract further investment. (AQO 5001/11-15)

Mr P Robinson: The deputy First Minister and I travelled to Boston and Chicago from 21 to 25 October for a number of engagements to promote the Northern Ireland business message and to build on the hugely successful economic conference. Our five-day visit was an opportunity to reinforce our bonds with existing and potential investors in the US, to promote Northern Ireland as an attractive investment location and to promote healthcare and university collaboration. Our attendance at a significant EU/US Connected Health conference in Boston, attended by an

international audience from over 20 countries, provided a platform to showcase our growing expertise in the Connected Health arena. We were pleased to have the support of our colleague, the Minister of Health, Social Services and Public Safety, who also spoke at the conference. We highlighted the wider research and development agenda at meetings with representatives of the US universities that have established links with Queen's University Belfast and the University of Ulster.

In Boston, we addressed an audience of some 170 senior business executives on the competitive advantages that Northern Ireland has to offer. In Chicago and Peoria, we visited the Chicago Mercantile Exchange and Caterpillar. Those are two of our most important US investors. The visit to Caterpillar allowed us to meet the company's top management team and reiterate the Executive's support for consolidating relationships with existing investors. While there, we were particularly pleased to welcome a further investment by Caterpillar to expand its manufacturing business here, which reinforces our position as an investment location for global companies. Caterpillar is an important investor, not only regarding jobs and wealth creation but through the credibility its presence gives to doing business in Northern Ireland.

In summary, the visit provided an excellent opportunity to strengthen relationships with existing investors and to begin relationships with potential new ones. It was an extremely successful visit, and we look forward to seeing the fruits of that in the months to come.

Mr McQuillan: I thank the First Minister for his answer. Given the success of the recent trip to the United States, are any other investment trips planned?

Mr P Robinson: Of course, the Minister of Enterprise, Trade and Investment is constantly going out around the world trying to encourage investors into Northern Ireland. The next visit that the deputy First Minister and I are making is to Japan in the first week in December. We were invited there by Prime Minister Abe when he was here at the G8 summit, and we look forward to meeting some of the Japanese companies that already invest in Northern Ireland as well, hopefully, as some potential new ones.

Mr McGlone: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagraí go dtí seo. Will the First Minister provide us with any detail on

progress made since the recent investment conference in Belfast?

Mr P Robinson: Invest Northern Ireland undertook the task of carrying out the follow-up work. It is involved in speaking to the companies that were present and those who made positive remarks during the conference. We have no doubts that positive news will arise from the economic conference, but these matters take some time. Board decisions have to be taken, and there has to be follow-up work between companies and Invest Northern Ireland on any incentives that might be offered.

Ms McGahan: Go raibh maith agat. Is the First Minister confident that the forthcoming investment trip to Japan will yield further inward investment in jobs?

Mr P Robinson: In keeping with every other visit that we have made, there have been positive outcomes. There is the potential of inward investment from Japan, but it is not that alone. Wherever we go, we attempt to encourage people in that jurisdiction to come to Northern Ireland as visitors to aid our tourist industry, and we look at opportunities for trade between our two countries. We expect to make some progress in all those areas. It must be pointed out that we already have significant investment from Japan.

Social Investment Fund

3. **Dr McDonnell** asked the First Minister and deputy First Minister for an update on the social investment fund. (AQO 5002/11-15)

Mr P Robinson: On 28 February, the social investment fund (SIF) steering group submitted area plans for each of their zones. Representatives of the wider community were involved in identifying the issues to be addressed and prioritising the interventions for inclusion in the plan, thus ensuring that they reflected needs identified locally. The plans included a total of 89 projects across nine zones, prioritised by the steering group in each investment zone. In contrast to recent reports, there is no outstanding decision by Ministers on zone allocations. Approximately £40 million of projects have successfully come through the robust internal economic appraisal process. Officials are meeting with all the chairs of the steering groups this week to talk through the indicative budget for each zone and the process of project implementation. I expect projects that have gone successfully through the process to be informed over the next few weeks. We anticipate further announcements very shortly.

Dr McDonnell: I thank the First Minister for his update and welcome the good news contained therein. What parameters are used to assess whether a project is worthy? Will the First Minister reassure us that moneys will be allocated, by and large, on the basis of objective need?

Mr P Robinson: On the Member's latter point, yes, of course: the whole purpose of the project is to try to address need. Objective need became a difficult concept to measure because the zones are of different sizes. It was not simply a case of making a determination as if they were all the same size. We had to take objective need and the size of the areas into account. SIF is, of course, part of our overall suite of measures in the Delivering Social Change policy in our Department, so we had an eye on other allocations within the overall objective of delivering social change.

2.15 pm

Miss M McIlveen: Will the First Minister outline how much more the 89 projects totalled than the £80 million in the funding pot? What action is he considering taking to support those who will not benefit from the social investment fund?

Mr P Robinson: As the House will probably have already guessed, the applications came to considerably more than £80 million. I think that the total was about £130 million. Those applications are being addressed on the basis of the priorities that the zones placed on them. They have to go through a robust business case, and, of course, our Department and the Department of Finance and Personnel are involved in that. It means that there is a shortfall. Towards the end of the scheme, we will assess the value of SIF and whether it should be extended. The deputy First Minister and I have been looking at whether there is a case for taking applications for some smaller grant schemes. There had been some indication that we might look at having £1 million worth of schemes, maybe 50 schemes at £20,000 each. Clearly, those who were unsuccessful in coming through the initial tranche might look to that kind of scheme if it were approved by the Department.

Mr Sheehan: Go raibh maith agat , a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Chéad-Aire. Will the First Minister indicate when money is likely to hit the ground to fund area priorities?

Mr P Robinson: The one thing that we have been certain about is that the money is ring-

fenced, so nobody else is going off to spend it. The money is there to be spent, and we want to get it out through the door as quickly as possible. As I said, if there is something like £120 million worth of schemes — slightly more than £40 million worth of schemes have already gone through the process — there is no reason why money cannot start going out to those schemes immediately, provided that they are in the top two of a zone's priorities. That is the purpose of the discussions that will take place between the chairperson of each zone and officials over the coming days.

Mr Kinahan: Will the First Minister confirm that the fund has been delayed because of a failure to agree on the split between mainly nationalist and mainly unionist communities?

Mr P Robinson: No, I will not confirm that. The processes in our Department are not as vulgar as that. If one looked at the schemes that have come forward, one would see that a very high proportion of them benefit both sections of our community. Indeed, if one looked at the various zones, even where a particular section of the community might be in a significant minority, one would see that, given the overall allocation of schemes from the zone, they have been treated well. When the schemes start to play out, we will see that they have contributed to overall community cohesion, which, I think, is the Member's wish.

Together: Building a United Community

4. **Mr Campbell** asked the First Minister and deputy First Minister what will be the tangible evidence of a successful outcome of Together: Building a United Community. (AQO 5003/11-15)

Mr P Robinson: With your permission, Mr Principal Deputy Speaker, I will ask junior Minister Jonathan Bell to answer this question.

Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister): On 23 May this year, we published the good relations strategy, Together: Building a United Community, which is designed to bring about interaction, mutual respect and social cohesion across our community. The strategy contains over 40 separate actions and commitments, and seven of those are the headline actions that were announced on 9 May. We have tasked design groups to work up proposals for the indicative costs and implementation timescales for those projects.

Recognising and valuing the importance of projects and groups that are engaged in the areas that the strategy will impact upon, officials have begun an intensive period of engagement with key stakeholders to seek their input into the design process. Following that engagement, we expect the design groups to be in a position to report back to us in the near future. Through this early engagement, we have been able to identify areas where it will be possible to trial some activities, building on the positive relationships and good community work already in place, prior to full-scale operation. Those trials will allow and enable real outputs linked to the strategic aims and objectives of the strategy to be achieved in the near term. The remaining actions and commitments range from the longer-term projects around, for example, the introduction of the new equality and good relations commission, which will require primary legislation, to shorter-term and more immediate actions. We are working closely with other relevant Departments to progress all those issues and actions.

Mr Campbell: Does the junior Minister agree that building a united community for the future is made much easier if people are clear about their past? Further to that, does he agree that, across the community, people know those who were engaged in terror in the past and want frank and honest admissions as we try to build a united community, and that, above all, they know the issues that are out there and know the difference between genuine and synthetic responses?

Mr Bell: We call on everybody who has any information on either their own past or about criminality and terrorism to bring that forward to the police. That is the right thing to do, and it is imperative that everyone takes on that responsibility to fess up to their past, not only to what they have done but for the benefit of those who are suffering and for whom that information could be very helpful. Of course, the justice process continues, and there will always be a legal justice process, and anybody involved in any crime should be made amenable to that process.

Ms Boyle: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Can the Minister give us an update on the United Youth programme?

Mr Bell: We continue to work with a number of agencies together. As junior Ministers, we were out recently in Belfast seeing on the ground what is happening between young people from the Hammer youth club in the Shankill and the Ardoyne youth club that is associated with Holy

Cross. As our officials continue to work up the programme, we will, as I outlined in my earlier answer, bring details to the House in due course.

Mr Cree: Following on from that, Minister, could you perhaps share with us which Departments are likely to be involved and whether DEL will be taking the lead on the United Youth programme?

Mr Bell: Given the cross-curricular nature of many Departments, we will involve each of them, and we regularly have bilateral meetings with individual Ministers on areas where they have responsibility. Minister Farry from DEL has met us on a number of occasions. In fact, we have been launching projects with him where there is a synergy between our two Departments. There are no divisions or difficulties, and all Departments are working together on the programme, and where it is appropriate to involve them or utilise that expertise and research, we will do so.

Planning Bill

5. **Mr Copeland** asked the First Minister and deputy First Minister whether they intend to take any action relating to the decision of the Minister of the Environment regarding the Planning Bill. (AQO 5004/11-15)

Mr P Robinson: Yes, we will meet the Minister of the Environment in the near future to discuss the position that the Executive should take on the matter. It would have been better if the Minister had had that meeting before he made his announcement. The issue of planning remains a key element in the development of our local economy. It is still the case that many potential investors that we speak to throughout the world and who are looking to invest in Northern Ireland have been put off by our planning system. It is internationally recognised that Northern Ireland has a poor planning outcome. An example of that are the remarks from the Sainsbury's chief executive, Justin King. He said that a lack of speed, logic and joined-up thinking when it came to issuing planning permissions makes Northern Ireland a challenging place in which to invest. If we are serious about getting jobs into Northern Ireland, we need to look at our planning system and ensure that it delivers the right outcomes.

Mr Copeland: I understand exactly what the Minister means. Does he, however, accept that the current position indicates that the amendments tabled by Sinn Féin and the DUP were held to be illegal following legal advice

that was sought? Does he agree that, given those facts, the original Bill without the amendments is probably better than no Bill at all?

Mr P Robinson: I do not accept the premise on which the Member's question was asked. I think that we all know that there are differing legal opinions. The Attorney General takes one position on those matters, and the QC who advises the Department takes a different one. To me, the right thing to do would have been to put the legislation through the Assembly and allow it to be tested in the courts if necessary. I hope that we can reach some agreement on how we should go forward. A number of options are available to us. I know that the Member will be aware that the matter forms part of the economic pact that we signed on behalf of the Executive with the Prime Minister. It is, therefore, Executive policy. Ministers are required to meet and uphold all the decisions taken by the Executive, so I hope that we can find a way through the problem.

Mr Weir: The First Minister said that the planning provisions were a key part of the economic package agreed with the Prime Minister. The Planning Bill was passed by the Assembly at Consideration Stage, so does he believe that the Environment Minister is in breach of the Pledge of Office?

Mr P Robinson: Clearly, the Pledge of Office requires every Minister to act in accordance with decisions taken by the Executive. The Executive took a clear decision on the matters; it is recorded in the minutes of the Executive meeting. Therefore, yes, the Environment Minister is in breach of the Pledge of Office. However, without going into his position, it is important that we resolve the issue and move forward on planning. Planning continues to be a significant problem in Northern Ireland, and we have to address that. New legislation will be required to address some of the weaknesses in the planning system at present.

Mr Brady: Go raibh míle maith agat, a Phríomh-LeasCheann Comhairle. Will the Minister outline any concerns that have been raised by large-scale investors while on investment visits about the perception of our planning processes?

Mr P Robinson: The deputy First Minister and I have been out and about trying to encourage business to come. I can recall, for instance, being in Australia when I was Minister for Regional Development. There was some news coverage of it out in Australia, as a result of

which I was asked to meet one of the most significant development companies in the world. I found that the person in charge of finding locations had originally lived in Northern Ireland. That person wanted to invest here but would not go near Northern Ireland with a bargepole because of the length of time that it took to get planning applications through and the likelihood of judicial review even when they were got through. There are many problems out there. We bury our head in the sand if we are not prepared to face up to them. The deputy First Minister and I are not saying that our way is the only way in which it can be done, but nobody has suggested a better way of ensuring that we improve the system.

Ms Lo: During a television interview recently, the Minister's colleague Mr Sammy Wilson said — I am quoting from memory — that the two amendments to the Planning Bill could be brought forward via a private Member's Bill or by the Minister of Enterprise, Trade and Investment, Mrs Arlene Foster. Will the Minister clarify whether that is the position that the DUP is taking?

Mr P Robinson: No. The position that we are taking is that the deputy First Minister and I have agreed with the Minister of the Environment that we should sit down to try to resolve the issues. It is far better that we get some mutually satisfactory outcome. Of course, as I indicated to the Member for East Belfast, who even though we are still on his question has left the Chamber, a number of options are open to us. One of those options is that a private Member's Bill could be brought forward. Another option is that another Minister could bring the Bill forward. However, the best option by far is that we get some agreement with the Minister responsible for the Department on how we move forward.

2.30 pm

Mr Principal Deputy Speaker: That ends the period for listed questions. We will now move to 15 minutes of topical questions.

Union Flag: Belfast City Hall

1. **Mr McQuillan** asked the First Minister and deputy First Minister, as we approach the first anniversary of Belfast City Council's decision to remove the Union flag, whether they believe that the protest march planned for 30 November should take place. (AQT 361/11-15)

Mr P Robinson: The first thing that I should say is that there are very few people in the Chamber who have not been involved in protest politics at some stage in their careers. So I think that we need to recognise that demonstrations, protests and picketing are part of the democratic process. They allow people to express their views and to show opposition. So, of course, we support people's right to demonstrate, providing, of course, that they do it within the law and peacefully. Equally, of course, we have to defend other rights, including the rights of traders who want to ensure that their businesses can remain open and that they have the opportunity to be able to trade, particularly in the run-up to Christmas, which counts for a significant part of their business. Of course, there are also the rights of consumers who want to avail themselves of those services. So, as is so often the case in Northern Ireland, we are dealing with competing rights.

Given that the actual anniversary of the decision by Belfast City Council comes earlier in the week than the Saturday and that the decision that led to the flag being lowered occurred on a day other than Saturday, it appears to me that a lunchtime protest would do less violence to trade in Belfast and would be a more accurate way to protest against the people who took the decision. I suspect that very few of those people will be in the City Hall on a Saturday. Although it is not ideal for anybody, it would be a worthwhile compromise.

Mr McQuillan: I thank the First Minister for his answer. Does the First Minister believe that such demonstrations can succeed in effecting change?

Mr P Robinson: I am not sure that even the organisers believe that they will effect change by the protest. We have all been involved in protests, and they are held to highlight an issue to ensure that people are aware of concerns. I suspect that the objective of this particular demonstration is to show that, even a year afterwards, people are still opposed to the council's decision. If change is to take place, it will take place through the democratic process, which means involvement in politics, involvement in elections and making sure that people who represent your views are elected to Belfast City Council in the future. That is the way to make real change.

Fiscal Powers

2. **Mr Spratt** asked the First Minister and deputy First Minister whether they agree with

the leader of NI21 who, at his party conference on Saturday, proposed greater fiscal powers for the Assembly. (AQT 362/11-15)

Mr P Robinson: We have, of course, as an Executive, sought additional fiscal powers, and, unlike other parts of the United Kingdom, we have been successful with, for instance, air passenger duty for long-haul flights. We are also pursuing additional fiscal powers on corporation tax. However, I think that the Member for Lagan Valley was referring to income tax powers. I note that the Member did not tell anybody during his speech whether his intention was to raise or to lower taxes. I am always suspicious about people who seek a headline, perhaps without having done any research, and who do not give details of their intentions. I suppose that the "Basil tax" might be to have an additional tax burden on women who are over size 12 or, perhaps, to give tax breaks to polygamists.

