



Northern Ireland  
Assembly

# Official Report (Hansard)

Tuesday 24 January 2017  
Volume 123, No 4

# Contents

<b>Speaker's Business</b> .....	1
<b>Assembly Business</b>	
Public Accounts Committee.....	1
Assembly Commission Membership .....	2
Assembly Members' Pension Scheme .....	2
<b>Private Members' Business</b>	
Cavity Insulation: NIHE Properties .....	2
Review of Bail Policy in Cases of Terrorism and Murder .....	17
Ministerial Code: Independent Investigation of Alleged Breaches .....	34
<b>Oral Answers to Questions</b>	
Communities.....	37
Economy.....	46
<b>Question for Urgent Oral Answer</b>	
Health .....	56
<b>Ministerial Statement</b>	
Public Inquiry on the Renewable Heat Incentive Scheme .....	58
<b>Private Members' Business</b>	
Ministerial Code: Independent Investigation of Alleged Breaches ( <i>Continued</i> ).....	70
<b>Adjournment</b>	
Broadband: Newry and Armagh .....	77

# Assembly Members

Agnew, Steven (North Down)  
Aiken, Steve (South Antrim)  
Allen, Andy (East Belfast)  
Allister, Jim (North Antrim)  
Anderson, Sydney (Upper Bann)  
Archibald, Ms Caoimhe (East Londonderry)  
Armstrong, Ms Kellie (Strangford)  
Attwood, Alex (West Belfast)  
Bailey, Ms Clare (South Belfast)  
Barton, Mrs Rosemary (Fermanagh and South Tyrone)  
Beattie, Doug (Upper Bann)  
Beggs, Roy (East Antrim)  
Bell, Jonathan (Strangford)  
Boylan, Cathal (Newry and Armagh)  
Boyle, Ms Michaela (West Tyrone)  
Bradley, Maurice (East Londonderry)  
Bradley, Ms Paula (North Belfast)  
Bradley, Ms Sinéad (South Down)  
Bradshaw, Ms Paula (South Belfast)  
Buchanan, Keith (Mid Ulster)  
Buchanan, Thomas (West Tyrone)  
Bunting, Ms Joanne (East Belfast)  
Butler, Robbie (Lagan Valley)  
Cameron, Mrs Pam (South Antrim)  
Carroll, Gerry (West Belfast)  
Chambers, Alan (North Down)  
Clarke, Trevor (South Antrim)  
Dickson, Stewart (East Antrim)  
Dillon, Ms Linda (Mid Ulster)  
Dobson, Mrs Jo-Anne (Upper Bann)  
Douglas, Sammy (East Belfast)  
Dunne, Gordon (North Down)  
Durkan, Mark (Foyle)  
Easton, Alex (North Down)  
Eastwood, Colum (Foyle)  
Farry, Stephen (North Down)  
Fearon, Ms Megan (Newry and Armagh)  
Flynn, Ms Órlaithí (West Belfast)  
Ford, David (South Antrim)  
Foster, Mrs Arlene (Fermanagh and South Tyrone)  
Frew, Paul (North Antrim)  
Gildernew, Ms Michelle (Fermanagh and South Tyrone)  
Girvan, Paul (South Antrim)  
Givan, Paul (Lagan Valley)  
Hale, Mrs Brenda (Lagan Valley)  
Hamilton, Simon (Strangford)  
Hanna, Ms Claire (South Belfast)  
Hazzard, Chris (South Down)  
Hilditch, David (East Antrim)  
Humphrey, William (North Belfast)  
Hussey, Ross (West Tyrone)  
Irwin, William (Newry and Armagh)  
Kearney, Declan (South Antrim)  
Kelly, Gerry (North Belfast)  
Kennedy, Danny (Newry and Armagh)  
Little Pengelly, Mrs Emma (South Belfast)  
Lockhart, Ms Carla (Upper Bann)  
Logan, Phillip (North Antrim)  
Long, Mrs Naomi (East Belfast)  
Lunn, Trevor (Lagan Valley)  
Lynch, Seán (Fermanagh and South Tyrone)  
Lyons, Gordon (East Antrim)  
Lyttle, Chris (East Belfast)  
McAleer, Declan (West Tyrone)  
McCann, Eamonn (Foyle)  
McCann, Fra (West Belfast)  
McCartney, Raymond (Foyle)  
McCausland, Nelson (North Belfast)  
McCrossan, Daniel (West Tyrone)  
McElduff, Barry (West Tyrone)  
McGlone, Patsy (Mid Ulster)  
McGrath, Colin (South Down)  
McGuigan, Philip (North Antrim)  
McGuinness, Martin (Foyle)  
McIlveen, Miss Michelle (Strangford)  
McKee, Harold (South Down)  
McMullan, Oliver (East Antrim)  
McNulty, Justin (Newry & Armagh)  
McPhillips, Richie (Fermanagh and South Tyrone)  
McQuillan, Adrian (East Londonderry)  
Mallon, Ms Nichola (North Belfast)  
Maskey, Alex (West Belfast)  
Middleton, Gary (Foyle)  
Milne, Ian (Mid Ulster)  
Morrow, The Lord (Fermanagh and South Tyrone)  
Mullan, Gerry (East Londonderry)  
Murphy, Conor (Newry and Armagh)  
Nesbitt, Mike (Strangford)  
Newton, Robin (Speaker)  
Ní Chuilín, Ms Carál (North Belfast)  
Ó Muilleoir, Máirtín (South Belfast)  
O'Dowd, John (Upper Bann)  
O'Neill, Mrs Michelle (Mid Ulster)  
Overend, Mrs Sandra (Mid Ulster)  
Palmer, Mrs Jenny (Lagan Valley)  
Poots, Edwin (Lagan Valley)  
Robinson, George (East Londonderry)  
Ross, Alastair (East Antrim)  
Ruane, Ms Cairtriona (South Down)  
Seeley, Ms Catherine (Upper Bann)  
Sheehan, Pat (West Belfast)  
Smith, Philip (Strangford)  
Stalford, Christopher (South Belfast)  
Storey, Mervyn (North Antrim)  
Sugden, Ms Claire (East Londonderry)  
Swann, Robin (North Antrim)  
Weir, Peter (North Down)  
Wells, Jim (South Down)

decisions around patients' treatment are made on a clinical basis and not a financial one?

**Mrs O'Neill:** Yes, I can absolutely confirm that. I am not a clinician, I am not medically qualified and I would never want to make a decision on what child gets access to any life-saving drug or clinical trial. It has to be based on medical considerations, and I would never interfere in that.

**Mr Deputy Speaker (Mr Kennedy):** That concludes that item of business. I ask the House to take its ease before we move on to the next business.

