

# Official Report (Hansard)

Tuesday 29 November 2011  
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Suggested amendments or corrections will be considered by the Editor.

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Wells, Jim (South Down)  
Wilson, Sammy (East Antrim)

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# Northern Ireland Assembly

Tuesday 29 November 2011

*The Assembly met at 10.30 am (Mr Speaker in the Chair).*

*Members observed two minutes' silence.*

## Assembly Business

### Public Petition: Community Pharmacies

**Mr Speaker:** Mr Kieran McCarthy has sought leave to present a public petition in accordance with Standing Order 22. I remind him that he may refer only to the parties from whom the petition comes, the number of signatures on it and state briefly what the petition is about. That should take no longer than three minutes. I call Mr McCarthy to present the petition.

**Mr McCarthy:** Thank you, Mr Speaker. I take the opportunity to present to you a petition on behalf of more than 105,000 patients and users, and probably more, from right across Northern Ireland, in opposition to the funding cuts that have been imposed on community pharmacy over the past few months. Funding cuts of around £38 million that were introduced on 1 April this year will reduce the total funding to community pharmacy by some 30% in one year. That is having a devastating impact on the community pharmacy service.

Local pharmacies play a vital role at the heart of our communities, and they must be allowed to continue to do so. For many, the local pharmacy is the first port of call. It is where they go if they have a minor ailment, and that takes a major burden off our already pressurised surgeries and hospitals. We should be looking at ways to maximise rather than reduce the use of community pharmacies. If pharmacies can no longer provide services and are forced to close, a key front line health service will be lost, with a knock-on effect of increased costs to our overall health service.

Community Pharmacy Northern Ireland (CPNI) has warned us of the impact of the funding cuts, and we have already seen their impacts. Some 75% of contractors are being forced to reduce staff, many are struggling to meet wholesalers'

payment demands and there has been a reduction in some of the patient services that pharmacies were previously able to offer.

The situation is dire. The Minister and John Compton have recognised the important role that community pharmacies play in our health service. CPNI wants to work with the Department and the Health and Social Care Board to find a solution that will protect this essential front line healthcare service.

The Assembly has already had its say on this issue, unanimously passing a resolution on 25 October 2011 calling on the Minister of Health, Social Services and Public Safety:

*"to put a contingency plan in place to protect pharmacy services in rural and socially disadvantaged areas following the introduction of new funding arrangements." — [Official Report, Vol 68, No 2, p118, col 1].*

Now, it is turn of the public to have their say and have their voices heard loud and clear. I believe that 105,000 signatures, gathered from every village, town and city in Northern Ireland, may be a record for a public petition presented to this Assembly. There are many more signatures still out there.

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

**Mr McCarthy:** I, along with all those signatories, urge the Minister and the Health and Social Care Board to reconsider the level of funding for this vital front line service.

**Mr Speaker:** I must insist that the Member finish.

**Mr McCarthy:** Mr Speaker, it gives me —

**Mr Speaker:** I ask the Member to present the petition.

*Mr McCarthy moved forward and laid the petition on the Table.*

**Mr Speaker:** I will forward the petition to the Minister of Health, Social Services and Public Safety and send a copy to the Chairperson of the appropriate Committee.

**Ms Ritchie:** On a point of order, Mr Speaker. In view of the serious allegations that have been suggested in 'The Guardian' newspaper about a former Secretary of State for Northern Ireland, will you ask the First Minister, the deputy First Minister and the Minister of Enterprise, Trade and Investment, in light of the Leveson inquiry, whether they could investigate the matter and make a statement to the House?

**Mr Speaker:** I am sure that the Member knew, as soon as she was on her feet, that that was not a point of order. It has absolutely nothing to do with this Assembly. We should now move on.

### **Public Petition: Brontë Library, Rathfriland**

**Mr Speaker:** Mr John McCallister has sought leave to present a public petition in accordance with Standing Order 22. Once again, I remind the House of the need to be brief when presenting a petition.

**Mr McCallister:** I will take your advice and be brief, Mr Speaker. The petition is about the concerns in the local community in Rathfriland and the surrounding district about the changes in the opening hours of the Brontë library in Rathfriland. We had a debate here a few weeks ago about the concerns of various communities, and my local area is no different. There is huge concern in the district about the changes in Rathfriland and the impact that they will have on families and young children, on people's learning, and on unemployed people who use the library for its internet access and all the facilities that a library can provide. I am pleased that the Minister of Culture, Arts and Leisure is here to see the petition being presented and to be made aware of the numbers of people in the district who have concerns about the matter.