Mr Spratt: I thank the First Minister for his answer. What are the Executive doing with the tax-raising powers that they already have to make business more competitive and to keep the cost of living down for householders right around this Province?

Mr P Robinson: I think we should point out that we have that ability for local taxes. Local taxes could refer to the regional rate, water charges and so forth. It is worth noting that Scotland has had a power in relation to income tax for about 14 years now and has never used it. That should perhaps be a lesson to people as to what is likely to happen if it were to come here. If we are to reduce income tax by having a local power, that means reducing the services that are available to our community. I have not been convinced that there is any real advantage in devolving income tax powers.

As to what we are doing already, we have used the ability to bring to zero air passenger duty to ensure that we retain the connection with the United States, which was vital from an investment point of view. We are seeking to have the ability to set corporation tax, because we want to reduce it to enhance our offering and the package available to investors. For us, it is to have a positive outcome with our economy that we have used it. Where we have held down the regional rate and refused to bring in water charges, it is because we recognise that, particularly during this period of recession, a very heavy burden was being carried by householders in Northern Ireland.

Violence: Executive Separation

3. **Mrs Cochrane** asked the First Minister and deputy First Minister whether, in the wake of a further attack on a constituency office, attacks on the police and the shooting of a 15-year-old child, they feel that Executive Ministers are doing enough to separate themselves from those who seek to threaten democracy and the rule of law. (AQT 363/11-15)

Mr P Robinson: The deputy First Minister and I have publicly expressed our condemnation of these actions. I sense a feeling in our community of, almost, helplessness to be able to affect what is happening at the hands of violent organisations and individuals. However, the public are not powerless in these matters. We all have the ability to stand up to agitators and aggressors; no matter who they claim to represent, we all have the right and ability to speak out against them. We can provide evidence, where it is available, to the police, to ensure that prosecutions take place. We must always show such organisations and individuals that they cannot succeed and demonstrate that, the more that they do, the more they will be resisted.

Everyone in the House can, I believe, recall the days when we woke up in the morning to headlines of mayhem and misery. We can all recount the horrors and tragedies of the past. I do not believe that anyone wants to go back to the bad old days. When devolution returned to Northern Ireland in 2007, we all committed and pledged ourselves to this new era in Northern Ireland and to the peace and stability that had been created. I hope that each of us will renew that pledge today.

Mrs Cochrane: I thank the First Minister for his answer. Public opinion suggests that it is important that no elected representative sends mixed messages or gives comfort or cover to those who would advocate breaking the law. Will the First Minister now call on Nelson McCausland to stop sharing platforms and media opportunities with people who are widely considered to have links to paramilitary organisations?

Mr P Robinson: I think everybody recognises that elected representatives have clear responsibilities with their own constituents to try to do everything that they can to ensure that peace is maintained. The role of every elected representative in this House is to ensure that they make those views known to everybody they meet in society and do everything that they possibly can to overcome the difficulties that

that might present them. I have no doubt that the Minister for Social Development uses all his powers of persuasion to attempt to resolve the issues that are causing real difficulty in his constituency and elsewhere.

Narrow Water Bridge: Funding Withdrawal

4. **Mr D Bradley** asked the First Minister and deputy First Minister whether they can confirm or deny that they agreed to the SEUPB's withdrawal of the Narrow Water Bridge letter of offer at a recent North/South Ministerial Council pre-meeting. (AQT 364/11-15)

Mr P Robinson: Quite contrary to that position, the deputy First Minister and I agreed at the meeting of the British-Irish Council that we would examine other ways of trying to keep the project alive. We both indicated that, in principle, we are supportive of the project. We recognised that the application came from Louth County Council and that there was a projected cost attached to it. The Special EU Programmes Body (SEUPB) was to give a certain amount of money, and the council was to pay the rest.

When the projected figures were found to be significantly less than the actual tender price, it became clear that Louth County Council could not, and was not prepared to, pay the balance. The position, therefore, is that we have to look at the project and see whether it can be brought forward in any other way. For instance, it was specifically mentioned that it was a pre-designed scheme, and we might look to see whether a design-and-build scheme would bring a better result. We might look to see whether a different specification might bring a different result. We might look to see whether there is any other opportunity for funding to come forward.

Mr D Bradley: Go raibh míle maith agat. Gabhaim buíochas leis an Aire as a fhreagra. I thank the First Minister for his answer. Given where we are now with the Narrow Water Bridge, will he go to the Minister of Finance and ask him to find new moneys so that Belfast jumps first and this great project goes forward?

Mr P Robinson: The SEUPB has already indicated that it is looking to allocate the funds elsewhere because it does not believe that it can proceed with the present timetable. We must respect its decision. The SEUPB has the responsibility to ensure that the money is spent and that we are not handing money back to Europe without having any local advantage. It

is important that we ensure that we get as much funding as possible from Europe. It is part of our Programme for Government that we do that. Therefore, we do not want any time delay to have an impact on us.

As for going to the Finance Minister, the Finance Minister has to act within Treasury rules, just as, in the South, they, too, have to operate on the basis of value for money in a business case. Therefore, any proposal has to be able to get through that business appraisal. The original projected figure that we were offered for the scheme was clearly satisfactory, or the then Finance Minister Sammy Wilson would not have approved the business case at that stage. However, a business case on the basis of the new tender figure would not get approval. Therefore, we need to look at what other ways there are of ensuring that we can have a project that gives a value for money outcome and can go forward.

Welfare Reform Bill

5. **Mr Anderson** asked the First Minister and deputy First Minister, in light of the recent calamity surrounding the stalled Welfare Reform Bill, to give an assessment of when the Bill will be back on the Floor of the Assembly and the specific Northern Ireland measures that have been agreed. (AQT 365/11-15)

Mr P Robinson: I cannot say exactly when it will come back to the Assembly, because we require cross-party support for legislation that comes forward. I find it a bit frustrating in that it is not actually the Bill that is the issue but the regulations that are attached to the Bill. Perhaps one way forward is for the Bill to go through its early stages and for the Final Stage to be left until the draft regulations are available and people can see their content.

However, the proposals that we have would ensure that Northern Ireland has the best welfare system in the United Kingdom. We have addressed a number of issues. The three, in particular, that were raised in the Assembly and by the Committee have been addressed. Those were effectively matters that dealt with administration, the number of occasions on which payments are made etc.

In addition, I think that it is publicly known that we have attempted to address the issue of the bedroom tax for existing tenants. I suspect that tenants in England, Scotland and Wales would give their right arm for that. It is a significant advance. We have also looked at how, through

the use of resources, we can help other vulnerable people.

2.45 pm

Regional Development

Mr Principal Deputy Speaker: I remind Members that we will start with listed oral questions. I inform Members that questions 3 and 9 have been withdrawn.

Traffic: Bridge Street, Strabane

1. **Ms Boyle** asked the Minister for Regional Development whether his Department will consider bringing forward a scheme or remedial measures to help alleviate the traffic bottleneck on the Bridge Street side of Strabane's old bridge. (AQO 5015/11-15)

Mr Kennedy (The Minister for Regional Development): My Department has received a number of complaints about traffic progression on Bridge Street, Strabane. Although higher levels of congestion are to be expected at urban locations of that nature, it is acknowledged that the problem is compounded by occurrences of illegal parking on Bridge Street.

Due to the actions of a minority of drivers, I have had to direct my officials to increase the level of parking enforcement on Bridge Street to deter illegal parking, which should help to reduce congestion. In addition, a yellow box junction will be provided on Bridge Street to assist vehicles turning right onto Melvin Road, where legal parking is available. It is expected that that work will be completed within the next four weeks.

Ms Boyle: Go raibh maith agat. I thank the Minister for his response. Has the Minister had any discussions with the owner of the derelict buildings at the corner of Bridge Street? Will he give any consideration to vesting and demolishing those properties to provide additional parking? That would go a long way towards solving the problem at Bridge Street.

Mr Kennedy: I am grateful to the Member for her supplementary question. Obviously, those are matters that my local officials will want to carry forward if they have not done so. I am happy to provide an update to the Member on any possible progress. However, she indicated that vesting property or land may be involved, and that, of course, can be a lengthy process. I am happy to look at the possible solution that

she indicated and will correspond with her on that.

Mr Byrne: Will the Minister state whether Roads Service is doing anything about improving the image and general condition of the old bridge at Bridge Street?

Mr Kennedy: I am grateful to the Member for his question. The Member will know that there are potential projects in mind for two bridges in Strabane, with the upgrading of one and the construction of a new bridge that will link the bus station to the town centre.

The revised upstream bridge is known as Melvin Bridge, and a scheme that is being carried forward by Strabane District Council, part-funded by the Department for Social Development (DSD), is making progress after delays to the original proposal. Previously, I committed £873,000 to part-fund work on that bridge as one of my Department's active travel pilot projects. Subject to the necessary technical approvals, my Department will adopt the structure and approach footways when the project is successfully delivered.

In relation to the downstream footbridge to link Melmount Road and the bus station to the town centre, I can advise that my officials are continuing to investigate ways of providing a cost-effective river crossing. However, the delivery of a landmark structure would require additional sources of funding on top of potential Roads Service funds.

Mr Gardiner: Will the Minister provide an update on the two pedestrian and cycle bridges in Strabane?

Mr Kennedy: I am grateful to the Member for his supplementary question, which largely concerns the points that I have just addressed to Mr Byrne. As I said, we are actively progressing, to the best of our ability, the scheme at Melvin Bridge, having indicated previous support of £873,000, and we will continue to progress through the necessary stages.

Roads Service: Rural Support

2. **Mr Irwin** asked the Minister for Regional Development what steps he will take to ensure that rural businesses, particularly those in the agrifood supply sector, will receive adequate support from Roads Service this winter to ensure that their supply routes remain traversable and safe in ice and snow conditions. (AQO 5016/11-15)

Mr Kennedy: Roads Service's winter service programme is based on the well-established practice of targeting the resources available on the busier main through routes, which generally carry in excess of 1,500 vehicles per day. In areas with difficult topography, roads carrying over 1,000 vehicles per day are salted.

In addition, small settlements in rural areas containing 100 dwellings or more have salted links to roads on the main salted network, and priority secondary salting is provided to a number of rural schools that are most affected by the adverse weather conditions. Salting is also undertaken in urgent situations; for example, to provide access for the emergency services, for unforeseen occurrences, such as funerals, or to help get fuel or feed stocks to farmers.

I fully appreciate and understand the concerns of rural businesses, particularly those in the agrifood supply sector. The Member will of course know that it is simply not practicable to salt all roads in rural areas.

Roads Service will continue to use its best endeavours during any severe weather events to help rural communities. However, the primary focus must remain the main through routes, which carry the vast majority of vehicular traffic.

Mr Irwin: I thank the Minister for his reply. I know of two rural businesses in the Minister's constituency, which is also my constituency, that employ 300 people and provide the agrifood sector with fresh food daily. Is it acceptable that the 300 employees and the delivery lorries have to travel on ungritted roads every day in the worst of the weather?

Mr Kennedy: I am grateful to the Member for his supplementary question. I suspect that I know the businesses that he is speaking about. Indeed, I have had contact with local businesses in my constituency, and we should not underestimate the challenge that we face in providing adequate and effective winter services.

These are long-established guidelines that have been agreed, even by this Assembly. Indeed, they were enforced by my predecessors, who include party colleagues of the Member. Nonetheless, I take seriously those issues. I am aware that a number of businesses in my constituency avail themselves of self-help provision with the cooperation of my Department. I encourage that, and where it is possible, we will certainly try to provide assistance.

Mr McAleer: Go raibh maith agat. Can local farmers and other agricultural contractors still apply to get on the Department for Regional Development (DRD) list for the clearing of roads? If so, how do those people go about getting on that list?

Mr Kennedy: I am grateful to the Member for his supplementary question. After the winter weather that we experienced earlier this year just before Easter, a number of additional farmers and local contractors came forward to be registered and processed. The first port of call would be to make contact with the local section office to see how we can assist. There are a number of things that are necessary in order for people to be properly registered. I very much hope, as I said in response to an earlier question, that self-help and help in a community, particularly in the rural areas, can go a long way to ensuring that snow and ice are cleared at the earliest possible times.

Mr Dallat: I pay tribute to the people in Roads Service who, in times of inclement weather, carry out outstanding work to ensure that the wider community can stay in contact. Given that snow is forecast, does the Minister agree that many dairy farmers must be wondering how they will get their milk tankers onto main roads and their feeding stuffs in? Does he agree that there is now scope for better integration of those services to ensure that rural communities get the service that, hopefully, will be available?

Mr Kennedy: I entirely understand the Member's point. My Department is already on alert for its winter preparations. My understanding is that a yellow warning has been issued by the Met Office for later this evening and into tomorrow. It is also indicating strong winds or gales for Wednesday, so we are very much into the winter season.

In general, Roads Service will continue to provide the services that it can. We have in the region of 100,000 tons of salt. We have 300 operatives, who are our own staff and, perhaps, agents or contractors, but they make an essential contribution to ensuring as much normality as possible. Some 4,800 salt bins and almost 50,000 grit piles are provided on public roads. It is a major operation. We do not have the resources to salt every road, which, as we heard, is an issue even in my constituency. The resources are not financially unlimited, and we make the best use of them. I thank and want to encourage all the operatives who will undertake this important work on behalf of the entire community in this winter season.

Mr Kinahan: I thank the Minister for his good thorough answer. I praise those from Roads Service in my patch who have always responded well, particularly over self-help. Will the Minister look at promoting self-help more so that all of us know exactly when and how to respond? Many people do not know that it is there, and we should encourage people to use it.

Mr Kennedy: I am grateful to the Member for his acknowledgement of the work undertaken by staff, particularly in his area but also Province-wide. The Member will be aware that, as in previous years, we have again issued the winter services leaflet to every household in Northern Ireland with the best advice available. Northern Ireland Water has done likewise, offering sensible advice as we approach the winter. We will continue to do that. It is also a good thing when we have the assistance of public representatives.

Giro d'Italia

4. **Mr Douglas** asked the Minister for Regional Development what plans his Department has to upgrade roads that are on the route of the 2014 Giro d'Italia. (AQO 5018/11-15)

Mr Kennedy: My Department is represented on the Northern Ireland local steering group, which is the overseeing committee organising the Giro d'Italia events in Northern Ireland. Officials from Roads Service are involved in the operational aspects of the event through the race committee and have been liaising closely with the race organisers in agreeing the route of the 2014 Giro d'Italia in Northern Ireland.

Based on an inspection, the organisers were very content with the condition of the roads to be used for the three stages taking place in Northern Ireland. Although there are a small number of issues to be addressed by my Department prior to the event, no upgrades were requested. The delivery structure of the event has targeted legacy as a primary objective. Although the Northern Ireland Tourist Board is leading that aspect of the event organisation, my Department will assist wherever possible.

3.00 pm

Mr Douglas: I thank the Minister for his very detailed response. Does he agree that first impressions are last impressions and that we have an opportunity only to make a first impression? Is he willing to get on his bike and join me in a cycle from Titanic to Stormont over

the next number of weeks to see the good, the bad and the ugly status of our roads?

Mr Kennedy: I am grateful to the Member for his supplementary and for the challenge that he has posed to me. I am not sure who will identify the good, the bad or the ugly, but I am very happy to join him.

The only engineering measure identified is the removal of some road studs — in other words, catseyes — on the approach to the two finishing stages. We are generally very happy with the roads, and the organisers have expressed satisfaction with their condition.

The start of the 2013 Giro d'Italia was held in Naples, as the Member will know. Some parts of the stage routes were in very poor condition, so I have no concerns about the condition of our roads or their suitability to accommodate the 2014 race. It reminds me of the phrase, "See Naples and die." My version is, "See Newry and Mourne." *[Laughter.]*

Mr Lynch: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Are there any implications for the legislation on road closures during the Giro d'Italia?

Mr Kennedy: I thank the Member for his supplementary. I am not aware of any particular issues presented by that. We are all looking forward to this major international event, its potential impact on showcasing Northern Ireland and the opportunity to continue what I like to think is the cycling revolution, even in Northern Ireland. As a legacy of the Giro d'Italia, I want cycling to be carried forward in a meaningful way that will make it not only a landmark event but a means of encouraging and promoting cycling as we go forward.