*(Mr Speaker [Mr Newton] in the Chair)*

## Ministerial Statement

### Public Inquiry on the Renewable Heat Incentive Scheme

**Mr Speaker:** I have received notice from the Minister of Finance that he wishes to make a statement.

**Mr Ó Muilleoir (The Minister of Finance):** On my way in, my dear friend Chris Lyttle from East Belfast asked whether this will be an hour-long statement, and I said that I could do a summary at the top of the statement, which is that the type of inquiry that I would like to see — I think that it is an inquiry that he and members of the public would like to see — is a no-hiding-place public inquiry into the RHI scandal that asks, in public session, hopefully on TV, "What did you know and when did you know it?" Additionally, it would be an inquiry that follows the money, and, after all that, it would hold to account, no matter how high or low a position someone holds, anyone responsible for wrongdoing. The inquiry and its conduct will be a matter for the chair. I will move now to the formal statement.

**3.45 pm**

Ar an 19 Eanáir, d'fhógair mé go bhfuil sé i gceist agam fiosrúchán poiblí a thionscnamh ar an scéim neamhtheaghlach in-athnuaite dreasachta teasa (SDT) — inniu, tagaim os comhair an Tionóil le sonraí an fhiosrúcháin sin a dhearbhu, lena n-áirítear ballraíocht an fhiosrúcháin agus a théarmaí tagartha. Mar sin féin, sula dtugaim faoi seo, tá sé tábhachtach go bhfanaimid dírithe ar na cúinsí a thug chun an phointe seo muid agus a chiallaíonn anois gur fiosrúchán poiblí an t-aon bhealach inchreidte chun tosaigh.

On 19 January, I announced my intention to institute a public inquiry into the non-domestic renewable heat incentive scheme. Today, I come to the Assembly to confirm the details of the inquiry. Before doing so, it is important that we remain focused on the circumstances that have brought us to this point and which now make a public inquiry the only credible way forward.

The non-domestic renewable heat incentive (RHI) scheme was introduced in November 2012 to support the then Executive's Programme for Government commitment to renewable energy. It was conceived with laudable ambitions, and optimism, to achieve 10% of our energy consumption from renewable sources by 2020. We must focus on why the botched RHI scheme went wrong and the circumstances surrounding it rather than the environmental principles underpinning it, which remain right and proper.

It is important to acknowledge that although this inquiry will examine allegations of wrongdoing, many people did act appropriately in relation to the RHI scheme. In particular, I would like to recognise the work of my officials who, working with the Comptroller and Auditor General, have diligently and fulsomely applied the principles of financial governance and probity as set out in the 'Managing Public Money' requirements. It was my officials who unearthed this financial calamity and formally notified the Comptroller and Auditor General, who then reported to the Public Accounts Committee. It is worth noting that that happened under the tenure of Minister Mervyn Storey on 19 January 2016. My officials have thus played a crucial role in bringing transparency and scrutiny to this scandal. Additionally, given the position of my Department at the nexus of government, I am ideally placed to initiate this inquiry.

The case for an independent investigation into the RHI scheme is clear-cut. In his June 2016 report, the Comptroller and Auditor General concluded that:

*"This scheme has had serious systemic weaknesses from the start";*

weaknesses that have resulted in overcompensation, abuse and significant financial risk to our Budget and the public services it supports.

According to the Comptroller and Auditor General, the RHI scheme has the potential to cost the public purse up to £490 million over 20 years. That is money that, as Finance Minister, I would much rather see being directed towards

vital public services; strengthening the health and social care system, building an infrastructure that is fit for the 21st century, and educating and training people.

In recent weeks, we have had a drip feed of serious allegations of corruption, mismanagement, incompetence and political interference surrounding the scheme. Members know my preference — it is on public record — for a time-bound, independent, judged investigation under new legislation. That was underpinned by two key requirements to ensure that the public could have confidence that it would get to the truth and that this would come out for all to see.

First, it is absolutely vital that any investigation has the powers to compel witnesses and evidence. Secondly, the investigation needs to be free from ministerial control or interference. The need for agreement on new legislation and the pending dissolution of the Assembly meant that it was not possible to pursue that preferred approach. But there cannot be obstacles placed in the way of truth. That would be wholly unacceptable to the public.

In that context, the only way in which to respond to the public interest now is for me to launch an inquiry, to be held under the Inquiries Act 2005, reflecting the scale of public concern on the matter. I am pleased, therefore, to inform Members on the shape that that inquiry will take.

I now have in place an independent inquiry chair, distinguished retired Lord Justice of Appeal, Sir Patrick Coghlin, who was nominated to chair the inquiry by the Lord Chief Justice. I am very pleased that Sir Patrick Coghlin has agreed to lead this inquiry. I know that he will be unflinching in his pursuit of the truth and scrupulous in his analysis of the evidence. I have agreed with Sir Patrick Coghlin that he will be supported by two panel members to get to the truth of this affair. If the panel considers it appropriate, assessors may be appointed to assist them. These individuals, to be appointed, will have relevant expertise and be from outside the North.

I turn to the terms of reference for the inquiry, which I have made as broad as possible in order to give latitude to the inquiry chair in his work. It sets the framework under which the inquiry will investigate, inquire into and report on the RHI scheme. This includes its design, governance, implementation and operation, as well as measures to control the cost of the scheme from its conception in 2011 to the conclusion of the inquiry. While the areas it will

investigate will be wide-ranging, it will necessarily include key areas in which there has been huge public interest, including the development and roll-out of the RHI scheme by the then Department of Enterprise, Trade and Investment; the signing off of the scheme by the then Department of Finance and Personnel; the issue of cost controls and tariffs; the delay in implementing cost control measures before November 2015, which led to the spike of autumn 2015; and the closure of the scheme in February 2016.

I want to thank the Assembly parties who met me yesterday for their input to the terms of reference, which has, along with Sir Patrick Coghlin's expert opinion, helped to shape a robust and balanced framework for the inquiry. I have laid a copy of the terms of reference in the Assembly Library. These will only be amended at the request of the chair. I repeat, the terms of reference will only be amended at the request of the chair. That is a power that I have under the Inquiries Act which I will not be using.

The inquiry team will begin its work on 1 February 2017 and will report as expeditiously as possible. Openness and transparency will be key touchstones for Sir Patrick Coghlin and his team. Earlier, I pointed to two key requirements, and the investigation will have the power to compel witnesses and evidence. Rest assured, every stone will be turned. There will be no dark corners where the light will not be shone.