*Mr McCallister moved forward and laid the petition on the Table.*

**Mr Speaker:** I will forward the petition to the Minister of Culture, Arts and Leisure and send a copy to the Chairperson of the appropriate Committee.

## Private Members' Business

### Police: Independent Investigations

*Motion proposed [28 November]:*

*That this Assembly calls on the Minister of Justice to introduce effective measures to ensure that information and evidence provided by former or serving police officers is retained and released to any independent investigation into allegations of police wrongdoing. — [Mr G Kelly]*

**Mr Speaker:** I remind Members that a valid petition of concern was presented yesterday in relation to the motion on the retention and release of information from police officers. Under Standing Order 28, the vote could not take place until at least one day had passed. The vote will, therefore, be the next item of business this morning. I also remind Members that the vote on the motion will be on a cross-community basis.

*Question put.*

*The Assembly divided: Ayes 34; Noes 58.*

### AYES

#### Nationalist:

*Ms M Anderson, Mr Attwood, Mr Boylan, Ms Boyle, Mr Brady, Mr Byrne, Mr W Clarke, Mr Doherty, Mr Durkan, Mr Eastwood, Ms Gildernew, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr F McCann, Ms J McCann, Mr McCartney, Mr McDevitt, Dr McDonnell, Mr McElduff, Mr M McGuinness, Mrs McKevitt, Mr McLaughlin, Mr A Maginness, Mr A Maskey, Mr P Maskey, Mr Molloy, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Ms S Ramsey, Ms Ritchie, Mr Sheehan.*

*Tellers for the Ayes: Mr Lynch and Mr McCartney.*

### NOES

#### Unionist:

*Mr Allister, Mr S Anderson, Mr Beggs, Mr Bell, Ms P Bradley, Mr Buchanan, Mr Campbell, Mr T Clarke, Mr Copeland, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Kennedy, Ms Lewis, Mr McCallister, Mr McCausland, Mr McClarty, Mr B McCrea, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McNarry, 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.*

#### Other:

*Mr Agnew, Mrs Cochrane, Mr Dickson, Dr Farry, Mr Ford, Ms Lo, Mr Lunn, Mr McCarthy.*

*Tellers for the Noes: Mr I McCrea and Mr McQuillan.*

Total votes	92	Total Ayes	34	[37.0%]
Nationalist Votes	34	Nationalist Ayes	34	[100.0%]
Unionist Votes	50	Unionist Ayes	0	[0.0%]
Other Votes	8	Other Ayes	0	[0.0%]

*Question accordingly negatived (cross-community vote).*

## Ministerial Statement

### North/South Ministerial Council: Plenary

**Mr Speaker:** The deputy First Minister wishes to make a statement to the House.

**Mr M McGuinness (The deputy First Minister):** In compliance with section 52C(2) of the Northern Ireland Act 1998, we wish to make the following statement on the thirteenth meeting of the North/South Ministerial Council (NSMC) in plenary format, which was held in Armagh on Friday 18 November 2011. The Executive Ministers who attended the meeting have approved this report, and we make it on their behalf.

Our delegation was led by the First Minister, Peter Robinson MLA, and me. In addition, the following Executive Ministers were in attendance: Minister Farry, Minister Foster, Minister Kennedy, Minister McCausland, Minister Ní Chuilín, Minister O'Dowd, Minister O'Neill, Minister Wilson, junior Minister Anderson and junior Minister Bell.

The Irish Government delegation was led by the Taoiseach, Enda Kenny TD. The following Irish Government Ministers were also in attendance: the Tánaiste and Minister for Foreign Affairs Eamon Gilmore, Minister Noonan, Minister Quinn, Minister Howlin, Minister Bruton, Minister Burton, Minister Deenihan, Minister Rabbitte, Minister Coveney, Minister Reilly and Minister Varadkar.

At the meeting, the Council exchanged views on shared economic challenges and the factors contributing to low economic growth, particularly the instability and fiscal contraction in other EU and global economies. Ministers discussed co-operation on the National Asset Management Agency (NAMA) and the banks and opportunities to make savings through mutually beneficial co-operation. The Council also explored collaboration to meet emerging challenges in third-level education and reviewed the significant contribution of the agrifood sector to the economy.