Consumer Council

5. **Mr Agnew** asked the Minister for Regional Development for his assessment of the review of the Consumer Council, which was commissioned by the Department of Enterprise, Trade and Investment and carried out by Mr Paul Simpson, in so far as it relates to NI Water and public transport. (AQO 5019/11-15)

Mr Kennedy: As the Member points out, the review was commissioned by the Minister of Enterprise, Trade and Investment. My officials met the independent consultant to provide information on the role of the Consumer Council in its water and transport functions. The Minister of Enterprise, Trade and Investment has launched a three-month public consultation

on the future of consumer representation arrangements in Northern Ireland, and I respectfully suggest that anyone who wishes to express their views should do so through that process.

Mr Agnew: I thank the Minister for his answer. The Consumer Council can be a very effective link between Departments and consumers. Specifically on water reform, I know that it played a key role in informing consumers. Does the Minister acknowledge that? Given the importance of the Consumer Council to certain remits in his Department and the fact that the proposals are cross-cutting, should any such proposals to change how it is run be taken at Executive level?

Mr Kennedy: I am grateful to the Member for his supplementary. I acknowledge that there will always be a role for independent scrutiny on behalf of the consumer so that best value can be achieved for the consumer.

On the impact that the Consumer Council has within my responsibilities, the Member will know that the initial Consumer Council water budget was agreed during preparations for the introduction of major water reform and reflected the expectation that there would be three quarters of a million paying customers. Instead, there are fewer than 80,000 non-domestic customers paying direct charges, which means that the number of complaints investigated by the Consumer Council is small. The current budget for the water and sewerage remit for 2013-14 stands at £435,661. I think that there is scope for some savings without undermining any activities of the Consumer Council or any other body.

Since 2010, my Department has also provided in the region of £60,000 per annum to the Consumer Council for work carried out to inform the public transport reform proposals and the implementation of those arrangements.

Mr Spratt: I thank the Minister for his answer so far in relation to issues around the Consumer Council. Does he agree that, since devolution, many of the complaints that the Consumer Council dealt with in the past relating to water and transport now come through MLAs' offices, that consultation in relation to transport and water issues very much takes place in the Committee for Regional Development and that there is, in many respects, duplication in much of the work?

Mr Kennedy: I thank the Member, the Chair of the Regional Development Committee, for his

supplementary question and contribution. He raises a very fair and reasonable point as to the changed situation that devolution has brought. An indication of that is that the initial funding in 2007-08 was something like £756,000. This year, it is less than £500,000, and I think that there are still opportunities for further savings on that.

Mr McGlone: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Does the Minister acknowledge the role that the Consumer Council has had in not only representing consumer interests on a range of issues, but in helping the Department on matters such as water, transport and a range of other consumer issues, which input into policy formulation at his Department?

Mr Kennedy: I am grateful to the Member for his supplementary question. I have already acknowledged that there will always be a role for an independent body to be a champion for the consumer. The fact that a major consultation review is under way into the current Consumer Council is welcome, and I think that people should contribute their views to it. It is time for a healthy debate on the issue, and we will see what outcomes arise from that. I very much agree with the main tenet of his question, which means that there should always be a role for independent scrutiny on behalf of the consumer.

Mr Sheehan: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht a fhreagra. There has been some criticism of the governance model at NI Water. Has the Department made any progress in carrying out a review of that model?

Mr Kennedy: I am grateful to the Member for his supplementary question; it is nothing to do with the Consumer Council, of course, but I will take it anyway. The Member will, or should, know that the issue was remitted to the Budget review group, as part of the Executive. That is where the discussions on the funding and governance of NI Water issues will be resolved and brought forward. Of course, it is important to say that the Executive, per se, would want to be part of what, I think, would be an important landmark decision for the future governance and financing of Northern Ireland Water. No doubt, his political colleagues around the Executive table and in the Budget review group will want to play their part in that.

Flood Alleviation: South Down

6. **Mrs McKeivitt** asked the Minister for Regional Development for an update on any flood alleviation schemes his Department is undertaking in the South Down constituency. (AQO 5020/11-15)

Mr Kennedy: My Department's Road Service and NI Water, and the Department of Agriculture and Rural Development's (DARD) Rivers Agency, provide key infrastructure that contributes to drainage and the alleviation of flood risk in the south Down area and throughout Northern Ireland.

All three bodies carry out the cyclical inspection of sewer, road gully, culvert and designated watercourse infrastructure, taking account of risk and weather conditions. Where necessary, remedial work is carried out to maintain the drainage infrastructure by, for example, removing sewer blockages, cleaning gullies and ensuring that inlet grilles are operating properly.

Work to improve our drainage systems in south Down is currently being progressed at various locations, including St Judes Gardens in Rostrevor and Newry Road sewage pumping station in Warrenpoint. A scheme has recently been completed at Water Street/Horners Lane, Newry, and essential improvements to the sewer infrastructure in Downpatrick are planned that will also help to reduce the risk of flooding in the area. Appraisal studies on potential improvements in other areas are ongoing.

Unfortunately, severe rainfall will always have the potential to overwhelm drainage systems. However, my Department and NI Water, along with the Rivers Agency and other statutory agencies, will continue to work towards reducing the risk of flooding and mitigating its impact on people's homes and lives.

Mrs McKeivitt: I thank the Minister for his answer and welcome the flood alleviation schemes that the Department has introduced, particularly those around St Judes in Rostrevor and Newry Street in Warrenpoint, where, I know, work has started. Has the Minister any plans to develop further flood alleviation schemes in south Down in the near future?

Mr Kennedy: I am grateful to the Member for her positive comments on the work that has been done in St Judes, Rostrevor, and Newry Road, Warrenpoint, which I think is close to her advice centre. I am sure that that is not why she asked about it, but anyway. Northern Ireland Water will spend over £5 million on

appraisal studies and flood alleviation works in south Down from 2010 to 2015. It would be prohibitively expensive to build the infrastructure necessary to deal with all that our weather can throw at us. However, we need to invest more in our water and sewerage system. Investment in infrastructure is an effective measure to mitigate the impact of flooding, and I am keen to play my part in taking the actions necessary to address the problem. I have sought and will continue to seek additional investment for water and sewerage services through our budgets.

Mr Storey: To widen the issue beyond the confines of south Down into my North Antrim constituency, will the Minister outline what discussions he has had with the Rivers Agency and other agencies around flood alleviation schemes to prevent in particular what happened early in May this year, when we had severe rain and the train line between Ballymoney and Coleraine was closed as a result of flooding?

Mr Principal Deputy Speaker: It is for Mr Kennedy to decide whether he wishes to answer, because that has widened the question considerably. It is his choice.

Mr Kennedy: Yes, well, I know him quite well. That does not make any difference, of course, but anyway.

The Member will of course know that flooding was the subject of a performance and efficiency delivery unit (PEDU) report commissioned by the Executive after the severe floods that we had in June 2012. PEDU reported back to the Executive, and its report contained many recommendations, including greater cooperation and collaboration between Departments. In the case of my Department, it meant between Roads Service and NI Water and with the Rivers Agency, which is under the competency of the Minister of Agriculture and Rural Development. I went on record to say and it remains my view that, in line with the PEDU report recommendation, the best way forward is that the Rivers Agency should transfer to a single Department that includes Roads Service and NI Water. Minister O'Neill did not agree with that, and the situation remains unchanged. However, every effort is certainly made in every area. I understand that the area that the Member raised is in his constituency, but I believe that there is good cooperation between the various agencies, whether or not bringing them under one ministerial responsibility would give added benefits. However, we are not quite there yet.

3.15 pm

Mr Brady: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Following on from your previous answer, Minister, can you confirm whether you have had any discussions with the Minister of Agriculture and Rural Development about bringing the Rivers Agency within your Department's remit?

Mr Kennedy: I am grateful to the Member for his question. As I said, the issue was raised generally during the formation of the PEDU report. Views were very clearly expressed at that point. The Minister of Agriculture and Rural Development continues to hold the view that she prefers to keep Rivers Agency within her remit. I have a different view, and there the matter continues to sit.

Mr Principal Deputy Speaker: That ends the period for questions for oral answer. We will move to the topical questions that have been listed for the Minister. Questions 3, 6 and 8 have been withdrawn.

Craigantlet Crossroads

1. **Mr Dunne** asked the Minister for Regional Development to advise when he is likely to announce the results of his options study for Craigantlet crossroads, or does the ongoing maintenance work mean that an upgrade is unlikely? (AQT 371/11-15)

Mr Kennedy: I am grateful to the Member for his question. Indeed, he will know about the work that is planned for the resurfacing scheme at Craigantlet. That work is very welcome, but it is separate from and additional to the issue that he raises about the crossroads. I know that there has been significant interest among public representatives on the issue. The Member will recall the meeting on site some time ago. We received further correspondence from residents in the area. We are reflecting on that, and we hope that, at some stage, most likely early in the new year, there will be a public consultation. There still seems to be a difference of opinion about which option we should choose. We will continue to work at the issue, and we will, hopefully, resolve it.

Mr Dunne: I thank the Minister for his answer. Can he give us more information on how he will carry out the proposed consultation on the options? Does he recognise the upgrade of the junction as a priority in his programme? Does he recognise how important it is to local

residents, farmers and the North Down commuters?

Mr Kennedy: I assure the Member that, as is normal with public consultations, every opportunity will be given for people, including public representatives, to express their views on the issues. We will certainly provide that opportunity.

The scheme itself will always be subject to available finance. Of course, the Member knows that finance is a very real issue when it comes to upgrading and improving the road network and, indeed, for structural maintenance. It costs something like £130 million to maintain the road structures that we have. Obviously, we seek to make improvements over and beyond that. However, it is a significant challenge. I have no doubt that the Member will want to put in a good word on my behalf to his party colleague the Finance Minister, Simon Hamilton.

A5: EU Habitats Directive

2. **Ms McCorley** asked the Minister for Regional Development what contractual arrangements DRD has in place with the consultants that are carrying out the review of the EU habitats directive in relation to the A5. (AQT 372/11-15)

Mr Kennedy: There has, of course, been significant debate on and responses from me about the A5 over the period. We continue to work to deal with — to remedy, if you like — the issue that the High Court highlighted in its determination. We have continued to work on the preparatory arrangements for the ground works, and we will continue to do that. Preliminary works were carried out on the reinstatement of lands and rectifying works between January and March 2013. They involved erecting fences on the vesting line, geotechnical and archaeological investigations, ecology works and a full range of works. Of course, we had given individual farmers the option of carrying out those works themselves to our satisfaction. I understand that most of those works are now completed, and we continue to work with farmers in the area to work through all the issues.

Ms McCorley: Go raibh maith agat agus gabhaim buíochas leis an Aire as an fhreagra sin. I thank the Minister for his answer. Will he provide a costing for the retention of consultants on the A5 project?

Mr Kennedy: I will respond to the Member in writing with an absolutely detailed and accurate response to that question. I can say that £108 million has been reallocated from the A5 budget since the court ruling. The Member will be aware of that because of the announcements made. Of the money spent on the new preparatory works, £748,364 was spent between April 2013 and the end of October 2013 for traffic and environmental surveys, reviews and assessments. I assume that that includes consultants' fees, but I will confirm that for the Member in writing.

Parking: Ballymena

4. **Mr D McIlveen** asked the Minister for Regional Development what comfort he can bring to the elderly residents of the Upper Princes Street area of Ballymena whose lives have become almost intolerable because of the abandonment of cars in their quiet streets due to the lack of parking at Ballymena train and bus station. (AQT 374/11-15)

Mr Kennedy: I am grateful to the Member for his question. Despite the real successes of increased rail usage, problems have emerged in some areas because of a lack of available parking. We are always in the business of improving those parking facilities, be they park-and-share or park-and-ride facilities, and I can think of stations that have benefited from that. We will continue to work on the issues around Ballymena, and, if the Member wants to write to me in more detail, I will happily correspond with him.

Mr D McIlveen: I thank the Minister for his answer. I will, indeed, take him up on his offer and write to him. He will be aware that the issue in Ballymena has been exacerbated by the fact that the train station in Cullybackey has virtually no parking facilities. Is he prepared to give us an update today, after 40 years of lobbying from various parties in the area, on whether we are any closer to getting a park-and-ride facility in Cullybackey?

Mr Kennedy: I am grateful to the Member for his supplementary question. I will correspond with him directly and provide an update on that issue. He will know that it is not possible to cover every aspect of topical questions, and car parking in Cullybackey did not feature this time. However, we will make sure that we provide an answer at the earliest opportunity.

Mr Flanagan: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I hope that the

Minister is better prepared for questions on car parking problems in Enniskillen.

Parking: Christmas Period

5. **Mr Flanagan** asked the Minister for Regional Development why towns such as Enniskillen were left off the map when it came to the improved parking facilities and park-and-ride schemes for festive shoppers in Belfast, Derry, Newry and Lisburn that he announced on 13 November. (AQT 375/11-15)

Mr Kennedy: If the Member knew anything about parking anywhere, he would know that we did not introduce on-street car parking charges. That was the policy of my predecessor and his party colleague Conor Murphy. We avoided that, and we provided relief in a great many towns across Northern Ireland. That continues to be the case. The difference in some of our other locations — the locations that he mentioned, including Londonderry, Lisburn, Newry and parts of Belfast — is that on-street car parking charges were introduced there, and therefore it was felt appropriate and fair in the run-up to the festive period that people should benefit in those areas from the same advantages as people have in other towns across Northern Ireland.

Mr Flanagan: I thank the Minister for his answer. He did well in evading the question, so I will try again and use the actual terminology of a car park instead of car parking. Can the Minister tell us what consideration he has given to extending free car parking charges to car parks in places like Enniskillen for the festive period?

Mr Kennedy: I thank the Member for his supplementary question. He seems to be confused between on-street car parking and car parking. I have made clear both in the House and outside the House my desire that, where a town or a location wished to avail itself of a special period of free parking, the local council in that area could negotiate with my Department to provide such a facility for the benefit of ratepayers. The Member has considerable influence in Fermanagh District Council, and I am sure that he will want to bring that to bear so that it happens in Enniskillen and other potential areas. It has already happened — for example, Newtownabbey Borough Council has made similar arrangements for Ballyclare in the run-up to Christmas. I want to encourage that, and I think that a positive attitude can be taken on behalf of my Department, hopefully, to benefit not only the ratepayers but the traders

and shop owners in towns across Northern Ireland, including Enniskillen.

Parking: Belfast City Centre

7. **Mr McGimpsey** asked the Minister for Regional Development whether he plans to announce relaxed parking restrictions for Belfast city centre in the run-up to Christmas. (AQT 377/11-15)

Mr Kennedy: I am grateful to the Member for his question; indeed, the Member knows that I recently made an announcement in respect of Belfast and other places that included free Saturday park-and-ride services that began last weekend, 16 November. Free evening park-and-ride services will start on 2 December in line with late night shopping arrangements. Of course, he will know that Translink has discounted fares and restrictions and is offering considerable savings. There will also be the annual moratorium on roadworks in the Belfast area.

Mr McGimpsey: I welcome those announcements. However, bearing in mind the challenges that Belfast city centre retailers have had this year with congestion, roadworks, bus lanes etc, which all grievously affect businesses, and bearing in mind also that Christmas shoppers will use the car as the preferred means of transport as opposed to buses, bicycles or walking, is it not sensible to extend the moratorium on restrictions to the motorists in Belfast city centre in the run-up to Christmas, particularly at weekends? Could I suggest abandoning the bus lanes?

Mr Kennedy: I am grateful to the Member for his supplementary question. There is evidence of increased bus usage in the centre of Belfast, with buses carrying even more passengers consistently — over 1.5 million more journeys were made last year — and there has been an increase in train journeys. A great many people access the centre of Belfast by using public transport, and I welcome that. I had the opportunity, not last weekend but the previous one, to go shopping in the centre of Belfast with my wife and family. I found it a very good experience. I think that there is a buzz — hopefully a Christmas buzz — that will impact positively on Belfast. I want to see that continue. That is why I brought forward the measures that I have outlined.

I do not underestimate the challenges that other towns and cities have in the run-up to Christmas, and I encourage everyone to shop locally. The measures that we seek to bring

forward to improve public transport are showing benefits and will continue to do so.