There are shortcomings in the Inquiries Act around the potential for political or ministerial interference. Therefore, I wish to reassure the public by setting out the steps that I think must be taken to ensure absolute openness and transparency. The arrangements I have detailed in this statement are intended to ensure this. It is also important to stress the following: having been established, the inquiry will now progress entirely in the hands of the chairman. Sir Patrick Coghlin will, within the terms of reference I have set out, have absolute control over the scope and execution of the inquiry. The chair has indicated that it would not be appropriate to issue an interim report. Likewise, the chair informs me of his obligation to deliver the report to the Finance Minister. I call on all Members from all parties to join me in pledging that any future Finance Minister will immediately publish the report as received.

The inquiry will be impartial and objective. It will be tasked with getting to the truth of the RHI scheme. I will not interfere in its work. It will be entirely independent. There is an urgent need

to get to the facts of the RHI scheme, to identify negligence, incompetence, alleged corruption and abuse, and to hold those responsible to account.

Tá mé feasach go dtéann an cheist RHI thar chúrsaí airgeadais chuig ceisteanna rialachais agus ionracais. Trí aimsiú na fírinne faoin scannal RHI, creidim go rachaidh an fhoireann fiosrúcháin seo, faoi stiúir Sir Patrick Coghlin oirirc, i ngleic leis na saincheisteanna sin agus dá bhrí sin, rachaidh sé bealach éigin le hatógáil a dhéanamh ar mhuintín scriosta an phobail sna hinstitiúidí.

Mr Speaker, I am aware that the RHI issue goes way beyond financial matters to questions of governance and probity. By getting to the truth of the RHI scandal, this inquiry team, led by the distinguished Sir Patrick Coghlin, will, I believe, address those wider issues and, therefore, go some way to rebuilding the shattered public confidence in these institutions.

**Mr Smith:** I welcome this public inquiry and thank the Minister for his consultation on the process. Unfortunately, this is yet another failure of this dysfunctional Executive — that the Northern Ireland electorate will go to the polls without an output from this inquiry, due to the failure to set up an inquiry well over a month ago when we first called for it.

Why has the Minister not insisted on a preliminary report so that the Northern Ireland electorate can go to the polls with some relevant information on the scandal? Why has he not confirmed a timeline for publication and outlined a process for the independent appointment of the two panel members referred to in the report?

**Mr Ó Muilleoir:** Thank you, Mr Smith. I know that there is an election coming and it is, at times, difficult to appease the Ulster Unionists. I have a recent memory of the Ulster Unionist Party wanting a public inquiry into the RHI scandal: you now have one. Do not prejudge the actions of Sir Patrick Coghlin. He will act in an impartial and objective manner. He will be scrupulous in getting to the truth and unflinching in making sure that he is not deflected from that purpose.

It is my view that the best way forward is for the Minister to butt out. The chair has said that he does not think it appropriate to deliver an interim report. We should respect that. If Mr Smith believes that the Minister should start interfering with the impartial work of Sir Patrick Coghlin on day one — actually, day one is 1

February, so we are talking about minute one — he has another think coming. I trust Sir Patrick Coghlin and have confidence in him to deliver to any future Assembly a report with recommendations and observations that will satisfy the public thirst and hunger to get to the bottom — the truth — of the RHI scandal. I suggest to the Member that he should have the same confidence in Sir Patrick Coghlin.

**Mrs Little Pengelly:** I thank the Minister for his statement. In one sense, it is a little unusual, in that it is not clearly within the Finance brief, but is an operation of the ministerial powers in relation to this. I very much welcome that.

The DUP has, for some time, made it clear that we want an independent and robust inquiry capable of getting to the truth, regardless of what form that inquiry takes. There are some concerns, as the Minister will be aware, in relation to an inquiry under the Inquiries Act 2005 in relation to the potential for excessive legal costs and the potential for a lengthy inquiry. I am somewhat disappointed to hear that there is no intention to publish an interim report. I know that people want to see the truth about this. I know that those who feel unfairly vilified want the truth to come out as soon as possible. What discussions has the Minister had with the chair about the legal costs associated with the inquiry and about a time frame to ensure that the findings can be brought forward as soon as possible?

**Mr Ó Muilleoir:** I thank the Chair of the Finance Committee for her question and for calling into my office earlier, where we had a short discussion about the statement and the terms of reference.

I return to my earlier point. The Member contradicts herself: if she wants me to go back to Sir Patrick Coghlin and demand an interim report, she is green-lighting interference in the RHI inquiry. I am absolutely steadfast in refusing to go down that route. That said, I take the Member's other points. She is right: under a different type of inquiry — it is interesting that the Irish word for inquiry is *fiosrúchán* and the Irish for investigation is *fiosrúchán* — we might have had the opportunity to look at costs and time. I know that that is something that she tackled with regard to the historical abuse inquiry. They are flaws in the Inquiries Act 2005. That said, Sir Patrick Coghlin knows from his engagement with my officials and from the terms of reference that the public will have an eye to the costs and he is encouraged to be cognisant of them.

I think that Sir Patrick Coghlin will also be aware of the fact that people would like to reach some conclusions. We have just finished the historical abuse inquiry, which was a massive, wide-ranging inquiry, involving many continents and hundreds, if not thousands, of people. The RHI issue is fairly specific, and much of the relevant material is available to this Government, never mind to anyone else. We can, I think, be hopeful that the number of witnesses called will be circumspect, but, of course, it is a matter for the chair. I share the hopes of the Member that we will expeditiously get a report. That said, these are matters for the chair. If pressed, I would think it appropriate for us to have a report six months after the inquiry starts, but that, in my view, is a matter for the chair.

**4.00 pm**

**Mr Speaker:** Before I call Mr Conor Murphy, I must advise that we have a very long list of Members wishing to ask a question. We are limited in the time that the Minister is here. I ask Members to keep questions short, sharp and focused.

**Mr Murphy:** Gabhaim buíochas leis an Aire. It appears, Minister, that everyone here was clamouring for a public independent inquiry but now wants to stamp their conditions on such an inquiry. The Minister clearly identifies that public confidence in this institution has been shattered as a result of the behaviour of successive DUP Ministers in relation to the issue. Is he certain that the inquiry that he has proposed — one in which he appears to be handing over all control to the judge and thereby taking the political out of it — will go some way to restoring public confidence in this institution?