The Council discussed a progress report that was prepared by the NSMC joint secretaries on the work of the North/South bodies and in the other NSMC areas for co-operation, and it welcomed the mutually beneficial co-operation taken forward at NSMC meetings. Ministers noted progress on EU-related matters raised at NSMC meetings, including collaboration to

maximise drawdown of EU funds from the FP7 research and development programme, progress on current EU programmes and potential for co-operation on future EU programmes.

Other key developments included the official opening of the peace bridge over the river Foyle, co-operation on common agricultural policy (CAP) reform and on the all-island animal health and welfare strategy, and the agreement by the two ambulance services of a memorandum of understanding to provide for cross-border assistance in the event of major incidents.

It was noted that the two Education Ministers are undertaking a survey to review the sustainability of rural primary schools in the border region. Proposals concerning the relocation of Foras na Gaeilge posts to Gweedore were discussed, and it was noted that there would be a discussion on this at the next NSMC language meeting. Progress on the Ulster canal is progressing incrementally, with the planning process ongoing.

The Council approved the appointment of chairpersons, vice-chairpersons and members to the boards of the North/South implementation bodies and directors of Tourism Ireland Limited. Ministers noted that the nominations that had been brought forward would provide both continuity and fresh perspectives to the bodies' work. Details of members appointed were published with the joint communiqué and have been placed in the Assembly Library. Ministers expressed their appreciation for the work of the outgoing chairpersons, vice-chairpersons, board members and directors and commended their significant contribution to the work of the bodies. It was agreed that the joint secretariat would write to them conveying thanks on behalf of the Council.

The Council discussed the significant contribution that tourism can make to the economy and opportunities to work together. Ministers highlighted the success of the MTV EMA awards and the associated tourism benefits for the North. The Council explored opportunities to work together to boost the tourism industry and maximise the benefit of forthcoming initiatives in both jurisdictions such as NI 2012, which includes the Titanic centenary, the Derry City of Culture in 2013 and 'The Gathering', a year-long programme of events in 2013 driven by arts, sports, business and community groups.

The Council discussed progress on a north-west gateway initiative and agreed that the NSMC joint secretariat will convene a meeting of officials from relevant Departments in both jurisdictions, who in turn will consult their Ministers with a view to a further progress report being presented to the NSMC institutional meeting in the spring of 2012.

The Council noted progress on the A5 and A8 projects and agreed that payment of £3 million will be made by the Minister for Transport, Tourism and Sport to the Northern Ireland Consolidated Fund in accordance with the agreed procedure. The Council noted that the Irish Government will now provide £25 million per annum in 2015 and 2016 towards the project. Ministers reiterated the Executive's commitment to the project and noted the Irish Government's commitment to deliver it on a longer timescale. It was agreed that the relevant Departments will now prepare a new funding and implementation plan for the projects for agreement at the next NSMC transport meeting with endorsement at the next NSMC plenary meeting. We would encourage officials to work together creatively to see what improvements can be made soon to the A5, as some stretches are well below the standards needed for that important route.

The Council agreed that a number of proposals to advance the first elements of the St Andrews Agreement review will be discussed at the next round of NSMC meetings in sectoral format with a view to decisions being taken at the NSMC plenary meeting in June 2012. A way forward on the other elements of the review was also agreed. That will include consultation within the Executive and the Irish Government, discussion at the NSMC institutional meeting in the spring of 2012 and final proposals agreed at the NSMC plenary meeting in June 2012.

The Council noted the background and recent developments on a North/South consultative forum and agreed to finalise deliberations on that issue at its next plenary meeting. The Council welcomed work taken forward by working groups of the Oireachtas and the Assembly, including joint meetings in September in Parliament Buildings and in November in the Houses of the Oireachtas, in Dublin. A further joint meeting is planned for 15 December 2011.

Ministers approved a schedule of NSMC meetings proposed by the joint secretariat,

including an NSMC institutional meeting in spring 2012 and the next NSMC plenary meeting on 15 June 2012.

**Mr Elliott (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister):** I thank the deputy First

Minister for that. It seems to have been quite a comprehensive meeting. There are a number of issues, but I would raise two questions. The first is around NAMA. Although it is mentioned in the statement, there does not appear to be much information on it. I would be grateful if the deputy First Minister would give us some more information and the relevance of it to Northern Ireland and the impact on the properties and market for properties in Northern Ireland.

Secondly, I note that work on the Ulster Canal is progressing. What agreements are there on finance for the Ulster Canal project and has there been any agreement between the Northern Ireland and the Republic of Ireland Governments on finance for the Ulster Canal?