Mr Principal Deputy Speaker: That ends topical questions. The House will take its ease while we make a change at the Table.

3.30 pm

(Mr Deputy Speaker [Mr Beggs] in the Chair)

Private Members' Business

Police Ombudsman's Office

Mr Deputy Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. As two amendments have been selected and published on the Marshalled List, an additional 15 minutes have been added to the total time. The proposer of the motion will have 10 minutes in which to propose and 10 minutes in which to make a winding-up speech. The proposer of each amendment will have 10 minutes in which to propose and five minutes in which to make a winding-up speech. All other Members who wish to speak will have five minutes. Before we begin, the House should note that, if amendment No 1 is made, the wording will have changed to such an extent that it would not be in order to put the Question on amendment No 2.

Mr D McIlveen: I beg to move

That this Assembly notes the consultation paper from the Department of Justice on the powers of the Police Ombudsman's office; and calls on the Minister of Justice to bring forward proposals that will ensure an effective organisation that commands broad public support.

I thank the Business Office for making the time available for this timely and worthwhile debate on the Office of the Police Ombudsman for Northern Ireland (OPONI). I speak as a member of the Policing Board, so I declare that interest.

I want to set a couple of things in context to set the tone for the debate. It is worth briefly setting out the history of OPONI, how the office has developed and how it came into being. The legislative framework for the office was set out in the Police (Northern Ireland) Act 1998. The office began operation on 6 November 2000 and has, therefore, been in operation for 13 years. In that time, we have had three ombudsmen, an extension of the powers of the office, a series of very critical reports and a suspension of the powers that were extended in 2001.

The office, the office holders and the ability to conduct independent investigations have come

under serious criticism in those 13 years. Only recently have historical investigations recommenced. Among the myriad problems highlighted by the reports have been issues of independence and interference by the Department of Justice. The reports have shown a skills gap in the fundamental ability to carry out investigations, and there have been serious concerns about the ability of the office to deal with some sensitive information. In short, the office was not working independently, those charged with investigating did not know what they were doing and there was no guarantee of confidentiality. All that from an office whose aim is defined as providing an independent, impartial police complaints system for the people and police of Northern Ireland that is effective, efficient and accountable and is designed to secure the confidence of the public and the police.

As I mentioned, I am a member of the Northern Ireland Policing Board, and, through that body, I have been very fortunate to work closely with many of our retired police officers in the Retired Police Officers Association. I take the opportunity to pay tribute to that group of former officers, who champion the rights of former police officers and have done some very important and challenging work in recent years. From talking to those officers, I know that they welcomed the proposals in 1998 for a mechanism whereby complaints against the police would be independently investigated. Everyone agreed that that was inevitable, necessary and absolutely vital in order to increase public confidence in the police complaints process. However, as I have set out, that has failed. Again, from talking to retired police officers, I know that no one is more disappointed by that failure than them.

I remind the House again of the aim of this office, as set out in the Police (Northern Ireland) Act 1998. The Act states:

"The Ombudsman shall exercise his powers ... in such manner and to such extent as appears to him to be best calculated to secure—

(a) the efficiency, effectiveness and independence of the police complaints system; and

(b) the confidence of the public and"

— more importantly —

"of members of the police force in that system."

Let us be clear: the ombudsman must secure the confidence not only of the public but of members of the police force. I can tell you now that members of the police force have been failed in that regard, and many of them have been vocal in making that point. OPONI has entirely lost the confidence of the officers through the overextension of its powers, its difficulty with impartiality and, at times, its sheer incompetence.

The Minister of Justice issued a consultation on the future operation of OPONI in March 2012. In my opening remarks, I declared an interest as a member of the Policing Board: I am also on the performance committee of that board, which was recently asked to respond to a further consultation. In that consultation, questions were put in front of us, and we were asked to respond to four of them. I have those questions or proposals in front of me, and I will mention them quickly. First, recommendations and findings by the Police Ombudsman should be binding on the PSNI Chief Constable. Secondly, the PSNI should not interview or debrief serving or retired officers who are known to be a witness or a suspect in existing or pending investigations by the Office of the Police Ombudsman. Thirdly, the Police Ombudsman must be empowered to arrest and interview agents and informers of the PSNI or any other agency if it may assist an investigation by the Police Ombudsman. Fourthly, all protocols and memoranda of understanding governing the release of information from the PSNI and other agencies to OPONI to assist an investigation should be available for scrutiny by the Policing Board or the Justice Committee.

Even the terminology in those questions — findings should be "binding" on the Chief Constable; the Police Ombudsman should be "empowered" and the PSNI should not — causes me huge concern. I find that those questions in the consultation already have a predestined outcome, and we should express serious concern about that. Where are the proposals to oversee the work of OPONI? Where is the call for an adequate appeal mechanism? Why is there not a call to focus the work of OPONI on current complaints against the police rather than on dealing with historical cases? The original consultation in 2012 centred on the individual skills of the ombudsman, issues regarding their appointment and the overall structure of the office, but this latest consultation looks like nothing less than a last-minute attempt to add even more powers to a body that has far from proved its ability to fulfil the purpose it has at present.

We are back to the old "blame the Brits" mentality, which does nothing at all to help us adequately deal with the past. Tomorrow, in the High Court, the Chief Constable will answer a judicial review of his decision not to release a Historical Enquiries Team report into the McGurk's Bar bombing. Despite an ongoing, live police investigation, the Chief Constable will stand in front of a judge tomorrow. In a fair justice system, it is shameful that, during a live investigation, continued pressure is put on the Chief Constable to release information that will clearly compromise an investigation.

The powers of the Police Ombudsman have gone far too far compared with where they were supposed to go. This is not a call for policing not to be accountable, but the bottom line is that this political system has now moved on. Justice is now devolved fully to the Assembly, and that was not the case 13 years ago when the Office of the Police Ombudsman was initially set up. Therefore, we call for those powers to be reduced and for an entire overhaul of the Office of the Police Ombudsman. We will, therefore, oppose the amendments today.

Mr Givan: I appreciate the Member giving way. He has articulated our position very well. The Member will recall that the Assembly debated and resolved a position on these issues two years ago. A DUP amendment was agreed to, and it called on the Justice Minister to:

"bring forward proposals to create public and police confidence in the ombudsman's office, including independent oversight." — [Official Report, Bound Volume 66, p187, col 2].

Two years later, the Justice Minister has failed to implement a resolution of the Assembly to create an independent oversight body for this organisation. Does the Member not agree that the Justice Minister should have got on with his job of implementing the amendment that the Assembly agreed to rather than us having to repeat the arguments today?

Mr D McIlveen: The crux of the matter is that we do not have confidence, as an Assembly, in the Office of the Police Ombudsman. A review is needed, and it must be about finding a way for the ombudsman to be accountable also. We have an unaccountable ombudsman whose findings are determined by an outcome that is beyond any reproach. In a system of government such as we have in Northern Ireland, we cannot have an office, particularly in the family of policing and justice, that operates

with such lack of accountability. Therefore, without reservation, we call on the Justice Minister to make sure that we have an ombudsman who commands the confidence of all the people in Northern Ireland, and, importantly, the way to gain that confidence will be through accountability.

Mrs D Kelly: I beg to move amendment No 1:

Leave out all after "will" and insert:

"build on the powers and effectiveness of the organisation, including statutory requirements in relation to the co-operation of current and former police service personnel with the investigations of the Police Ombudsman."

It is with a high level of dismay that I have listened to the true intent behind the motion being expressed by the Member opposite. Broad community support appears to mean "If the retired police officers say that it is OK". That is the only group in society, other than his colleagues in the DUP, to which Mr McIlveen referred.

Our amendment seeks the fullest account of the truth about the past. Only today, we heard politicians from across the divide ask people to come forward and give information to the police to apprehend and bring to justice those who are alleged to have committed crimes, whether that be the so-called punishment shooting of the 15-year-old in Coleraine, the attack on the Alliance Party offices or other crimes. Woe betide any organisation that is specifically charged with policing and the enforcement of law that does not comply with the law and does not do what they ask others to do during the tenure of office. It really is quite incredible.

No one in the Chamber, regardless of his or her opinion, can deny that policing and the transformation of that service has been one of the major success stories of the past 15 years. It has the highest level of support year after year in the ombudsman surveys, and, in public opinion surveys, 80% to 90% of members of the public routinely express confidence in it. In the past couple of weeks, the former Chief Constable Sir Hugh Orde has called for a reform of the policing accountability mechanisms in GB, and they look jealously from across the water at our policing accountability and scrutiny mechanism here.

3.45 pm

It is also a fact that, when people sought improvements in and greater accountability of

policing, officers had to believe that they would be treated fairly in any scrutiny role. It is my understanding that, by and large, the PSNI has a high level of confidence in the existing Office of the Police Ombudsman. What we have heard from the Benches opposite and from the Retired Police Officers Association over the past number of weeks is a call to refuse to cooperate with any Police Ombudsman or other inquiry into the past. Who does that protect? Only those who were guilty of wrongdoing. What do people have to hide by telling the truth about what happened? We all acknowledge that they were not living in a 'CSI' environment in the 1970s and 1980s. Forensics and other tools available to those who investigate crime today were not there. We recognise that there were murders day and daily across that time and that there were difficulties. Nonetheless, there has been account after account of wrongdoing over the past number of weeks, including the publishing of a book about collusion, information about the Glenanne gang, McGurk's bar and other heinous crimes. The fact is that there was an abject failure by some police officers, who brought the whole organisation into disrepute.

It was only —

Mr Allister: Will the Member give way?

Mrs D Kelly: I will.

Mr Allister: The Member argues for maximising accountability in policing. Applying the same yardstick, will the Member point to the degree of accountability of the ombudsman's office? Where is the independent oversight of that office? The ombudsman's office provides independent oversight of the police, but where is the independent oversight of the ombudsman's office?

Mrs D Kelly: As the Member will know, the Minister of Justice and his Department look at the governance arrangements for oversight of the ombudsman's office. The ombudsman's office has given evidence to the Justice Committee and the Northern Ireland Affairs Select Committee. Are we now calling into question the integrity of ombudsmen, whether the Police Ombudsman or the Parliamentary Ombudsman? Where does it stop? The fact is that widespread public confidence exists in the Police Service as a result of the level of accountability and scrutiny available to the Police Ombudsman. Over the past number of years, there have been critical reports because of the failure of and meddling by some in the administration of that office. However, I believe

that we now have in place a Police Ombudsman who has steadied the ship and put in place many of the recommendations that were required to enable him to look at how to deal with the historical cases that had been sitting on the desk.

We know that there were omissions, whether it was Loughinisland or others, by the previous ombudsman in the delivery of those reports. It is incumbent on all of us to ensure that the Police Ombudsman's office has the highest level of accountability mechanisms available. It is an absolute disgrace that former police officers, whose duty it was to uphold and enforce the law, are refusing to comply. What other profession or organisation would get away with that? Would nurses or social workers get away with that? They would not. The foremost pillar of democracy is a system of fair and effective policing, and yet we are about to say that it is OK for some police officers not to comply with the standards required of the position or repay the trust of their colleagues and the wider public that enabled them to perform their duties.

Mr Givan: I thank the Member for giving way. Can she point to any example of a current or retired officer who has broken the law in respect of their cooperation or otherwise with the Police Ombudsman's office?

Mrs D Kelly: That is not what I said. I will read what I said, if the Member requires me to. The Member and his party have expressed concerns about the failure of the police today to tackle the UVF, particularly in and around Belfast. We have heard that today from people on the streets as well as other contributors.

Ms Ruane: Will the Member take an intervention?

Mrs D Kelly: I will, yes.

Ms Ruane: First, I welcome everything that the Member has said to date. I will tell you someone who has refused to cooperate: David Russell, the senior investigating officer in the Loughinisland case, where there were six murders, refused to cooperate. I thank the Member for taking the intervention.

Mrs D Kelly: I thank the Member for that. It is important to note that, as the first Police Ombudsman, Nuala O'Loan, said, many retired officers did assist investigations. In fact, she said that many were helpful. She said:

"Officers varied a great deal in the manner in which they responded to questions. Some, including some retired officers dealt with challenging questions in a professional manner."

That is a matter of record from Nuala O'Loan. However, the following paragraph goes on to add:

"Others, including some serving officers, gave evasive, contradictory, and on occasion farcical answers to questions. On occasion those answers indicated either a significant failure to understand the law, or contempt for the law. On other occasions the investigation demonstrated conclusively that what an officer had told the Police Ombudsman's investigators was completely untrue."

I do not know who can stand over such a pattern of behaviour by law enforcement officers. I, for one, and my party will not.

We have asked Richard Haass and others to examine how we will best deal with the past. How will we deal with the past if the Retired Police Officers Association and the party opposite believe that we should not have a mechanism to deal with the past and that would compel police officers to give the fullest account of what happened? How are we best placed to understand the difficult circumstances that many police officers operated under if we do not get a full account of the circumstances when, perhaps, some of their colleagues were actively working against them?

We, in this House, are being asked to endorse the National Crime Agency and have another law enforcement agency in this place. Given our experiences of a force within a force in the past, how important is it to ensure that the accountability mechanisms that we have now and into the future for tackling new forms of crime have the highest standards of professionalism and integrity and will ensure that officers comply with and have respect for the law?

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. I welcome the fact that, in many ways, there will be some agreement with the proposer of the motion that this is timely, but perhaps that is where agreement will end. Indeed, when we first read the DUP motion, we were hopeful that there was a realisation that the office, by its stated objectives, is doing good work and that perhaps, with more structure and efficiency, could continue that good work. I wrote on the

margins of my copy of the Order Paper that we would wait and see how that was defined. Unfortunately, it was defined very narrowly. We will support the SDLP amendment, because, as it reads, it is the proper way forward.

David McIlveen, the Member for North Antrim who proposed the motion, supported, to some degree, the idea that there should be an ombudsman to look after the ombudsman. No doubt, if that ever happened, there would have to be an ombudsman to look after that ombudsman as well. In designing this type of architecture around policing, it is accepted and agreed that there was a lack of confidence in the office when Al Hutchinson was in charge of it. We welcome that the Minister, in outlining his proposals, accepted that. The Tony McCusker report pointed out the issues around that. It did not work and there was a lack of confidence because it did not do the job that it was designed to do. If an office does not do the job that it was designed to do, the public will see that and judge it accordingly.

If people are looking for scrutiny, then that is the role of the Criminal Justice Inspection, which is an independent and objective body that looks at the work. It may not look at every case, but it certainly looks in a very general way at the work of the ombudsman.

It is important, as we take this forward, that we seek to ensure that there is maximum public confidence in the Office of the Police Ombudsman. In 2005, Criminal Justice Inspection was able to say that the ombudsman's office was delivering on its stated aims and objectives, with public confidence in the system increasing. However, in 2011, it found that there was a lowering of operational independence and that the office was failing to do the job as laid out in its aims and objectives. How did we get to that situation? Perhaps that is what we need to address today. In my opinion, it will not be addressed by allowing the Retired Police Officers Association to determine what is a good or bad office. I do not think that, in any walk of life, you should allow a small group of people to provide the definition of anything, particularly when they have an obvious conflict of interest. That would be a very silly way to go forward.

The role of the Police Ombudsman, by its design, was part of the restructuring of policing and justice. It was part of the new architecture and about accountability and scrutiny. I think that any person would welcome that. Indeed, we have seen very recently, further afield in London, instances in which, if there had been proper independent scrutiny, we would not have

the scandal that is now unfolding. Everyone said that the failing in that particular case — over whether someone was called a member of the proletariat — was the fact that the police were investigating themselves. We have seen in the North that when you leave it to the police to investigate themselves, it does not happen. England is now finding that out as well.

Mr D McIlveen: I thank the Member for giving way. In some ways, he has hit the nail on the head. He is right when he says that the Office of the Police Ombudsman was brought in as part of the new era of policing, as he calls it. Can the Member therefore not see that for the same Police Ombudsman to investigate a case that took place in 1971 is getting to the crux of where the real problem lies here?

Mr McCartney: I do not see why it should. When the Police Ombudsman decides to do that, it will either be covered by the legislation or not. If we design legislation, and the person who is tasked with taking it forward decides that, under that legislation, a, b, c and d can be done, it is not for us then to sit back, second-guess and say, "Oh, this particular thing that you're doing does not suit us, so we have to reinterpret the legislation". The legislation is clear. If it were not clear, I am sure that some of the groups that you named would have challenged it, and they would have perhaps found that they were not too successful in their challenge.