**Mr Ó Muilleoir:** Gabhaim buíochas leis an Chomhalta as a cheist. I believe that, contrary to what Mr Smith said and Mrs Little Pengelly suggested, the idea of divorcing ourselves from the chair is the right way forward. Anyone who believes that the public would have more confidence in the inquiry if I were to continue to interfere in the terms of reference, say that a future Finance Minister should not publish the report or interfere in the disclosure of documents and that that is the right way forward in helping restore public confidence has, for sure, not been watching TV since 'Spotlight' went out last December. I think the public will welcome the fact that not only have I accepted the Lord Chief Justice's nomination of Sir Patrick Coghlin but I am going the extra mile and putting into the terms of reference — I am

not obliged to do this, but I think public confidence demands it — a series of commitments and pledges. Who knows if there will be a future Finance Minister? Hopefully, there will. Who knows what party that Finance Minister will be affiliated to? But I trust and believe — I am not hearing it just yet — that every party will give the pledge that I am giving that there will be no ministerial interference in the inquiry. I am taking that for granted, despite the questions so far.

You cannot have your cake and eat it: either you want the Minister to interfere, which would absolutely undermine public confidence in the route that I have chosen, or you want to restore public confidence and get to the truth of RHI. The way to do that is for the Minister to step back and to give a pledge to serve the public interest.

**Ms Hanna:** I thank the Minister for his answers so far and for the announcement of the inquiry. In common with other Opposition parties, we have been calling for a long number of weeks for an inquiry under the 2005 Act. I am glad of the acknowledgement of that. Better late than never, although it is a regret that people are going to the polls without at least some of the facts being in the public domain, free of spin. I also acknowledge that you have taken on board some of the feedback that we submitted yesterday on the terms of reference.

In the background, Minister, you state that it was your officials who unearthed this financial calamity. Are you satisfied that your officials and, latterly, you have done enough to uncover this, address it and rectify it in the time that you have been in the post?

**Mr Ó Muilleoir:** I thank the Member for her question. I also thank her party for making suggestions yesterday that were discussed as part of the conversations around the terms of reference between Sir Patrick Coghlin, my officials and me. I also welcome the fact that there is a clear welcome from the SDLP for the route that I have chosen. It is absolutely essential, now that we are on the path of seeking the truth of RHI, having set up an inquiry and got a distinguished justice to lead it, that we make sure in the time ahead that every party supports that and does not interfere in the work of the inquiry.

In relation to the question asked, I want to speak in particular of the seven months that I have been in the Department of Finance. I have been deeply impressed by the commitment, diligence and alertness of my

officials to the RHI scandal. I mentioned previously alerting the Comptroller and Auditor General. I want to again put on record my praise for him, which I mentioned — I became the first Minister since devolution to meet the Comptroller and Auditor General last week — and for his work in this regard.

It is important to explain this to the Member because there was a misunderstanding, I think, of the role of the Finance Department and the Finance Minister in regard to all other Departments. It is a long time since Mark Durkan was Finance Minister so perhaps the institutional memory of that is gone. The Department of Finance does not hold responsibility for total financial management of all expenditure, and I know that other Ministers are very glad of that. The Department of Finance does not hold responsibility for total financial management of all expenditure. Its critical role is to ensure that all Departments comply with the highest standards of accountability and governance as set out in the 'Managing Public Money' protocols. When those standards are breached, the Department of Finance has a duty to inform the Comptroller and Auditor General, as it did in the RHI case, which resulted in the irregular spend.

**Dr Farry:** Speaking for a party that has a longer pedigree in advocating a public inquiry than both the DUP and Sinn Féin, I nonetheless welcome this announcement, despite the torturous path that we have had and, indeed, the missed opportunities. Does the Minister believe that 1(b) of the terms of reference is sufficiently robust and comprehensive to cover, in essence, the interface between government and political parties, namely the DUP, in particular, given that a lot of the narrative around this controversy over the past number of weeks has involved characterisations that probably go beyond what you would associate with the normal process of government? It is important that we capture the actions of individuals beyond their strict roles as Ministers and advisers, be it a party political role or a party consultation role, in the actions being taken.

**Mr Ó Muilleoir:** I thank Dr Farry for his question. I note in the debate yesterday that he talked about a "leap of faith" in the RHI solution in terms of the finances. There is, of course, a leap of faith in this, but I think that he shares with me the confidence in Sir Patrick Coghlin.

As for 1(b), I hope that the terms of reference are as wide-ranging and as broad as possible. Do not forget that if, in the coming days or, indeed, the coming weeks, you discover or

someone else in the public discovers that there is an omission, the way forward is for Sir Patrick Coghlin to bring that forward and ask for an amendment to the terms of reference. The pledge that I am giving is, I suppose, a double pledge: any requests from the chair will be acceded and agreed to; and I will not come back with terms of reference to interfere in his conduct of the inquiry. So, if Dr Farry believes that perhaps there is an area that needs even broader remit, he is welcome to raise that matter with the chair of the inquiry.

I stress again that, when we set about this, we said, "How do you find out the truth of the RHI scheme? How do you get to the dark corners? How do you make sure that no one can avoid the consequences of behaviour that was wrong? How are we going to hold people to account?". The answer was, "Let's make sure it's broad enough to cover all eventualities". There is, however, the safety catch that, if in the time ahead, we find that we have omitted something, and if Sir Patrick Coghlin asks for that, I am giving a pledge to accede to any requests from him. Of course, I ask that any future Finance Minister be equally agreeable.

**Mr Poots:** I welcome the fact that we will have an independent means of getting to the truth. Given the maelstrom of information and misinformation that has been in the public arena, I would like to get to that truth as quickly as possible. Therefore, I would have preferred a different kind of inquiry, but nonetheless. Was there a discussion with the panel chair about how long it will take to conduct this inquiry? Will there be an early findings paper produced based on the initial findings? If so, how quickly can that be received, because I think that the public deserve answers quickly?

**Mr Ó Muilleoir:** I thank the Member for his question. Let me just bring you up to date with some of the issues in the discussions with Sir Patrick Coghlin. The inquiry, as you will see, Mr Poots, begins on 1 February; I presume that is for gathering papers. It is Sir Patrick Coghlin's opinion and conviction that there should not be inquiry hearings before the election. I think Members understand why he has come to that conclusion, and that is his decision.

It is also for Sir Patrick Coghlin to decide how long the inquiry will take. I think he has to follow the evidence, but he is aware of my opinion, which I repeated here today, that the public would like, expeditiously, to get to the truth and to a final report. I think he will take cognisance of that. But again, I do not think it is our role to tell him — certainly, we cannot tell

him under the Inquiries Act 2005 — that it has to be time-limited. I still have the feeling that a six-month inquiry on this specific issue should be able to deliver for us, but it is a matter for the chair.

I will repeat what I said earlier, Mr Poots; I am not sure whether you were here. The chair is very strongly of the opinion that there should not be an interim report. He will not make any report until he has all the facts gathered. That is his determination on these matters and what he has stated, so he will not produce an interim report, much as many of us would like to see that. I respect his judgement, as with all these matters in that case.