**Mr McGuinness:** We had a useful discussion at the plenary meeting on issues relating to NAMA, and its ongoing work will have a significant impact here for some years. I think we are all very conscious of that. We again strongly pressed the Taoiseach for a dedicated representative on the NAMA board to raise and highlight issues that are of concern to us here in the Executive and Assembly. Minister Noonan, who gave us a briefing during the meeting, acknowledged our request. He agreed to consider it and come back to Minister Wilson at another bilateral meeting.

#### **11.00 am**

We have continuing concerns about how trading businesses are being dealt with by NAMA and about reports that NAMA's response to some business plans has been slow, causing undue difficulty. We will continue to monitor the situation closely. We welcome the engagement that we have had in the past and the new liaison arrangements that have been established for our MLAs and MPs to contact the agency. We also highlighted the fact that equity funds have expressed interest in investing in companies and releasing them from NAMA. We said that it was important for NAMA to embrace these opportunities. There is an acceptance in the Irish Government — Michael Noonan in particular — that we have to work very closely

on this issue, which is of such immense significance to the whole island.

We noted the progress that has been taken forward incrementally on the restoration of the Ulster canal from Upper Lough Erne to Clones. The strategic environmental assessment report and plan and the environmental impact assessment have been completed. Meetings have been held with the relevant statutory authorities, and the public and planning notices have been issued. Assuming that all runs to plan, it is expected that planning permission could be received some time in the summer of 2012. Land acquisition could then commence and be completed in 2013. The contract for the construction phase of the project should be awarded in 2013, and the Irish Government are engaged in a comprehensive review of expenditure, which we are all conscious of, in which all of their expenditure is being reviewed. So, officials will keep in contact with Waterways Ireland with a view to advancing the projects to the fullest extent possible within the financial constraints. The Irish Government have indicated that they are committed to the project but that it may be suitable for phased implementation.

Given the current economic circumstances and some of the decisions that are now coming out of Dublin and are due to come out in the coming days, we are all very conscious that many of these projects are subject to finance being available. So, until such time as there is clarity on what is available, it is impossible to say the speed at which the projects will move forward. Suffice it to say that we are all very concerned, particularly when it comes to the Ulster canal, that we utilise all our resources to ensure that we have increased tourism, not just in the North. The ability of tourists to travel on the canals throughout the island of Ireland would bring economic benefits to us all.

**Mr Humphrey:** I thank the deputy First Minister for his statement. He will be aware that tourism is vital to the Northern Ireland economy generally and the Belfast economy in particular. Given that there are significant anniversaries and centenaries coming up, such as the commemoration and celebration of the Titanic next year and the signing of the Ulster covenant, can he assure the House that all is being done by Tourism Ireland Limited to attract visitors to Northern Ireland and increase the number of visitors to our country?

**Mr M McGuinness:** We are all very conscious that we have an exciting period ahead of us, given the issues that you mentioned in your question. We are all very much looking forward to the 2012 opening of the Titanic signature project, which will be a world news story of considerable import. Already, it is clear from discussions that we are having with people around the project that even here, on the island of Ireland and the North specifically, people are lining up to book the facilities that are available. All of that augurs very well.

We had a useful discussion on tourism at the plenary meeting. All of us are keen, particularly given the economic circumstances, to boost tourism on the island of Ireland. Additional funding has been provided to Tourism Ireland specifically to help to achieve that. That will be discussed at the next Tourism Ireland meeting. Over the next 12 months, Tourism Ireland will invest millions of pounds in the most extensive programme of marketing activity around the world that has ever been undertaken for the North. We have had some very positive stories on the tourism front recently, and all of us applaud the huge success of the MTV Europe music awards in Belfast earlier this month. I hope that we will derive benefits from that in the form of increased tourism in the future.

As we know, several major events are coming up, including the centenary of Titanic's maiden voyage, the opening of the Giant's Causeway visitor centre and the City of Culture celebrations in Derry. It is important that we maximise tourism benefit from those events. We have made a commitment in the Programme for Government to ensure that those events are a success. That will be part of the ongoing work of the North/South Ministerial Council.

You mentioned other commemorations that are of huge significance because of their historical importance. They have not necessarily been dealt with in detail at the North/South Ministerial Council, but, in discussions between myself, the First Minister and the Taoiseach and others, there is a general acceptance that important commemorations that will be of great significance to the unionist community and to the nationalist/republican community are approaching. We have to ensure that we approach them all in a fashion that is consistent with the incredible transformation that has occurred in the North in recent times. We need to be very sensitive about that. We

need to appreciate that these are important commemorations, and I hope that all of us can participate in and be proud of them.