I will go on. It is very important that we talk about the way forward. Look at the reports of Criminal Justice Inspection, which provides the independent scrutiny. There is no need for another ombudsman. I can imagine that, if you set up another ombudsman's office, some Members would be the first to run to the media to say, "Here we go again: another unnecessary tier and more money being spent when it is not necessary". It is the task of Criminal Justice Inspection to provide scrutiny of that type of body, and it has been very good at doing that. Indeed, I think that it focused the mind of everyone involved, in particular, as I said, through its report that — I will not say "forced the Minister" — compelled the Minister to bring in Tony McCusker. When Tony McCusker compiled his report, it became very clear that what was going wrong in the ombudsman's office at the time was down to external interference. We can all guess from where the external interference came. Indeed, the report does, in some way, examine that.

If we want proper scrutiny and accountability, the way forward has to be to make the office more effective. One way of doing that, as will

no doubt form part of the debate today, is to ask this: why would anyone who was a serving member of the PSNI or the RUC not want to cooperate with an investigation that, at its core, wants to bring out the truth? Why would anybody not want to cooperate with such an investigation? As Caitríona Ruane pointed out, why did that particular retired member of the RUC not want to cooperate with the Loughinisland murders investigation? Why did he not want to bring to light for the public whatever he knew about that investigation? That is when people start to ask questions.

There are other aspects that the Minister may address when he speaks. We now have former members of the RUC employed in the PSNI on a civilian basis who are not as accountable as the PSNI. We feel that that should be addressed.

4.00 pm

Where retired officers are concerned, we also feel that mechanisms should be put in place to ensure that, whenever there is an investigation, no stone is left unturned so that we get the proper, required outcome. Legislation should be put in place to ensure that no one can prevent themselves from having to present to the ombudsman. So, that is why we are taking this forward.

It is regrettable that the DUP did not come at its motion saying, "Yes, this is the time to ensure that we have public confidence. This is the time to ensure that we have a good and effective ombudsman." Any lowering of the current standards is something that we —

Mr Givan: I thank the Member for giving way. The Member and others in his party will be familiar with natural justice and the ability, in the first instance, to take things to court, whether it is the Court of Appeal, potentially the Supreme Court or even the European Court. Does he not feel, though, that retired police officers should have the same right of appeal? When a section 62 statement is made, it is protected and privileged, and the only way to deal with it is to quash it through judicial review. There is no appeal mechanism and no form of natural justice for those officers.

Mr McCartney: In the first instance, I would ask this question: why would a retired officer who went through the Patten proposals and took the payout and all that came with Patten not want to cooperate with a process concerning something that they were involved in at the time as an investigator or perhaps an operative?

Why would they not want to involve themselves in that process? I think that you will come to the conclusion that it is because they have something to hide.

When the ombudsman is doing his or her job, nothing should be placed in their way to prevent a proper and effective investigation from being carried out so that we can ensure that, at the end, we do not have what we have had with different investigations in the past. The former Police Ombudsman accepted that he changed the outcome of an investigation and did not follow due process because of external interference. That is the type of thing that we are addressing in Haass, and we are all committed to ensuring that no stone is left unturned as we go forward.

A very large group of people benefited from the Patten proposals through their payouts. Those people are saying, "Strip away the powers of the Police Ombudsman's office in case it comes and asks us too many questions." However, we are saying that the office should be given more powers so that no one will refuse to answer questions in the future.

Mr Deputy Speaker: I listened very carefully to the Member. I may have missed it, but will he confirm whether or not he moved amendment No 2?

Mr McCartney: My apologies; perhaps I did not.

I beg to move amendment No 2:

Leave out all after "organisation" and insert:

"which is properly resourced and fully independent; and further calls on all members of the public or public authorities with information that would assist investigations by the Police Ombudsman to bring forward that information and cooperate fully with the office."

Mr Kinahan: Reforming the Police Ombudsman's office has been on the agenda for quite some time, stemming right back to the time of the first ombudsman, Nuala O'Loan. In more recent times, a Department of Justice consultation on the future operation of the Office of the Police Ombudsman was published in March 2012. The Ulster Unionist Party responded and set out that the office had undoubted failings in its investigation of historic cases. That has been borne out by a number of critical reports, including from the current ombudsman's former organisation, the Criminal Justice Inspection. We also set out that we

were in favour of an appeals process and that we disagreed with a blanket preclusion from that role being placed on those in the background of policing.

In general, we remain of the opinion that the current mechanisms for dealing with the past, including the Police Ombudsman's office, are operating in an ineffective and imbalanced manner. That is because there is clearly a disproportionate and undue focus on the state's actions, despite the fact that 90% of the killings during the Troubles were carried out by terrorists, with 60% by the IRA.

Mr A Maginness: Will the Member give way?

Mr Kinahan: No, I will carry on, if I may. Thank you.

Following the above consultation, I am aware that the Minister continued his engagement and, taking into account the consultation responses, produced a reform package policy paper that the Justice Committee passed at its meeting on 13 June 2013. I understand that the intention is that a Bill incorporating all the agreed legislative changes will be introduced to the Assembly by February 2014.

In advance of any legislation, I want to set out specifically where the Ulster Unionist Party stands. First, any recommendation to compel retired police officers to attend for interview with the ombudsman needs to be considered carefully. That relates directly to the amendments tabled by the SDLP and, in particular, by Sinn Féin.

In relation to the welfare of retired police officers, I believe that it is immoral to have that type of threat hanging over them: that, at any point, they could be subjected to interview. I also believe that it would be counterproductive to having a positive relationship between police officers and the Police Ombudsman. This party will not allow legal procedure and the rights of individuals to be trampled on in some sort of crusade against the very people who sought to defend the citizens of this country from terrorism.

Perhaps the Minister will also outline the sanctions for non-compliance that he intends to have alongside the power to compel retired officers. I assume that he has something in mind. I find it unacceptable that there is no provision to introduce an independent complaints mechanism to hold the ombudsman and his staff to account. Perhaps the Minister will tell the House why a body that will hold such power to compel witnesses etc will not be

subject to any sort of grievance procedure. That cannot be right. Judicial review cannot always be the answer, not least due to the cost and delay considerations. I hope that the Minister will take this opportunity to address some of those issues during his contribution.

As will be outlined by my party colleague Tom Elliott, we will support the motion as tabled and oppose both amendments.

Mr Dickson: The motion and the amendments provide for appropriate ways of dealing with the future of the Police Ombudsman's office. We will listen carefully to the debate to determine how we wish to proceed with those matters. I have to say that the nature of the debate has not been particularly helpful in trying to guide one to a sensible and logical conclusion.

Public confidence in the police is essential to ensuring that they are able to operate successfully in Northern Ireland. However, as with any public body that is given significant powers to compel individuals or to deter them from going about their business, accountability is a part of ensuring that confidence.

We have one of the most scrutinised police services in the democratic world. That comes from our long and difficult past, and it is right and proper that our police service delivers a modern and professional police service but is available and subject to the scrutiny of an ombudsman. The Police Ombudsman is part of the arrangement for pursuing that accountability and that confidence. My party is aware that the role of the ombudsman is important in those arrangements, alongside the other scrutiny mechanisms that have been referred to and the Policing Board.

Elected representatives have a role to play in how they interact and comment on the role of the Police Ombudsman. Confidence in the office is important. There will not be widespread public support when some of the remarks that have been made in the Chamber today are heard. Quite often, the office is used to pursue particular political agendas in the name of one section of the community or another. The politicisation of the police service and its scrutiny bodies undermines widespread public confidence that they act impartially and outside of the political sphere.

I know that the Minister will take seriously any detailed proposals to improve the Office of the Police Ombudsman, including proposals for a new model, additional powers or an increase in resources, if the case for such changes can be made. Indeed, the case for some of those has

been made. With that in mind, we will support the motion with a caveat that politicians of all shades have to act in a way that helps us to ensure that confidence. Events of the past few days have shown how important upholding the rule of law is in Northern Ireland. Let us hope that the debate does not descend into one of our needing an ombudsman for the ombudsman. Mr McCartney stole my line, but I said that in Committee, and it is worth repeating it.

I have a serious question. The position of an ombudsman is one that normally sets the high standard or watermark for any investigation into wrongdoing or concerns in public life. Therefore, it verges on the ridiculous to suggest that there should be further scrutiny of the ombudsman beyond that of the legal process and the courts.

There are new personnel in place. They are doing a good job, and destabilising that is not the way forward. I am disappointed that the DUP does not wish us to have an ombudsman's office that is properly resourced and fully implemented.

Dealing with the past —

Mr McCartney: Will the Member give way?

Mr Dickson: Yes.

Mr McCartney: In light of that, if your reading of the DUP motion is that it does not want the ombudsman's office, it is difficult to see how you can support the motion as tabled.

Mr Deputy Speaker: The Member has an extra minute.

Mr Dickson: Thank you.

I said at the outset that we would listen to what the other parties have to say. The main motion in front of us is what we are debating, and there are additional amendments to that. We need to decide how we intend to approach those.

Dealing with the past is a toxic mix, not only for the ombudsman but for politicians, this Chamber and wider society in Northern Ireland. We all have a duty and a responsibility, whether it is through the Haass talks or through other mechanisms that are going on throughout our community, to deal with the past. It has to be dealt with in a much wider context. To place the whole responsibility of dealing with the past entirely on the ombudsman is unfair and unreasonable, but it is the task that the office

has been given, and it has to deal with those cases that are referred to it.

We have a duty, as a community, an Assembly and a society, to relieve the ombudsman of that burden where it is appropriate and possible. It is not only ex-police officers who sometimes fail to cooperate: there is also a failure on the part of others, including witnesses and quite often the perpetrators of crime, to cooperate with the ombudsman in investigations.

As I have said, it is important that dealing with the past is not left entirely to the ombudsman. This community has a responsibility to get its head around some of the most difficult issues that need to urgently be resolved. Public confidence in the role —

Mr Deputy Speaker: Will the Member draw his remarks to a close?

Mr Dickson: — and office of the ombudsman is paramount, and that is the responsibility of this House in this debate.

Mr Craig: It is no great surprise that I support the motion and oppose the amendments.

I start by declaring an interest: not only am I a member of the Northern Ireland Policing Board, I am unfortunately chair of the performance committee. That means that on an almost weekly basis I have to interface with the ombudsman's office. As I pointed out to the ombudsman after a long meeting of several hours, the only conclusion I could come to was that it was going to be a love/hate relationship: sometimes I would love what he saying and other times I would hate what he is saying, but we have a very good working relationship.

The ombudsman's office was originally set up as an independent complaints organisation for the PSNI. I accept that there is a role for the ombudsman's office in doing that. Originally, our party had huge concerns about the office becoming a police-bashing organisation, but there is plenty of evidence that that has not been the role that it has taken up. In fact, the vast majority of complaints against the PSNI, when they are investigated properly, are dismissed by the ombudsman's office.

A small number of complaints that go on that sometimes raise procedural issues. There are other issues uncovered by the ombudsman's office that lead to procedural improvements in policing. A case in point is a recent ombudsman's report on an individual who went missing at the Ulster Hospital and how the case

was handled. Not only did that lead to improvements to the procedure of how missing persons cases are handled by the PSNI, but when a chief superintendent looked into all missing cases around that, it led to the uncovering of the child exploitation cases that we have recently witnessed. That has led to prosecutions for the sexual exploitation of 22 individuals in Northern Ireland. So, some positive things come out of the ombudsman's office. That said, something unusual was stated earlier, namely that it is the role of the ombudsman's office to investigate the past. I will agree to differ with the Member who said that, because I do not believe that that role was ever envisaged for the ombudsman's office. That is a role that the ombudsmen took up due to their interpretation of the legislation.

4.15 pm

Logically, the role of investigating the past was handed over to the Historical Enquiries Team (HET), within policing. Does the ombudsman's office have a role in checking some of those investigations? Probably, but, at the end of the day, it was never envisaged as being the body that would reinvestigate the past. Therein lies the poison in the ombudsman's office. It makes it toxic. It is continually looking into things and not taking a balanced view of the circumstances at the time. For all the criticisms that I have of some things that have taken place in the HET, it takes a far more balanced view of the circumstances of when historical crimes took place.

There is a case in point. A report just completed by the ombudsman's office on a case right at the heart of the Troubles in Londonderry comes to the conclusion that the police failed in their duty. I have read it and subsequent reports, and I do not believe for one second that they fully took into account the circumstances of the time. I will leave it to my colleagues to elaborate on that.

If we are to instil further confidence in the ombudsman's office, it is vital that it gets back to the role of investigating the police and complaints against them as they stand. The office has a role and purpose in doing that —

Mr Deputy Speaker: The Member's time is almost up.

Mr Craig: — and it is working with the Policing Board to highlight some of the failings and deficiencies in the police. That is a role that will bring confidence to that office.

Mr Sheehan: Go raibh maith agat, a LeasCheann Comhairle. The Office of the Police Ombudsman is an essential component of the new policing architecture that was negotiated as part of the Good Friday Agreement and given legs by the Patten Commission. The office plays a key role in the accountability of policing and therefore has a fundamental role in building and maintaining public confidence.

Lack of accountability was a poison at the heart of policing for many years, so it is in the interests of everyone in society here that we have a fully accountable policing service. The Office of the Police Ombudsman plays a crucial and indispensable role in that. It would be catastrophic if the public's confidence in that office were fundamentally challenged.

Dolores Kelly was right when she pointed out that David McIlveen let the cat out of the bag. The DUP are past masters at putting forward motions that, on their face, appear quite neutral, but there is, of course, usually a subtext. The subtext today is that broad public confidence means the Retired Police Officers Association, or it may mean the unionist community or the DUP, or maybe it is Jim Allister up in the corner. Who knows? As long as we get the say-so from them, we will do whatever they want. But, you see, broad public confidence is a lot broader than that.

We have listened from everything from the sublime to the ridiculous today. Let us start with the ridiculous. My learned friend the Member for North Antrim suggested that we should have an ombudsman for the ombudsman. As he is a member of the criminal justice family, I thought that he would have heard about the Criminal Justice Inspection, but no, he has not. Strange. If we have an ombudsman for the ombudsman, who scrutinises the second ombudsman? Do we bring in another ombudsman? It reminds me of a discussion that I had with the Parades Commission when it allowed a protest by residents against an Orange march. The unionist residents then went in and said that they wanted to have a protest against the other residents protesting, so those residents could have gone for another protest against that protest. Where does the ridiculousness end? Maybe the learned Member will let us know at some stage during this debate.

The fundamental point was made by my colleague Raymond McCartney. When the office of the Police Ombudsman goes to former or current members of the PSNI or the RUC and asks them to cooperate with an

investigation, why on earth would they refuse? What reason is there to refuse? Danny Kinahan made the point that there are no proper complaints or grievance procedures in that office. I am suggesting here and now that, even if there were grievance and complaints procedures that would satisfy everyone on the far side of the House, they still would not agree to the compellability of former officers. It is interesting, too, that the Chief Constable agrees with the ombudsman's office having powers to compel former members of the PSNI or RUC to cooperate with investigations.

Mr Givan: I appreciate the Member giving way. He mentioned the comment that Raymond McCartney made earlier, but does the Member not recognise that, if retired officers have anything to hide, and if that relates to anything illegal, the Police Service has the power to arrest, investigate and bring forward prosecutions. That power exists.

On the issue of compellability to get information, a colleague of his — Laurence McKeown — pleaded the fifth amendment when it came to Gerry Adams's involvement in the IRA. Should he be compelled to reveal what knowledge he has about Gerry Adams's role?

Mr Deputy Speaker: The Member has an extra minute.

Mr Sheehan: I thank the Member for his intervention, but he still has not answered the question. If former police officers are asked to cooperate with an investigation, why on earth would they refuse? Can anyone answer that question? Why would they refuse to cooperate with a live investigation? There is absolutely no reason other than that they have something to hide. There is no other reason for it. If the Member wants to get up and offer a view on that, feel free; I will let you in again.

Mr Deputy Speaker: Would the Member draw his remarks to a close, please?

Mr Sheehan: We support the amendment from the SDLP.