**Ms Archibald:** I thank the Minister for his statement. He outlined that there are several dimensions to the inquiry, which are obviously necessary to get a full understanding. Will the inquiry examine the full circumstances surrounding the closure of the scheme in February 2016?

**Mr Ó Muilleoir:** Go raibh maith agat as an cheist sin. I think it must. I followed the Public Accounts Committee under my colleague Mr Swann, and I read the devastating October hearing when Ofgem appeared. It was clear not only from that Committee meeting but from the many Committee meetings and the great work the PAC has done on this that the spike is the focus. Obviously, there are many issues from its inception to its closure, but it seems to me beyond a shadow of a doubt that the spike is where we got hurt. As the Comptroller and Auditor General said, the cost of the spike to our public purse is estimated at £24 million for 20 years. It is correct that the inquiry will, I am sure, devote much of its resources to that period.

I want to mention one other thing, since I have brought up the PAC and Mr Swann is here. That issue is Ofgem. Members will note that Ofgem is also mentioned in the terms of reference. I want to quote Mr Swann when he finished the PAC meeting with Ofgem. He said:

*"my impression of Ofgem has plummeted today, and my confidence in it as an organisation has definitely been shaken by what I hear about how you have managed the scheme to date. The answers that I heard today have made me question my belief in your competence as an organisation."*

Ofgem will also be scrutinised under the terms of this inquiry.

**Mr Wells:** Like many other Members, I welcome this announcement, but I think out there amongst the public there will be several questions. First, can the Minister give us a ballpark estimate about the cost of the inquiry? Secondly, can he give us an indication of where it will be physically held?

**Mr Ó Muilleoir:** I thank Mr Wells for his question. As you know, Mr Wells, I would prefer to go down a different route where we might have some more impact or influence on costs. We do not have that here. All I can say is that Sir Patrick Coghlin understands it is the wish of all of us that the costs of the inquiry do not add to public disquiet over RHI. He is cognisant that the terms of reference encourage him to be cautious about costs.

We do not know where it will be held. I have a desire to see the inquiry held in public session on TV, and, in that regard, I know of a building with committee rooms that have TV coverage so that sessions can be broadcast. At this stage, the conversation about where the inquiry would be held is continuing.

#### 4.15 pm

**Mr Nesbitt:** For the avoidance of doubt, we are not advocating any ministerial interference from this point on. We are simply questioning what is and is not in this document to date. To be fair, in supporting a 2005 Act inquiry and, from what I read, incorporating all our recommendations following our discussion yesterday on the draft terms of reference, you and your party have come a long way on to our ground, and that is to be acknowledged. If we are now parking this politically, giving it over to the judge and trying to move on politically, I think that it is appropriate to ask a political question. The Minister said that he was ideally placed to bring forward and commission this inquiry. Be that as it may, he was ideally placed to bring forward a Budget. What does the fact that you are bringing forward this and not a Budget tell the public about the ability of you and your colleagues in government to deliver a fresh start?

**Mr Speaker:** The response is for you, Minister.

**Mr Ó Muilleoir:** I am going to respond by saying this. Philip Smith is sitting closer to you than he is to me. He said that I should tell the chair to produce an interim report. Where I am from, that is interference. That is the red line that I will not cross. I understand that, with the echo in here, you perhaps did not hear Mr Smith implore me to interfere in the work of the

public inquiry, but again, Mr Nesbitt, I say that that is a red line that I will not cross. I pledge that I will not interfere in the inquiry. I have still not heard the same pledge from the Ulster Unionist Party. Once today, your spokesperson on the issue and on the economy has asked me to interfere in the public inquiry. I have rebutted him. I suggest that perhaps you do the same. I do not want to say that I will not give an inch and that there will be no surrender on the issue, but I will not be interfering with this public inquiry. I suggest that you get on to that page as soon as possible.

**Mr Smith:** On a point of order, Mr Speaker.

**Mr Speaker:** Point of order, Mr Smith.

**Mr Smith:** Thank you, Mr Speaker. Can I just ask —

**Mr Speaker:** Sorry, we will take your point of order at the conclusion of questions on the Minister's statement.

**Mr McCartney:** Gabhaim buíochas leis an Aire as a ráiteas. I have heard the Minister's pledge this afternoon, but how can he ensure that there will be no political interference?

**Mr Ó Muilleoir:** Gabhaim buíochas leis an Chomhalta as Doire as a cheist. I can certainly assure the Member of that for the five or six weeks, or however long it is, until the election, because I will be Minister until that date. I get the sense that everyone else, with the exception of the Ulster Unionist Party, believes that there should not be any interference in the time ahead and that the pledges that I have made will be delivered on by any future Finance Minister.

Let us go through some of the ways in which, under the 2005 Act, the Minister could interfere, tamper or mess with the inquiry. In the next six weeks, it is possible for me, as Minister, to amend the terms of reference, appoint members of the panel and restrict public access to the inquiry. I can prevent publication of evidence placed before it. I can prevent publication of the inquiry's report, and I can suspend or terminate the inquiry. You can understand, Mr Speaker, why some people have doubts about the efficacy of the 2005 Act. To address those commitments, I have appointed a judicial figure, who was selected by the Lord Chief Justice, to chair the inquiry. I will appoint, as necessary, additional inquiry panel members as agreed by the inquiry chairperson. It is his choice absolutely. If the chair asks for assessors, I will appoint those also. I will

amend the terms of reference only on request from Sir Patrick Coghlin. I will not exercise the power to restrict public access to the inquiry under section 19 of the Act. It would be invidious for any Minister to do that. If public interest or other issues arise under section 19(3) of the Act, the procedure for seeking a restriction order through the inquiry chairperson will apply. As we go forward, I am ceding all power in this matter to Sir Patrick Coghlin.

**Ms P Bradley:** I thank the Minister for his statement. I welcome his strong words about independence. The purpose, scope and terms of reference are to restore public confidence in this Government. Following on from the previous question, is the Minister now going to refrain from any further public comment on the issue, barring comment on issues where he has to amend?

**Mr Ó Muilleoir:** I thank Ms Bradley for her question. The wonderful thing is that when the chair carries out his independent review, the rest of us can say whatever we want, but we cannot interfere with the public inquiry. I think that the Member and I are keen for the public inquiry to be set up, because we know that, on the streets and roads that we work in, and in the communities that we mobilise and are active in, there is outrage over the cost of RHI.

When people in the Duncairn Centre for Culture and Arts on the Antrim Road, the Mater Hospital, the Ballybeen autism resource centre in east Belfast, the great youth clubs or Sure Start clubs see the scale of the money involved — £85,000 a day — we understand why there is a lack of confidence in the institutions and why there is outrage. I hope that today we have taken a strong step in saying to the public that we understand that they have been hurt by this. This has economic consequences for ordinary people, and we are taking an important step today to start building confidence again by appointing an independent person of great probity who has given his life to the law. We believe that Sir Patrick Coghlin will be impartial and objective, and will, I trust, deliver a report to us that gives us the answers that the public want.

**Mr McGlone:** Gabhaim buíochas leis an Aire. Molaim an tAire as gabháil i bhfách leis an fhiosrúchán phoiblí seo; molaim é as an neamhspleáchas intinne a thaispeáin sé, fiú in éadan thoil a pháirtí féin. I genuinely welcome the Minister's decision and the independence of mind and spirit he has shown, against even the wish of his party at this time. His statement refers to his officials unearthing the "financial

calamity". Will he please indicate when those officials unearthed this information and to whom they provided it, including any other Departments?

**Mr Ó Muilleoir:** Go raibh céad maith agat as an cheist sin, a Phatsy. Is mór an trua nár stop tú ag "Molaim an tAire"; bheadh sin i bhfad níbh fhéarr. I thought for a minute that the distinguished Member was going to stop at, "I praise the Minister", which would have been the perfect response to my statement.

The issue is that, very importantly, when the spend was found, in January 2016, to be clearly out of kilter with the business case that had been submitted for RHI, my officials — at that time, Mr Storey was the Minister who had stewardship of the Department of Finance, so they were his officials — informed the Comptroller and Auditor General, Kieran Donnelly, who, as the Member will know, is ruthless when it comes to spend that is deemed irregular. That led to the report in June 2016. I know that the Member has studied that report. That, I think, was the most important piece in this jigsaw, which is not yet complete. I believe that the Comptroller and Auditor General served the public interest by issuing that report in June, and that triggered the PAC inquiry. That reporting by the officials, as is appropriate and as they are obliged to do, to the Comptroller and Auditor General in January 2016 was important in uncovering what was happening with RHI and led us to this position today. We are trying to get to the truth of what happened through this public inquiry.

**Mr Speaker:** Members, we are halfway through our time slot, and a considerable number of Members still wish to ask a question. I would like to get everyone in, and that means that Members have to keep their questions sharp and focused. Indeed, if the Minister can, without taking away from his explanation, do the same, we will make better progress.

**Mr Girvan:** Minister, I, too, welcome the inquiry. In doing so, I would like to know what is meant by a paragraph in your statement that you would have liked, and your personal preference was for, a time-bound inquiry. We have no indication of how long that could be. Unlike some people sitting in here, I have absolutely no confidence that the judicial system works expeditiously in trying to get something though as quickly as it can.

From what I can see, they tend to drag it out for extra money. I am not calling them into question. Why is there no limit on the spend on

the inquiry? Given the evidence that is already out there, there should not be the amount of money to put forward —

**Mr Speaker:** I ask the Member to —

**Mr Girvan:** It will come out of the public purse and our block grant.

**Mr Ó Muilleoir:** I thank Mr Girvan and sympathise with him, but the Inquiries Act does not allow me to demand a time-bound inquiry. In my view, the public would be content if it was a six-month inquiry, but neither you nor I will interfere with the chair, Sir Patrick Coghlin, as he sets about his work. I trust that he will be cognisant of time and cost issues, but we also need to back off.

**Ms Ní Chuilín:** The Minister mentioned the Public Accounts Committee's highly critical view of Ofgem's administration of the RHI scheme. Will the inquiry, in all the details and everything else, examine Ofgem's role in this and the administration of Ofgem vis-à-vis the former Department of Enterprise, Trade and Investment, now the Department for the Economy? Will the inquiry investigate and examine its role in managing Ofgem's management of the RHI scheme?

**Mr Ó Muilleoir:** Ba mhaith liom buíochas a thabhairt don Chomhalta as an cheist sin. I think that any inquiry will ask what went wrong, where it went wrong, who was accountable and what happened. In that context, I am totally convinced that the decision to involve Ofgem in the RHI scheme was a major mistake. Ofgem has failed. It was a badly created and badly put together scheme that had no proper cost controls, but the influence and presence of Ofgem in the middle of that added to what was already a mess. I hope that the inquiry — Ofgem is mentioned by name in the terms of reference — will not miss and hit the wall when it comes to looking at Ofgem's role in the entire matter. My answers are supposed to be short, so I will not mention that I am dismayed that Ofgem is to be part of the interim solution, but that is for another day.

**Mr Dickson:** Thank you, Minister, for meeting Mr Ford and me yesterday, as you have met others, to apprise us of the scheme. I am delighted that you have brought the inquiry forward, particularly as your party seems to have flip-flopped on the issue more times than a beachside shop in Portrush. Can we be assured that the terms of reference provide no hiding place for anyone and that all witnesses who will be required in front of the inquiry will be

brought there, whether or not they are in this jurisdiction?

**Mr Ó Muilleoir:** I thank Mr Dickson and Mr Ford for coming to meet me early in the morning. I was hoping to see Naomi Long, but she was on a very important radio show yesterday morning, so she could not make time for the Finance Minister. She has her priorities right — that is for sure. I think that we have managed, as have almost all the parties, to embrace the points that Ms Long put in a letter on Friday, I believe, about some of the terms of reference that you would like to see for the inquiry. As an overarching point and as the Member would expect, I think that we can commit to and have confidence in the chair to make sure that there is no hiding place. We will find out what went wrong and who was responsible. I trust that he agrees with me that, whoever was responsible, that person will be held to account and there will be consequences, no matter who they are.

**Mr Chambers:** Minister, Gavin Robinson MP was on the radio this morning, and he claimed that the DUP had come along to your party in the middle of December with a mitigation plan for the RHI scheme. Can you confirm whether that was the case?

**Mr Ó Muilleoir:** I did not hear the report and did not catch the name of the individual, but, if the Member wants to come back to me on that issue, we can discuss it with him. You are aware that there was a meeting on 14 December — it was in the media — between Simon Hamilton and me in Netherleigh. It was reported on 14 news channels, so that may be part of it, but, if the Member wishes to write and give me the name of the person — I did not catch who he is or where he was — I am happy to do that. For the record, the Finance Minister and the Economy Minister met on, I think, 14 December on the issue of RHI.

**4.30 pm**

**Mr Clarke:** Like others, I welcome the announcement today about a public inquiry. I take some comfort from Claire Hanna's suggestion that it will be free from spin. However, I note that the Minister said, even on previous occasions, that his top officials were involved in looking at the business case, and I presume that they have been involved with the terms of reference and assisting the Minister to this point. Is there not a direct conflict for the Minister's permanent secretary, given that he was the permanent secretary at DETI when the scheme was set up? If so, should he not step

aside, given that the Minister and many of his party Members asked Arlene Foster to stand aside?