Mr Wells: I have been around longer than most, and I remember with gratitude the sterling service given to Northern Ireland by members of the Royal Ulster Constabulary. I pay tribute to those who paid the ultimate sacrifice and to those who were injured mentally and physically.

I could not see very much wrong with the RUC. I think that it did an excellent job, particularly

under huge criticism from those who tried to murder and maim members of the RUC. The only fundamental problem with our former police service was that there were not enough members of the Roman Catholic community who were serving officers. That is the only real concern that I had. The reason why there were so few members of the Roman Catholic community serving was that you are 14 times more likely to be murdered by the IRA if you are a Roman Catholic police officer than if you are a Protestant police officer. There was a specific role worked out between members of the IRA to target those brave members of the Roman Catholic community who had to move home.

As a result of the Patten report, the Police Ombudsman's office was established 13 years ago.

There are those who think that everything that comes out of the Police Ombudsman's office is Holy Writ. We all remember the controversial days under Nuala O'Loan, when much of the work was under the blaze of publicity. That lady was responsible for some very controversial decisions that brought the Police Ombudsman's office very much into the political sphere.

Things have moved on in the 13 years since the office was established. I have said this in the Chamber before, and I will say it again: the Police Service of Northern Ireland is the most scrutinised police service in the world. There are so many people in Northern Ireland whose only role seems to be to keep an eye on the work of the PSNI. We have the ombudsman's office — we are discussing that at the moment — the criminal justice review; the DPPs, which have become DPP/CSPs; and, of course, the Policing Board and the Justice Committee. Some of those bodies came into being after the establishment of the Police Ombudsman's office. Instead of a Police Ombudsman's office continuing to carry out independent reviews of complaints, it has decided to try to garner powers to itself to give it a bigger role in policing. Policing is under so much scrutiny that you wonder how police officers get the time to go out and do what they are meant to do — catch criminals — because they are constantly under review and being examined.

I am certainly very uneasy about any additional powers being given to the Police Ombudsman's office, particularly powers to compel former members of the PSNI and, indeed, the RUC to come forward and to give evidence. I would like to think that someone who serves the community well for 30 years and who eventually retires as a police officer should at least be

given the right to retire in peace and not have the threat of being hauled before this unelected body to give evidence.

Mr Eastwood: Will the Member give way?

Mr Wells: I certainly will.

Mr Eastwood: How would a retired officer being interviewed get in the way of the continuation of unimpeded, normal, everyday policing?

Mr Deputy Speaker: The Member has an extra minute.

Mr Wells: I am not suggesting that that would impede the work of a normal PSNI officer, but if that retired officer had committed a criminal act and the statute of limitations does not apply, the police are perfectly at liberty to arrest the individual and question him or her. If the Director of Public Prosecutions decides that there is sufficient evidence for a court case to be taken, so be it. However, it is totally unacceptable for a police officer who has not committed any crime to have the threat of being hauled in by the ombudsman's office hanging over his head. That is like one of us retiring as an MLA and having the threat of the Committee on Standards and Privileges to haul us back at a future date to quiz us on our misdemeanours. As one who has gone through that rather painful experience within the past 18 months, I know what it is like. Once a police officer has retired, he or she should be allowed to live out his or her retirement without any coercion to come before any ombudsman to give evidence. Similarly, the idea that a decision made by the Police Ombudsman can be binding on the Chief Constable is totally unacceptable.

The Police Service of Northern Ireland is generally doing a good job, and I find that the community is relatively content. Indeed, I recently attended a meeting in a very staunch republican part of south Down at which there were six uniformed police officers. The meeting was packed, and people were screaming at the police and calling them everything under the sun. Interestingly enough, they were saying, "Why are there not more police on our estate? Why are there not more patrols? Why is petty vandalism and antisocial behaviour being accepted on our estate?"

Many of the battles have been won, and I would say that 95% of our community are perfectly happy with the level of policing that they are getting and the standard of integrity of our officers. So why do we tend to reinvent the

wheel and constantly put up more obstacles to stop policemen getting on with what they should be doing — fighting crime — rather than endless form filling and covering their backs.

I believe that the role of the Police Ombudsman is clear. If someone is unhappy with what an individual officer has done, he has a right of independent appeal to the Police Ombudsman. I agree with that; I think that it is right that that is done by someone who is independent. However, all the other powers should not be in the hands of the ombudsman. We should leave that to other levels of scrutiny or to the Justice Committee at Stormont, which can carry on that role.

Mr Eastwood: In all of this, we forget what some of the ombudsman's work is about. A lot of it is about getting to the truth of what happened in our very difficult past. All the parties around the Chamber are involved in the Haass talks, and all of us have committed to coming up with a solution.

I do not think that we will ever get the solution that we really need unless everybody comes to the table and tells the truth, whether they be members of the IRA, UDA, British Government or RUC.

4.30 pm

The DUP seems to rely heavily on the Retired Police Officers Association. Mr Craig referred to its recent report on an incident in Derry in August 1988, when the IRA kidnapped a man and his friend. The man was taken out of his flat in Creggan for six days. His good neighbours came looking for him, and three of them were killed. Sean Dalton and Sheila Lewis were killed at the scene, and Gerard Curran was seriously injured and died seven months later. Their families are the people who require the truth of what happened in the past.

In July this year, the ombudsman issued a public statement upholding three of the four complaints made by the family of Sean Dalton. In October this year, the Retired Police Officers Association sent out a press release announcing a so-called rebuttal of the ombudsman's findings in the case. It also informed the media that copies of the rebuttal had been given to certain politicians. When members of the Dalton family asked for the rebuttal of the report, it took 10 days for the former police officers finally to provide it to them. So the association gave it to certain politicians but would not give to one of the families of the deceased.

In fact, anybody who reads the report and knows anything about the issue and about Derry will realise that the supposed rebuttal is riddled with factual inaccuracies. The retired officers transformed McD's hot food bar into a McDonald's, which did not arrive in Derry until about 12 years later. There are a number of mistakes, and they are not all as simple as that. The chair of the Retired Police Officers Association, David Turkington, was informed several weeks ago that the date of the bombing and murders was wrong. That date is still incorrect on the association's website. The rebuttal places a hijacked vehicle in the wrong street and even the name of one of the victims is incorrect. What confidence can people have in that organisation coming to the truth if it cannot get even simple facts such as that correct?

The Dalton family is deeply hurt by the insinuation in the report that Mr Dalton was to some degree responsible for his death. According to the rebuttal, instead of informing police of his concerns for a neighbour who had not been seen, Mr Dalton chose to enter the flat where the booby-trap bomb exploded. Is the association trying to make the point that it was somehow Mr Dalton's fault and not the fault of the IRA for placing the bomb or of police officers for not going in, dealing with it and making the area out of bounds? Other very serious allegations surround the document, and I know that some of them have been brought to the attention of the Minister of Justice.

I think that one real concern that the Dalton family and other families will have is that it seems that, in this document and in a radio interview, the retired officers have put information into the public domain that they were not authorised to. The most glaring example concerns the allegation that the area was declared out of bounds and local people were not informed of the presence of a booby-trap bomb in order to protect an agent in the IRA. Mr Maguire was unable to substantiate that aspect of the complaint. The difficulties in getting to the truth in all these issues are well known. The Police Service, the security services and the British Government never publicly acknowledge the presence of an agent, so it is extraordinary that the retired police officers feel able to do so today.

Mr Deputy Speaker: Will the Member draw his remarks to a close?

Mr Eastwood: The —

Mrs D Kelly: Will the Member give way?

Mr Eastwood: Gladly, yes.

Mrs D Kelly: Will the Member acknowledge that the ombudsman does not want to have to deal with all the historical cases? In fact, Nuala O'Loan proposed setting up a single unit to deal with the legacy of the past.

Mr Eastwood: That is right, and I hope that all —

Mr Deputy Speaker: The Member has an extra minute.

Mr Eastwood: Thank you very much, Mr Deputy Speaker, and thank you, Mrs Kelly. I hope that all parties are committed to finding an ethical and comprehensive mechanism for dealing with the past.

The investigation into this atrocity has faced major obstacles of non-cooperation and the absence of key documents. The divisional commander of the RUC in Derry at the time, Mr David Turkington, refused to cooperate, as did Special Branch officers. Mr Turkington, who is now chairman of the Retired Police Officers Association, is threatening to encourage his former officers to withhold information. They are doing that already, so it is a hollow threat.

Mr Deputy Speaker: The Member's time is almost up.

Mr Eastwood: The families in this and many other cases deserve the full truth of what happened to their loved ones and for the Police Service and retired police officers to come forward with all the truth that they know. The same goes for paramilitaries.

Mr Deputy Speaker: The Member's time is up.

Mr Elliott: I welcome the opportunity to speak in the debate. To follow on from Mr Eastwood's last comment about the family needing to get to the truth about what happened in Londonderry, I think that there are over 3,600 victims' families — families of murdered people — in this community who deserve the truth. I fully accept what he said about the family in Londonderry, but that must include families, wherever they are, who have been failed.

I note that the Police Ombudsman should rely on fact and evidence. A report that I read that the Police Ombudsman published recently said that decisions had been reached on the balance of probabilities. Where are fact and evidence in the balance of probabilities? There

are none. The reality is that we have processes in Northern Ireland to deal with the past that are totally one-sided. They rely on and are directed against the state. I think Mr Sheehan asked earlier why police or former police officers do not cooperate with the Police Ombudsman. Maybe it is because they do not get a fair hearing. Had he thought of that? Maybe it is because there is no appeal mechanism. Why does Mr Sheehan not ask some of his party members to be open and honest and to cooperate not only with the Police Ombudsman but with other bodies here, instead of the deputy First Minister saying at the Saville inquiry that he was bound by some code of honour and that he could not give any more information?

Mr Sheehan: Will the Member give way?

Mr Elliott: I am happy to give way to the Member.

Mr Sheehan: I am glad to hear the Member ask that because our position is quite clear: if there is an independent truth recovery process, republicans will cooperate with it. While the Member is on his feet, I would just like to ask him about the organisation to which he belonged and many of his colleagues who had dual membership. Was he some sort of Colonel Blimp who did not realise that they were out killing Catholics while he was doing his duty?

Mr Allister: That is absolutely shameful, shameful, from a killer.

Mr Deputy Speaker: Order. I ask Members to have good temper and regard for what they are saying. Mr Elliott, you have an extra minute.

Mr Elliott: Thank you very much, Mr Deputy Speaker. For someone who is a convicted terrorist to make such scurrilous remarks against the people who uphold law and order in this Province is shameful. Why does he not go to Mr McGuinness and tell him to come and give the evidence that he should —

Mr Sheehan: How many of your friends and colleagues were in the UDA and the UVF?

Mr Deputy Speaker: Order.

Mr Elliott: If I am going to be shouted down, Mr Deputy Speaker, it shows that he does not have the courage. Just like the way he sneaked behind ditches when he was in the Provisional IRA. Is that what he wants to continue to do?

This is a democratic process, Mr Sheehan. Something you might not be overly au fait with, but it is what we have here.

I did not go out and murder people in the streets of Northern Ireland like he and his colleagues did. If he wants Mr McGuinness to come and give information and evidence, he should do so. Mr Kelly refused to give information about the murdered prison officer. Shameful. It is shameful from those people who now declare themselves to be democrats.

Mr Sheehan: What about the Miami Showband?

Mr Deputy Speaker: Order.

Mr Elliott: Let us go back to the debate on the Police Ombudsman. There are no internal procedures for police officers or members of the public to appeal the findings of the Police Ombudsman's investigations. Why not? Maybe that is one of the reasons why people will not cooperate. There should be an appeals mechanism. Regularly, we hear from these Benches that there should be the right to appeal. There should be democracy. There should be opportunities for people's views to be heard.

Why not let them be heard through having a proper appeals mechanism, if that is the way that it should be? Why not?

There have been other instances when the Police Ombudsman's office has had to apologise to police officers and, indeed, former officers, for phrasing in public reports. It has also had to withdraw some reports because of legal challenges. However, it took a legal challenge to have reports withdrawn, not a proper appeals mechanism that should be in place.

Criminal Justice Inspection also identified instances in which the Police Ombudsman's office delayed and reconsidered the contents of draft public reports. It took Criminal Justice Inspection to do that. There were no opportunities for those who were being investigated or had been named in reports.

Mr McCartney: Will the Member give way?

Mr Elliott: No. I have heard enough from your Benches, Mr McCartney, in your Provisional IRA places. The fact is — *[Interruption.]*

Mr Deputy Speaker: Order.

Ms Ruane: On a point of order, Mr Deputy Speaker. I would like the Speaker to investigate what was said, especially that comment, and I would like him to come back to me.

Mr Deputy Speaker: The Member has made her point on the record. The matter will be referred to the Speaker.

Mr Givan: Further to that point of order, Mr Deputy Speaker, I note that the Member for South Down did not raise the issue that, from a sedentary position, Mr Sheehan referred to the friends of Tom Elliott as being in the UDA and the UVF. I trust that the Speaker's Office will look at those remarks and rule on them.

Mr Deputy Speaker: I think that it is all on the record. Members, can we move on?

Mr Elliott: Thank you very much, Mr Deputy Speaker. Quite clearly, what we have had here are reports in which mistakes have been made, with no right of appeal. I am calling today for a review of the Police Ombudsman's office —

Mr Deputy Speaker: The Member must bring his remarks to a close.

Mr Elliott: — and that we have a proper mechanism of appeal.

Mr Allister: I am sure that we have all experienced Police Ombudsman's reports with which we have agreed or disagreed, and that is the nature of the process. The essence of the real point about the Police Ombudsman's office is that it is set up to hold the police to account, and it has statutory functions in that regard. However, the flaw in the process is that it is an utterly unaccountable body.

The failed hunger striker Mr Sheehan berated me for saying that there should be an ombudsman for the ombudsman. I said no such thing. I asked this question: where is the accountability of the Police Ombudsman? He asked had I not heard of Criminal Justice Inspection (CJI). Of course I have, but I also know that, in law, Criminal Justice Inspection cannot investigate an individual case. Therefore, a complaint about how the Police Ombudsman's office handled a particular complaint cannot be investigated by CJI. That is a fact. There is no oversight and no accountability. That is the fundamental flaw in respect of the Police Ombudsman's office.

I found it very ironic, but not surprising, that those who demand the loudest that former

police officers cooperate with the Police Ombudsman's office, even though they have no means of challenging or no internal mechanisms for appealing findings or anything like that, are tellingly silent when it comes to a body such as the Historical Enquiries Team. They do not call for colleagues, or even themselves, given the past of some of them, to cooperate with the HET. There is no pursuit then of any concept of justice or anything approaching truth. When it comes to that, they are in the business of concealment by those who have the most to hide.

Those in this debate with the most to hide are not brave police officers, who served this country well. They are the low lifes who were terrorists in this community —

4.45 pm

Mr Deputy Speaker: Will the Member draw his remarks to a close?

Mr Allister: — who crawled around the ditches, shot people in the back and then took refuge in the IRA code of honour, so called, and refused to tell the truth about anything. Truth? They would not know it if they met it.

Mr Ford (The Minister of Justice): I was going to say that I welcome the debate that we had. I am not sure that I can say that I welcome the content of the debate, but I believe that it is important that we address this issue. It also provides me with an opportunity to update the House on some of the work that is going on and on the progress of the reforms package for the ombudsman's office.

Members will be aware that a lot of work has been ongoing on a package of reforms that I propose to take forward to further enhance the good work that the Police Ombudsman's office has done to restore police and public confidence in the office's operation. The proposed package has been informed by the views of parties in the Assembly, and it includes some new proposals that were put forward in responses during the consultation process. My Department will provide the Justice Committee with an update, including the final proposed package, at a meeting on 10 December. I am afraid that one Member, at least, who encouraged me to announce that today will have to be disappointed and wait for a couple of weeks.

I am grateful to the Committee for its input to the process and for the keen interest that it has shown in the reforms. The consultation papers

were widely circulated, and the reforms fall into two distinct categories: those that require legislation; and those of an administrative nature.