**Mr Ó Muilleoir:** I thank Mr Clarke for that question. I know that Mr Clarke was at the PAC hearing that Robin Swann had the wonderful occasion to chair. I would have paid money to attend that because it was certainly a difficult session for the PAC. Let me tell you, Mr Clarke, the steps that I took to ensure that we have an objective approach from my Department in this regard. The deputy permanent secretary, Mr Colin Sullivan, was asked to lead on the issue and to be the interface on all matters relating to the inquiry, including with the judiciary. I am confident that those in my Department who have been involved thus far have not been involved in the RHI issues.

Someone asked where the civil servants would come from, so let me add that it is very important that the secretarial and administrative staff for the inquiry be independent. The word "independent" is, I believe, in the terms of reference. It is certainly accepted and will be essential that the staff who work to Sir Patrick Coghlin in making sure of the smooth administration of the inquiry are independent of any influence and were not involved in any way in RHI. I will leave it like that.

**Mr Speaker:** Members, we are making progress in getting all Members in, so I encourage short questions if possible.

**Mr Middleton:** The Minister has emphasised on a number of occasions the importance of the business case for the regulations. Can he indicate whether a business case has been completed to ensure the right approach and, if not, when it will be in place?

**Mr Ó Muilleoir:** I did not catch the Member. He asked about a business case. Which business case?

**Mr Middleton:** For the inquiry.

**Mr Speaker:** The business case for the inquiry.

**Mr Ó Muilleoir:** My apologies. I beg your pardon, Mr Middleton. Yesterday, we were discussing different business cases, and I became confused.

Where we are at the minute is that my senior official dealing with this, whom I mentioned earlier, is now working with Sir Patrick Coghlin to talk about the issue that Mr Wells brought up

— the venue — and to talk about the number of staff that he might need as well. Then we will be able to put a business case together and say, "Look, we think that it will be in Stormont" — that would obviously reduce costs as opposed to the Europa Hotel — "and we think that there will be four staff rather than eight staff". When we know those matters — I hope that it is a matter of days rather than weeks — we will be able to put a business case together so that we will have, if not certainty, at least a fair idea of the costs, which is a tough one, and the time. Therefore, the business case should stand up and give us some certainty about the costs of the inquiry in the time ahead.

**Mr McNulty:** Minister, we know that 80% of the boilers in the North are fuelled by wood pellets as opposed to 80% of the boilers in the UK being fuelled by woodchip. Can the Minister give us confidence that its terms of reference enable the inquiry to consider why the scheme in the North has been set up in such a way as to favour utilising the globally traded commodity of wood pellets produced by one company in the North called Balcas, which is a £100 million annual revenue company in Fermanagh in the First Minister's constituency? Maybe the Minister can give us confidence that the inquiry will give us clarity on that issue.

**Mr Ó Muilleoir:** I will say to the Member what I said to everyone else: I would have confidence in Sir Patrick Coghlin and his ability to get to the truth and investigate all relevant matters.

**Mr Kennedy:** I thank the Minister for his statement. Would he accept Sir Patrick Coghlin's recommendations in respect of the two panel members and endorse and confirm his choices?

**Mr Ó Muilleoir:** Yes.

**Mr Ford:** I was going to ask the question that Mr Kennedy asked. There is a real issue about ensuring that Sir Patrick has the appropriate expertise — financial and engineering — to assist him as assessors in the inquiry. If the Minister could confirm that it will not be simply a matter of bringing somebody in for an hour or two but that he gets the full professional advice that he needs throughout, that would be helpful.

**Mr Ó Muilleoir:** I believe that Sir Patrick Coghlin is aware that there may be some politicians retiring and they may like a job on the panel, but, in his view, of the two panel members, one should be an expert in this whole area of renewable energy and energy, and the other should be an expert in government

accounts. You may rest assured that it will not be just two people dragged off the street. It will be two experts in the relevant fields, and that is his intention as well.

**Ms S Bradley:** Likewise, I was just seeking clarification about the two panel members and the assessors if required. Who will be responsible for appointing those people? I accept that it has been recognised that there is an obligation that the report must be delivered to a Finance Minister. Has the current Finance Minister explored the possibility of the report being delivered to the public simultaneously, because we must face the sad fact that there may not be a Finance Minister?

**Mr Ó Muilleoir:** I thank Mrs Bradley for her question. That was a conundrum that we discussed with Sir Patrick Coghlin. First of all, yes, it will be his decision to nominate the panel members, and that will be done. In relation to the delivery of the report, you are absolutely right. I suggested that it should be released to the public, but Sir Patrick Coghlin pointed out that, under the Act, he is obliged to deliver it to the Minister.

So, I have made a pledge on my behalf — and I am here for only another five or six weeks — that any Finance Minister from the party that I belong to will release the report in full, as received, to the public immediately. I would ask that everyone else here endorses that approach. So the conundrum you raise was tackled. It is not the way I would have preferred. I would have preferred that the terms of reference stated that the report would be issued to the public, but as Sir Patrick Coghlin pointed out, he is not allowed to do that under the terms of the Act.

**Ms Bailey:** Can the Minister confirm whether the inquiry will, if necessary, have access to and be able to investigate any potential links, if they are found, between party donors and the RHI scheme? Furthermore, will the inquiry be able to compel documents from the Electoral Commission if need be?

**Mr Ó Muilleoir:** The Member brings up an important question. It is not only about the compellability of witnesses, that those who Sir Patrick Coghlin asks to attend have to attend, but the compellability of evidence. If there is information out there that Sir Patrick Coghlin needs in order to get to the truth of what happened, he can compel that evidence to be produced. So the answer is yes, and it is my understanding that there is no information, certainly in this jurisdiction — there may be

issues outside this jurisdiction — that he should not, or will not, be able to access.

**Mr Allister:** Would the Minister anticipate that this inquiry will operate on the basis of the chair appointing counsel to the inquiry, who will then cross-examine all witnesses? Further, will there be provision and criteria for legal representation by those appearing before the inquiry, and will Sir Patrick set that? Finally, if I can, does the Minister have any concerns that a permanent injunction that bans the naming of recipients could impact adversely on the inquiry?

**Mr Ó Muilleoir:** To start at the end, Mr Allister, I am confident that the names of the beneficiaries of the RHI scheme will be released to the public. Clearly, that will not happen today, but I believe that it will happen. I believe that Sir Patrick Coghlin will have access to those names as well.

Issues of counsel and representation are matters that are being discussed and considered by Sir Patrick Coghlin. I look forward to his conclusions on those matters. Whatever stance he takes is the stance that we will take and support in the time ahead. I hope that we will have some clarity about that. I think that the start date for the inquiry is 1 February. That will be an opportunity for Sir Patrick to answer some of those questions.