The legislative proposals include the appointment of an interim ombudsman; reducing the ombudsman's term of office, with the option to reappoint the ombudsman; and extending the Office of the Police Ombudsman's current remit to include all civilians working alongside police officers, which is a point that some made in the debate. They also include extending the power to recommend disciplinary sanctions for police officers to all civilian staff who are subject to investigation by the Police Ombudsman; repealing the requirement to serve a notice on officers who are the subject of a complaint where the complaint is not substantiated and there is no investigation; the introduction of a local resolution procedure; and an amendment to remove the compulsion for the Police Ombudsman's office to submit files to the Director of Public Prosecutions (DPP), even though the offence may be statute barred.

From the consultation summary response report that my Department published from the targeted consultation that has just been completed, and from my engagement with the political parties over the past few months, Members will be aware that not all the recommendations in the Department's discussion paper or the Police Ombudsman's five-year review achieved full support. Crucially, some lacked cross-community support, which has been well demonstrated over the past hour or so. Compellability is one of those areas, and it is still under consideration.

At the present time, there is a general requirement for serving and former officers to provide information and evidence. Material held by the PSNI is provided to the Office of the Police Ombudsman for Northern Ireland (OPONI), the HET and the Coroners Service as and when requested. That is done in accordance with the law and under statutory provisions, which are the Police (Northern Ireland) Acts of 1998 and 2000 and section 8 of the Coroners Act (Northern Ireland) 1959. Any disclosure is done in compliance with article 2 of the European Convention on Human Rights (ECHR) and public interest considerations.

The PSNI also has a number of policies that are related to the management of information and covering journals and notebooks, highlighting that they are the property of the Chief Constable and must be submitted to the service

when an officer leaves or retires. The code of practice that was issued under Part II of the Criminal Procedure and Investigations Act 1996 sets out the manner in which police officers are to record, retain and reveal to the prosecutor material that was obtained in a criminal investigation and that may be relevant to an investigation and related matters. It is not clear that those provisions are inadequate.

As has been well highlighted on both sides of the House, former officers cannot be compelled to cooperate with the Police Ombudsman's investigations. The only exception is that, if OPONI is conducting a criminal investigation, it would then have the ability to arrest a former officer if there were sufficient grounds to do so. Whether or not there is compellability, I certainly urge anyone who has information to cooperate with the Police Ombudsman in all respects, which, indeed, was the point that was made recently to me by Mr Jimmy Spratt, a DUP Member of the House, who wrote to me as a retired officer. I will quote a point that I made to him in a letter of 1 November. It said:

"I am unable to comment on any discussions or consultation that may or may not have taken place within NIRPOA before the statement issued. This is clearly a matter for the association. However, I share your concerns that individuals and, in particular, former police officers are being encouraged not to cooperate with the investigation of serious crime. The Police Ombudsman's office is the appropriate and lawful mechanism for investigating criminality and misconduct of police officers. I note that you have also written to NIRPOA, and I hope they will reconsider their position as the cooperation of former officers as witnesses in Police Ombudsman investigations is vital in ensuring that the public can have confidence in the policing architecture in Northern Ireland."

That is my general position. Indeed, I could quote a comment that I had recently from a retired officer, which made a point that is slightly contradictory to something that was said by Jim Wells. The retired officer said:

"As a police officer, I had specific powers which were not available to other public servants. I am getting a good pension, having carried out those powers for a number of years. I am prepared to cooperate if I am requested to do so at any time."

I think that that statement of intent would be well recommended to other retired officers.

The outstanding issues will be informed by the views of the Justice Committee in December when I take to it the paper that will take account of all the recommendations contained in the ombudsman's five-year review.

I have been engaged in discussion with all the political parties on the immediate and future legislative programme for the Department of Justice (DOJ). I have also recently met the Chair and Deputy Chair of the Justice Committee to discuss the draft programme. To implement the package of reforms, my current plan is to bring forward a Bill in autumn 2014 incorporating the required legislative changes. It was said earlier that it would be introduced in February 2014, but the reality is that, due to the legislative programme for the Department, it will be the second, rather than the first, of the two key Bills of next year. That will allow time to consult with the Committee, to finalise plans, to seek Executive approval and to prepare the draft legislation. If everything goes to plan, and if smooth passage through the Assembly is achieved, I expect to have the legislative changes in place by autumn 2015.

I referred to the legislative and administrative changes, and, on the administrative side, the proposed changes relate to the tracking and trending of officers who are the subject of multiple complaints; engaging with the Police Ombudsman on matters of relevant and necessary statutory change to his office; carrying out a review of the statutory guidance on police complaints; and introducing a 12-month time limit on the making of maladministration complaints against OPONI.

There are four administrative changes in total, two of which are for OPONI to implement and the other two for my Department to take forward. I can confirm that the new complaints procedure has been introduced and that the Department continues to engage fully with OPONI through quarterly governance meetings.

On the issue of restoring public confidence in the office as a whole, Members will be aware of the substantial work that OPONI has carried out in response to the McCusker and Criminal Justice Inspection Northern Ireland (CJINI) review reports. There have been significant changes in the senior personnel in the office. Following Dr Maguire's appointment in July 2012, a new corporate governance framework was put in place to strengthen the corporate governance arrangements in the office, a new chief executive has been appointed and the post of senior director of investigation has been suppressed. The new corporate governance framework clarified that the ombudsman is

responsible for setting the direction of the corporate and business planning processes, with the chief executive and senior management team responsible for day-to-day operation of the office. A new memorandum of understanding has also been agreed between my Department and OPONI in order to define the parameters of our relationship. I believe that that is working well.

These revised arrangements clearly helped provide CJINI with the assurances it needed as part of its follow-up review of the office, which also led to the lifting of the suspension on the investigation of historic cases by the ombudsman in January 2013. The chief inspector of CJINI, Brendan McGuigan, noted that substantial progress had been made in OPONI and will return to the issue when OPONI has published three substantial historical reports. If there were concerns about a deterioration in public confidence in the office between 2005 and 2011, I believe that we are now seeing significant progress led by Dr Maguire and with the support and supervision of CJINI.

I hope that Members will appreciate that much work has already been carried out towards that enhancement of confidence, although, clearly, much more needs to be done. I am grateful to Dr Maguire and his team for their input to date and the work of their office to restore confidence in its work. I look forward to continuing our work together to ensure the best operating model for the Police Ombudsman's office in the future.

One key point that was made by every unionist Member who spoke today was the issue of an appeals mechanism against any findings from the ombudsman's office.

The reality is that, across the water, the Independent Police Complaints Commission in England and Wales and the Police Investigations and Review Commissioner in Scotland do not have an appeals mechanism. That is the pattern for all people fulfilling ombudsman roles in different areas of public service across the UK. If the ombudsman is expected to give the final answer, the only way in which that is normally addressed, as with any other quasi-judicial body, is through the process of judicial review. I see no prospect of changing that to any benefit in Northern Ireland.

A number of Members pointed out that we all need to work on dealing with the past. Certainly, there is a lot of hope riding on the five-party talks chaired by Dr Richard Haass. What is absolutely clear is that the

ombudsman's office has suffered in the past from being one of a limited number of bodies that deals with the past, alongside the HET and inquests. What is absolutely vital is that we get away from day-to-day fighting over individual decisions when ombudsman's reports are published and that we get a comprehensive way of dealing with the past. That can only be done through a wider vision that we trust Dr Haass will bring to us.

Mr Givan: I am grateful to the Minister for giving way. He drew a parallel with the Independent Police Complaints Commission. I do not know the answer to this; it is always very dangerous to ask a question that you do not know the answer to, but do the parallel bodies in England and Wales have the same role in looking into grave and exceptional matters that go back 30 years? Do they have the power to make section 62 statements?

Mr Ford: What is even more dangerous is when a Member asks a question and the Minister has not got the precise detail to hand. Certainly, my understanding is that the general powers are sufficiently similar that they are a useful example to draw on. Before coming back to the Committee, I will certainly ensure that, as part of the final work, we look into that for the Chair.

Mr Allister: Will the Minister give way?

Mr Ford: Yes.

Mr Allister: Is the situation in GB not that the independent investigator can express an opinion but cannot reach a determination? Is that not, at the moment, subject to a legal challenge in the English courts?

Mr Ford: My understanding is that decisions of the IPCC are subject to judicial review in the courts of England and Wales, just as a decision of the ombudsman here is subject to judicial review in the courts of Northern Ireland.

It seems to me that the key issue standing between the SDLP amendment, which, as I understand it, has now been accepted by Sinn Féin, is the statutory requirement to cooperate, as opposed to the belief we have that people should cooperate with any investigation. Given the complexity of that issue, and given the work that is still being done, I cannot support that amendment at this stage. However, I hope that my remarks have made it perfectly clear that I believe that individuals should always cooperate to the best of their ability in such investigations.

My Department has worked hard with the ombudsman, CJINI and others to restore confidence in the operation of the office. I believe that we now have an opportunity, through the proposals that I will bring back to the Committee next month and subsequently to the House, to ensure that that confidence is fully justified.

Ms Ruane: Go raibh maith agat, a LeasCheann Comhairle. We have had a debate here that has not been particularly good. It has thrown up some very worrying comments from the Benches opposite, some of which I will go through now. I declare that I am a member of the Policing Board, along with some of the Members opposite who spoke. It is so interesting that different things are said at the Policing Board than are said here.

We had the retire and rehire debacle, where RUC and PSNI officers left and then, a couple of days later, came back through the little revolving door to work as civilians. We have procedures in place for developed vetting, which I would call discrimination against nationalists and republicans. That leads to the outcomes that Jim Wells claims he wants but that, in reality, people do not want — a representative, accountable, effective policing service. What we had throughout the RUC's time was a litany of failures to investigate properly, whether it was Omagh, Loughinisland or McGurk's. In the European Court, the RUC was found guilty of torture, inhumane and degrading treatment, collusion and shoot to kill. Yet, those on the Benches opposite, from the UUP and the DUP, are still glorifying the good old RUC. There is a complete and utter failure to understand the reason why we need accountable and effective policing.

5.00 pm

Retired police officers are publicly encouraging each other not to cooperate with the ombudsman in article 2 cases. Can you imagine that happening in South Africa or in any other part of the world where there is conflict resolution? It is an absolute disgrace, and what it makes it even more worrying is that the people opposite, who bay at us regularly about the rule of law, suddenly want to depart from the rule of law and are worried about the threat of interview. Will you listen yourselves? If they are proper policemen and policewomen, they should not fear interview in cases where people were murdered and, in many cases, where mass murder was committed.

The other excuse that we hear is that it is one-sided. Tom Elliott said that it is "one-sided". Yes, one-sided. Over the past 30-odd years, over 15,000 loyalists and republicans went to jail. How many of Tom Elliott's mates went to jail? How many members of the RUC went to jail when murder was committed? Now their mates in the old boys' network do not want to give evidence. Why? Oh it is because they are getting older, they do not know, they cannot remember, and it is all one-sided.

Mr Elliott: Will the Member give way?

Ms Ruane: No. Do you know what? I am sick of listening to justification — *[Interruption.]* — the justification —

Mr Deputy Speaker: Order.

Ms Ruane: — for what happened.

At all the Policing Board meetings, Jonathan was very critical of the HET because families were giving out about it. He stands here today supporting the HET, which is not article 2 compliant. Therefore, what if retired police officers fail to cooperate on, for example, Loughinisland, where there were 177 exhibits, agents left, right and centre, and getaway cars hidden and destroyed by the RUC? David Russell, the senior investigating officer, will not even cooperate. Why will he not cooperate? What has he to hide? This tips over and reaches the point of withholding information in cases of mass murder. Mass murder. *[Interruption.]*

Mr Deputy Speaker: Order.

Ms Ruane: It worries me — *[Interruption.]*

Mr Deputy Speaker: Order.

Ms Ruane: — to hear that Alliance is sitting on the fence. I note that the Minister says that he will launch his report on 10 December, which is Human Rights Day. Minister, I hope that the ability to compel retired officers is part of your programme because, if it is not, it is not article 2 compliant and does not reach international human rights standards.

Mr Deputy Speaker: Will the Member draw her remarks to a close, please?

Ms Ruane: All families deserve truth, regardless of who was killed. Tomorrow, we will have another debate and will listen to the

other side of the House talk about the rule of law.

Mr Deputy Speaker: The Member's time is up.

Mr A Maginness: If anybody thought that we did not need a mechanism for dealing with the past, think again, because this debate is redolent with people trying to deal with the past in their own specific ways. The debate is not about the Police Ombudsman but about dealing with the past and our failure, as a community and as politicians, to create a generally agreed mechanism for dealing with the past.

I listened very carefully to Mr Craig. He sort of suggested — I am not saying that he suggested it in absolute terms — that the Police Ombudsman had perhaps overstepped the mark in investigating the past. That is not the case. It is quite clear that the functions of the office were extended to include retrospective matters by the RUC (Complaints etc) Regulations 2001. That was done deliberately. Why? Because the actions of police officers in the past needed to be investigated. That is what the Police Ombudsman is doing, and that is what has given rise to all this controversy, particularly on the unionist Benches. However, that is absolutely essential, colleagues, in the absence of any other mechanism for dealing with the past. If you want to create a new mechanism for dealing with the past, do so and put it forward to all of us in the House so that we can consider it, but until such time as you do that, this is the way in which the past will be dealt with as far as policing is concerned. That is where all the controversies have arisen.

Of course, we have to move forward. We had a crisis in the Police Ombudsman's office under the previous ombudsman. The office was literally driven apart by different factions and all the rest, and there was gross mismanagement in the office. That has been repaired, which is good. The present ombudsman is giving considerable leadership to that office. He has put in place proper management and compliance so that the office can work effectively. All of us should respect that and should be comforted because that is the situation.

The Minister of Justice listed a number of things that he would like to see done to improve the office. We in the SDLP are generally supportive of those things. It is necessary for there to be further statutory powers, particularly for the ability to compel retired police officers. The DUP has emphasised that that is unreasonable. I cannot for the life of me see how it is unreasonable for those who were

intimately involved in investigations in the past to give an account of that, despite the fact that they are retired. It would be quite unreasonable for them to say no, which is within their rights at the moment. They should be made compellable. That is the right position, particularly when there is a widespread view from an organisation, which I do not believe is fully representative of retired police officers, that police officers should not cooperate in such investigations.

The other point — the SDLP is very strong on this — is that the decisions of the ombudsman should be accepted by the Chief Constable. That is right and proper.

Another point that was raised by colleagues on the opposite Benches is about the —

Mr Deputy Speaker: Will the Member draw his remarks to a close, please?

Mr A Maginness: Right. The other point is — *[Laughter.]* — you have put me off. I will conclude there. There is much work to be done, but I hope —

Mr Deputy Speaker: The Member's time is up.

Mr A Maginness: — that there will be full cooperation in the House so that we can see —

Mr Deputy Speaker: The Member's time is up.

Mr A Maginness: — and make a way forward together.

Mr Givan: My colleague Mr Wells made the point in his contribution that confidence in the Police Ombudsman's office has always been a matter of controversy from its very inception. Some take the view that it became an issue only when Al Hutchinson took up the post. We take the very different view that, from when the office first commenced, controversy has marred the way in which it acts. Confidence in the Police Ombudsman to act impartially, independently and professionally has always been a matter of debate.

As I pointed out in an intervention, we debated the issue two years ago. It was actually on 19 September 2011. The Assembly passed a resolution about what needed to happen, which was to bring forward proposals to create public and police confidence in the office, including independent oversight. I appreciate that, two years later, we will get some proposals coming to the Justice Committee. It makes a little bit of a mockery of the Department's approach to

tackling avoidable delay in the court system, however, when it is two years from when the issue was first dealt with. I will leave that as an aside.

During the debate two years ago and during the debate now, the Minister and his colleague Mr Dickson made contributions, and they talked about ensuring public confidence. Every contribution from Members opposite was about public confidence in the Police Ombudsman's office. I see Mr McCartney nodding his head in agreement. The following words are not mine but are the words of the Police Ombudsman's office in its published annual report. It states that its mission statement is:

"to provide an effective, efficient and accountable police complaints system, which is independent, impartial and designed to secure the confidence of the public and police."

That mission statement did not finish at "public" but included "and police".

Mr Ford: I appreciate the Member giving way. If he reads Hansard, he will find that, on at least one occasion, I talked about the confidence of the police and the public.

Mr Givan: I am glad that the Minister now wants to clarify the position. The remarks were more aimed at SDLP and Sinn Féin Members.