**Mr Maskey:** First, I thank the Minister for making an absolute pledge of non-interference by him as the Minister of Finance. I note that he has asked others to do likewise. I may have missed it — I apologise if I have — but I have not heard any other party, as yet, saying that, if one of its members becomes the Minister of Finance in a future Executive, they will adopt the same position of non-interference in any way whatsoever. I have not heard that and, if possible, I would like to hear that.

Yesterday, the Assembly considered a plan from the Economy Minister to save a figure of somewhere in the region of £30 million — it was certainly less than that — out of the total of £490 million. Will the inquiry be able to examine the efforts of the Department to contain the overall costs?

**Mr Ó Muilleoir:** I thank the Member for his question and his comments on my impartial approach to the inquiry and commitment of non-interference in it. I believe that all the facts relating to the RHI scheme will come out. Those of us who want to get to the truth and get answers about RHI are content that the full

picture will emerge. I am absolutely content and steadfast on the fact that, since my appointment, I have pursued the issue in a diligent and vigorous fashion. I regret that we did not reach the position we are in now in July 2016 after the Comptroller and Auditor General's report. The report was issued in June, and July was a great opportunity for the Department for the Economy to come forward with a solution. In October, key meetings took place between officials and there was again hope that the Department for the Economy would come forward with a quick scheme, but, of course, that did not happen at that time either.

You can rest assured and we can all take confidence in the ability and the determination of the chair to get a full picture. That picture will include recommendations and will spell out clearly, and in a way that cannot be disputed, what went wrong, who was responsible and who should be held to account.

**Mr Swann:** I start by reassuring Mr Maskey that, if the Ulster Unionist Party gets Finance, we will not interfere with the publication of the inquiry.

I have a point of clarification for the Minister. It was not, in fact, the Comptroller and Auditor General who triggered the PAC inquiry; the Public Accounts Committee triggered its inquiry on the back of the recommendations in the Comptroller and Auditor General's report.

The Minister referred to the work that the Public Accounts Committee has done and whether that will be made accessible to the inquiry. As Chair of the Committee, I will ask the Committee tomorrow to give assurances that all the documentation that we have, whether confidential or restricted, is forwarded to the inquiry as a matter of expedience. While I am on my feet, I want to pay tribute to the staff of the PAC — Lucia, Elaine, Karen and Darren — for the work that they have done since we started the inquiry. They have done sterling work since we started the inquiry in June.

I want to bring the Minister back to point 16 of the inquiry's terms of reference, which deals with the support that will be given to the panel. It states:

*"the Panel will have access to external support and advice, including individuals with appropriate knowledge."*

I seek assurance that proper due diligence will be carried out on those individuals to ensure that they have no connection to or any influence

on the concept, design or up-to-date auditing of the scheme.

**4.45 pm**

**Mr Ó Muilleoir:** Absolutely. I echo the comments of Mr Swann about the Public Accounts Committee. I know that copious documents have now been collected and much evidence presented. I presume that will be fed in as soon as possible to the inquiry. I particularly welcome — it was a long time coming — the pledge by the Ulster Unionist Party that it will not interfere in the inquiry. That is not only, of course, for some future Alice in Wonderland scenario where the UUP holds the Department of Finance portfolio but now. We all need to pledge now that we will not, for example, interfere with the chair and insist to him, "You have to produce an interim report". We all insist now that we respect the impartiality and objectivity of the inquiry.

**Mr Attwood:** I concur with the comments of Mr Swann about interference with the inquiry, but I add that there has been a quite transparent attempt by Mr Maskey to create a fog around the fact that this week his party is enthusiastic about a public inquiry and last week was absent without leave from this Chamber on that very issue. Everybody sees through the fog. Given the Minister's proper commitment not to interfere with the conduct of the inquiry, does he agree that under no circumstances under the flawed provisions of the Inquiries Act will there be any reliance in any shape or form on national security, the economic interests of Britain or the economic interests of Northern Ireland to suppress any detail in this welcome inquiry?

**Mr Ó Muilleoir:** If the Member is calling into question the commitment of Sir Patrick Coghlin to get to the truth, compel witnesses and compel evidence, we part company. My colleagues and I have been asking for some time for the rigorous fíosrúchán — inquiry, investigation, probe — into these matters. In fact, the interesting thing today is that the shortcomings some people highlighted are now being discussed. Putting that to the side, they are, to some degree, in the past. I think we all want to keep costs under control, but we know that is not necessarily within the remit of the Minister under the Inquiries Act. We would all like it to be time-bound, but, of course, we cannot insist on that either. I know Mr Swann said that they would not interfere only with the publication of the report, but I think even he is saying it is his view that no Finance Minister should interfere with the holding of documents,

access to the inquiry and so on. I have confidence that we are at the start of a journey that will result in delivering to the public what it is hungry for, which is the truth of what happened in the RHI scheme.

**Mr Speaker:** I thank Members and, indeed, the Minister for their efforts to ensure that all Members who indicated they wanted to ask a question were able to have the opportunity to put their question to the Minister.

That concludes questions to the Minister.

**Mr Ford:** On a point of order, Mr Speaker. In his question to the Minister on that statement, Mr Paul Girvan suggested that some judges spin out cases inappropriately in their own financial interests. When I was Minister of Justice, I certainly heard such allegations made against a small number of solicitors and barristers, but I believe it is an entirely inappropriate suggestion to make about any judge. I believe the statement by Mr Girvan has called into question the integrity of Sir Patrick Coghlin and other senior judges in this jurisdiction. I also believe it would be appropriate on this, the last day of the Assembly mandate, that you invite Mr Girvan back to the Chamber and give him the opportunity to withdraw his remarks.

**Mr Speaker:** Thank you, Mr Ford. I think it is for Mr Girvan to consider his remarks, but I hope that, particularly in the situation we are in at this moment in time, the judiciary enjoys the confidence of all Members and, indeed, that that will remain the case in the days, weeks and months ahead.

**Mr Nesbitt:** Further to that point of order, Mr Speaker, I want it on record that the Ulster Unionist Party deeply regrets what Mr Girvan said and in no way wishes to be associated with anything that could be construed as an attack on the integrity of Sir Patrick.

**Mr Speaker:** You have placed your concerns on the record, Mr Nesbitt.

**Mr Smith:** On a point of order, Mr Speaker. The Minister, during his remarks, banded around the word "interference" like confetti. Can I clarify that we were here to discuss the terms of reference, or are they deemed to be "interference" as well?

**Mr Speaker:** You have placed your concerns on the record, Mr Smith.