Mrs D Kelly: I thank the Member for giving way. The Member will acknowledge that it was about fairness and that I did make a contribution. What is more important to this debate is that, when the DUP talks about public confidence, it is not just talking about retired police officers, which was the implication of Mr McIlveen's contribution.

Mr Givan: I was going to get to the Member's contribution later. Unlike her colleagues, at no point did she mention getting to the truth when it comes to paramilitaries. Instead, the Member's contribution was all about the need to get to the truth of the past and that the Retired Police Officers Association is blocking that. The Member's contribution speaks volumes when she did not once mention anyone else who was involved during the terrorist campaign. Not one mention did the Member make of the IRA, the UDA or the UVF.

Ms Ruane: Will the Member give way?

Mr Givan: I am not going to give way any more. I am going to make some progress.

Ms Ruane: The Member is afraid of the answer.

Mr Givan: I am not going to give way.

Mr Deputy Speaker: Order.

Mr Givan: I will get to the Member for South Down later on in my contribution.

Mr Eastwood talked about the controversy that has surrounded the "good neighbour bombing" and the response from the Retired Police Officers Association. He rightly pointed out the circumstances surrounding it. It is worth noting that it is unprecedented for the ombudsman's office to have found an organisation in breach of article 2, and all Members need to take cognisance of that. Without going into the particular case, it is clear that the RUC did not know the precise location. There was general information about the area, but it did not know the precise address and location. The IRA set a booby trap that was targeted for security personnel, but we all know that the IRA was indifferent to the consequences for the community that it purported to represent. I believe that the actions of the people who were tragically killed fall within the ruling of *Osman v the United Kingdom* around the unpredictability of human conduct. Therefore, I think that the ombudsman's office got it wrong to have found that the organisation breached the article 2 violation, but I think that it is important that we consider the fallout from that.

At this stage, I want to bring in the recent judgement from England to which Mr Allister referred. This finding by the ombudsman's office has very serious consequences for the reputation of that organisation, and to have found this breach should not ever be taken lightly. The judge in that case talked about the report of the Independent Police Complaints Commission. He said:

"The language employed in reports is of crucial importance for very obvious reasons. These reports are frequently of huge importance and need to be carefully crafted within lawful boundaries. An ill chosen phrase or imprecision of expression or infelicity of language could have damaging consequences. IPCC reports are sensitive documents that can drastically affect the complainant and/or a police officer (and his or her career). A very clear grasp of the lawful extent of the role of the IPCC in the

preparation of a report by an investigator is of paramount importance. I also regard it to be important that reports are correctly phrased and do not imply, still less, purport to exceed their lawful ambit."

That puts into context the importance of the statements that will be made by whatever police ombudsman authority, whether in England and Wales or in Northern Ireland. In this case — the "good neighbour bombing" — the statement 62, which is protected and privileged and can only be quashed through a judicial review, is based on the balance of probabilities. It is not based on fact and clear and unequivocal evidence. It is based on the balance of probability. I have to question that as a basis for ultimately finding a very serious breach by an organisation of article 2.

5.15 pm

What I find more serious is that there is no appeal mechanism. I believe that article 13 of the European Human Rights Convention requires there to be an appeal mechanism for aspects of the work that the ombudsman's office carries out. So I think that it is worth noting that particular report and the fallout from it. Whether people always agree with what the Retired Police Officers Association say or otherwise, for it to have said what it said is something that all of us should take note of and want to address because, as I read out earlier, the mission statement of the ombudsman's office is to have confidence from the public and the police.

Mr McCartney: Will the Member give way?

Mr Givan: If I have time later, but I do not think that I will. I want to get to a number of the recommendations on going forward.

One recommendation that Members opposite elaborated on is the compellability of retired officers to be forced to answer questions. If ever one wanted evidence for why that should not happen, one need only read the bucket of bile that came forth from the Member for South Down in her contribution. If ever there was a reason to ensure that that never becomes a reality, the Member for South Down crystallised it in the minds not just of Members but of the public. Nobody should be surprised that Sinn Féin wants to denigrate the record of the Royal Ulster Constabulary — no one. It lost the war; it now wants to win the witch-hunt. That is what this is about for Sinn Féin.

I want to put on record that I met David Ford, along with Peter Robinson, and we discussed this recommendation. Let there be no doubt that this is a redline issue for the Democratic Unionist Party. We will not allow this to become law. If the Minister of Justice puts forward any proposal to legally compel retired officers, we will use our veto and we will block it. It will not happen.

I want those who committed criminal acts brought before the courts. If you are a retired police officer and you committed a criminal offence, you are subject to proper police investigation. I say this to the Sinn Féin Members opposite: Sinn Féin has not met the Historical Enquiries Team, and republicans refuse to cooperate voluntarily with the HET, so when Sinn Féin Members talk about getting to the truth, I say that we should let them step forward and provide the truth about what they were responsible for during their terrorist campaign. They are quick to lecture everybody else on what they should do. We have public inquiries, the Police Ombudsman's office and all these mechanisms to hold the state to account, but let us not deal with what republicans get up to. The truth about the terrorist campaign is the dirty war that was waged by the IRA and the suffering that it inflicted on the people of Northern Ireland. The police officers whom they wanted to hold to account then by putting a bullet in the back of the head, they want to hold to account now —

Mr Deputy Speaker: Will the Member draw his remarks to a close?

Mr Givan: — through the Police Ombudsman's office. We will not allow that to happen.

Mr Deputy Speaker: Before I put the Question on amendment No 1, I remind Members that, if amendment No 1 is made, I will not put the Question on amendment No 2.

Question put, That amendment No 1 be made.

The Assembly divided:

Ayes 37; Noes 54.

AYES

Mr Agnew, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Dallat, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Dr McDonnell, Mr McElduff, Ms McGahan, Mr McGlone, Mrs McKeivitt, Mr

McKinney, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr A Maginness, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Ayes: Mr McKinney and Mr Rogers

NOES

Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Ms Brown, Mr Buchanan, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Copeland, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Dr Farry, Mr Ford, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lyttle, Mr McCallister, Mr McCarthy, Mr McCausland, Mr B McCrea, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Noes: Mr D McIlveen and Mr G Robinson

Question accordingly negated.

5.30 pm

Mr Deputy Speaker: I have been advised by the Whips that, in accordance with Standing Order 27(1A)(b), there is an agreement that we can dispense with the three minutes and move straight to a Division.

Question put, That amendment No 2 be made.

The Assembly divided:

Ayes 37; Noes 53.

AYES

Mr Agnew, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Dallat, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Dr McDonnell, Mr McElduff, Ms McGahan, Mr McGlone, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr A Maginness, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Ayes: Ms Ruane and Mr Sheehan

NOES

Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Ms Brown, Mr Buchanan, Mr Clarke, Mrs Cochrane, Mr Copeland, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Dr Farry, Mr Ford, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lyttle, Mr McCallister, Mr McCarthy, Mr McCausland, Mr B McCrea, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Noes: Mr D McIlveen and Mr G Robinson

Question accordingly negated.

Main Question put.

Mr Deputy Speaker: I have been advised by party Whips that, in accordance with Standing Order 27(1A)(b), there is an agreement that we can dispense with the three-minute rule and move straight to the Division, so I now call for Tellers. Do we have Tellers?

No Tellers have presented for the Noes.

Resolved:

That this Assembly notes the consultation paper from the Department of Justice on the powers of the Police Ombudsman's office; and calls on the Minister of Justice to bring forward proposals that will ensure an effective organisation that commands broad public support.

Adjourned at 5.46 pm.

WRITTEN MINISTERIAL STATEMENTS

The content of these ministerial statements is as received at the time from the Ministers. It has not been subject to the Official Report (Hansard) process.

Enterprise, Trade and Investment

Northern Ireland Tourist Board

Published at 3 pm on Thursday 14 November 2013

Mrs Foster (The Minister of Enterprise, Trade and Investment): I wish to make a Written Statement to the Assembly to advise Members of my plans to conduct a review of the Northern Ireland Tourist Board (NITB) and wider tourism structures.

Tourism is a key driver of our economy and is an important element of the Northern Ireland Executive's Programme for Government and Economic Strategy. The NI Economic Strategy is central to the delivery of the Executive's overall strategic aim of growing the NI economy and tackling disadvantage.

An extensive consultation on tourism with a broad range of stakeholders was undertaken in 2009/10. This consultation identified, in broad terms, how tourism should be developed over the next 10 years and proposed a number of ambitious targets to grow tourism's contribution to the Northern Ireland economy. Based on this consultation the Programme for Government contains the following targets – "Increase visitor numbers to 4.2 million and tourist revenue to £676 million by December 2014".

My Department has set out a range of tourism priorities, under four main themes linked to the Economic Strategy. These key themes are:

Promotion – led by NITB and Tourism Ireland, bringing new visitors and welcoming back visitors to see a place that is confidently moving on.

People and Business – working with people and businesses to develop a visitor experience that is unique and an industry that has pride and professionalism.

Product and Places – investing in products and places to make them better for residents and ready to receive the visitors of the future.

Making it Happen – identifying the roles and responsibilities of businesses, Departments and agencies and setting out how we monitor progress.

In December 2008, I commissioned the Independent Review of Economic Policy (IREP). The report provided much of the basis for the Economic Strategy and a revised structure within Invest NI. Following on from IREP, I indicated that I would like to conduct a review of the NITB. In announcing the review I stated that I wanted "to ensure that there is a greater alignment between what NITB does and the work of Invest NI".

The overall aim of the review therefore is to ensure that current organisational structures are the optimum necessary to deliver the targets and actions set out in the Programme for Government and the Economic Strategy and that these are effectively aligned with the work of Invest NI. The review will therefore consider whether current DETI/NITB/Invest NI arrangements are sufficient to ensure:

- the delivery of the tourism objectives within the Programme for Government and Economic Strategy;
- effective delivery of the various statutory functions set out in the remit which falls to NITB under the Tourism NI Order 1992.

and:

- a. advise on the extent to which existing NITB and Invest NI structures, policies, programmes and resource allocations are sufficiently aligned;
- b. identify whether there is merit in the adoption of any new structural arrangements, policies or programmes; and
- c. identify whether there are any issues which risk compromising the delivery of the relevant strategies, including those which fall to other departments or bodies.

Project Brief

I have specifically tasked the Review with identifying opportunities for improvement. In particular the Review is tasked with making recommendations designed to:

- a. ensure that appropriate structures are in place to deliver the objectives and targets for tourism and ensure alignment with the work of Invest NI;
- b. identify opportunities to capitalise on NITB's working links within the NI Executive and on an east/west and north/south basis, including the relationships with Tourism Ireland and Visit Britain;
- c. ensure the effective delivery of integrated business support services to the tourism industry across its many sectors;
- d. prepare for the impact of the Review of Public Administration on tourism development in Northern Ireland; and
- e. rationalise, where it is cost-effective to do so, the provision and delivery of corporate services (including accommodation) within NITB and Invest NI.

Timing

It is anticipated that the review will be completed by the end of March 2014.

I will provide further information to the Assembly when the review is complete.

Environment

Marine Protected Areas

Published at 12.00 noon on Monday 18 November 2013

Mr Durkan (The Minister of the Environment): The Marine Act (Northern Ireland) 2013 (the Act) creates new powers for the Department of the Environment (the Department), with the agreement of the Secretary of State, to designate Marine Conservation Zones (MCZs) in Northern Ireland's inshore region to protect nationally important marine habitats and species.

Section 20(7) of the Act places a duty on the Department to make a statement about the principles which it intends to follow when designating MCZs to help contribute to the creation of a UK MPA network.

This statement fulfils the duty in section 20(7) of the Act.

Within the context of devolution, administrations are working together to deliver a coherent network of well managed Marine protected Areas (MPAs). They have issued a 'Joint Administrations Statement' outlining the UK contribution to an ecologically coherent MPA network in the North East Atlantic.

The Northern Ireland MPA network will encompass a range of different types of protected areas including:

- Special Areas of Conservation (SACs) for habitats of European importance;
- Special Protection Areas (SPAs) for seabirds of European importance;
- Areas of Special Scientific Interest (ASSIs) for nationally important habitats and species;
- Ramsar sites for wetlands;
- Marine Nature Reserves (MNRs) for nationally important habitats and species. Strangford Lough MNR became a MCZ on enactment of the Bill.

MCZs, along with existing protected sites in our marine environment, will contribute to achieving Good Environmental Status (GES) under the Marine Strategy Framework Directive (MSFD)

by 2020 and deliver our contribution to the ecologically coherent network of MPAs under the OSPAR convention on the protection of the marine environment in the North East Atlantic.

The concept of an ecologically coherent network is still evolving and no clear definition is agreed as yet. However, guidance has been developed under the OSPAR Convention (OSPAR 2006) on the key design features associated with establishing an ecologically coherent network. The Department has adopted seven MPA network design principles from the OSPAR Commission guidance. The following design principles will be used as the basis for MCZ selection:

Representativity the network should represent the range of marine habitats and species present in Northern Ireland's territorial waters;

Replication ensure replication of habitats and species with other parts of the UK as appropriate to achieve an overall network;

Adequacy the network should be of adequate size to deliver its ecological objectives and ensure long-term protection and/or recovery;

Viability the network should be made up of self-sustaining, geographically dispersed component sites of sufficient size large enough to ensure habitats and species are self sustaining;

Connectivity ensure the network has linkages among individual MPAs and between regional networks;

Management MCZs should be managed to ensure protection of the feature(s) for which they were selected and to support the functioning of an ecologically coherent network;

Best available science the designation of MCZs should be based on the best information which is currently available. Where there is a lack of full scientific certainty this should not be used as a reason for postponing decisions on the selection of sites.

The OSPAR Commission guidance is being used by the other UK administrations as the basis for network design.

In Northern Ireland, marine conservation is focusing on habitats and species that are important in the local context. The network will

focus on protecting a range of representative and threatened, rare or declining species and habitats – referred collectively as Priority Marine Features. The site selection process is adaptive to allow for the incorporation of new data on the location, condition and effects of pressures on the features to be protected.

These Priority Marine Features will form the basis of MCZ designation and include marine species, habitats and geological (including geomorphological) features. Many of these features occur in the existing SAC/ASSI network. Examples include common skate, oceanic quahog, seagrass beds, maerl beds and deep mud habitats.

A fundamental principle of the Department's approach to marine nature conservation is that conservation should be integrated with productive and sustainable use of the seas. It is important therefore that users of the seas should be actively involved in our conservation policy and that the MPA network and its sites are well understood and supported. The Department encourages the co-existence of MCZs and economic, cultural and social activities where they are mutually compatible as this exemplifies the key spirit of sustainable development.

The Department will base its decisions on the best available science and will draw on the scientific expertise of the Northern Ireland Environment Agency, Marine Division, Department of Agriculture and Rural Development, Agri-Food and Biosciences Institute, Joint Nature Conservation Committee, Loughs Agency, National Museums Northern Ireland, Queens University Belfast and the University of Ulster together with other evidence from the wider scientific community and sea-user communities. The Department acknowledges that some evidence may be uncertain or incomplete.

The Department is clear that once designated, effective management is essential to ensure the delivery of the conservation objectives of a MCZ and thereby ensure the site's contribution to the MPA network. The conservation objectives will reflect the purpose of the MCZ, namely to protect, prevent deterioration or contribute to the recovery of the feature(s) and will be specific to each feature within each MCZ. There will be differing conservation objectives for sites which will set out any maintenance or recovery measures that will be required to achieve favourable condition.

The Department will work with stakeholders including public authorities when developing recommendations about any management actions and options to introduce specific measures deemed necessary to deliver the conservation objectives for MCZ features. Management of activities in or affecting MCZs will be determined on a site-by-site basis. The Department will manage unregulated activities through bylaws and common enforcement powers.

As part of the management process and to account for a marine environment which varies both naturally and under anthropogenic pressures, MCZs can be de-selected, modified, or moved to ensure they are still protecting the feature(s) they were designated to protect, or to ensure they continue to fulfil their contribution to the network.

The Department considers the approach to selecting, designating and managing MCZs as well as the ecologically coherent network to which they contribute, will significantly contribute to achieving the vision of a clean, healthy, safe, productive and biologically diverse marine and coastal environment.

This statement of principles will be kept under review, and the Department will continue to keep the Northern Ireland Executive informed of any key developments.

Copies of this statement will be laid in the Northern Ireland Assembly.



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