As part of the ongoing City of Culture discussions, a big bid is being made by people in the north-west to get Fleadh Cheoil na hÉireann to Derry in 2013. That would also be a huge change because it would be the first time that that event has been held in the North. I think that the discussions on the important upcoming commemorations have been very sensible thus far and have been conducted in a fashion that allows us to get the best possible results for our people.

**Mr McCartney:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a ráiteas ar maidin. I thank the deputy First Minister for his statement. He referred to the A5: will he update us on both the A5 and A8 road schemes?

**Mr M McGuinness:** We took the opportunity of the plenary meeting to express our disappointment at the Irish Government's announcement that funding for the project was being deferred. We explained that having to revise our plans would have a major impact on the local construction industry. We noted that the Irish Government would now provide €25 million per annum towards the project in 2015 and 2016. That came out of a discussion that the First Minister and I had with Enda Kenny on the margins of President Higgins's inauguration. We told the Taoiseach that the A5 project was of great importance to the people of the north-west and would be of benefit to both jurisdictions. Development work had been going well, and £40 million has already been spent.

We noted the progress on the A5 and A8 projects and agreed that a payment of £3 million will be made by the Minister of Transport, Tourism and Sport to the Consolidated Fund in accordance with the agreed procedure. We reiterated the Executive's commitment to the project and noted that the Irish Government are also committed to delivering it, but on a longer timescale. The key agreement at the meeting was that the relevant Departments will now prepare a new funding and implementation plan for the projects for agreement at the next NSMC meeting in transport sectoral format, with endorsement at the next NSMC plenary meeting.

I encourage officials to work together creatively to see what improvements can be made to the A5, as some stretches are well below the standards required on such an important route.

**Mr Eastwood:** Minister Varadkar in Dublin said that he would like to see 'The Gathering' programme as an all-Ireland series of events. Can the deputy First Minister confirm that the Executive will support that?

**Mr M McGuinness:** Minister Varadkar raised the issue during the North/South Ministerial Council meeting. I think that the initiative came from a conference that was held in Phoenix Park some months ago. There may have been some misunderstanding at the meeting that it was part of a Clinton initiative, but it clearly was not. It is an Irish Government initiative. The challenge for us is to see how we can gain from that. Discussions will obviously take place between Departments North and South to explore what it entails and what it is about. Given that an effort is being made to encourage people to come to the South over the course of that important event, it represents a real opportunity for our Departments, particularly those involved in tourism, to see how we can gain from it. The best way to deal with that is for the Departments to meet and have a discussion to see how we can gain mutual benefit from it.

**Mr Lunn:** I thank the deputy First Minister for the statement. Back to the A5 again: I note the Irish Government's commitment to deliver that on a longer timescale. That is fair enough. Is there any indication of what their attitude would be if our Department decided to go ahead with the necessary upgrade, not just for part of the road? If we took a decision to go ahead and upgrade the existing road rather than go for a full dual carriageway, how would the Irish Government react to that? Do they have a commitment to that project as an alternative to the full dualling of the road?

**Mr M McGuinness:** Let us not forget the A8 in all of this. In relation to the development of our infrastructure in the east of Ireland, right up to Belfast, we have roads of top quality to deal with traffic that is heading off on ferries to mainland Europe. I suppose the most deficient aspect of that route is the route from Belfast to Larne. That is an important part of the project. Both the A5 and the A8 are flagship projects for the North/South Ministerial Council. I am not going to pre-empt the discussions that are taking

place between the relevant Departments North and South. They have now been charged, as a result of the decision taken at the North/South Ministerial Council, to come forward with an implementation and funding plan.

It is hugely disappointing for all of us that we have seen the economic difficulties that the Irish Government are facing effectively impact on what is a flagship project for the North/South Ministerial Council. It was with every degree of seriousness that the First Minister and I spoke to Enda Kenny. During that meeting, he made it clear that they were prepared to put £25 million into 2015 and £25 million into 2016. Of course, we did not stop at that. We pursued him to consider how further contributions could be made and, just as importantly, to get an absolute commitment from the Irish Government that they are committed, over whatever time frame they can manage it, to the completion of the project.

From our perspective, we have to see the outcome of the work at departmental level. The North/South Ministerial Council in transport format will consider that, and whatever decisions they come to will have to be endorsed by the North/South Ministerial Council. It is hard to know what its approach will be. We will find out shortly. It is absolutely vital that it is progressed as quickly as possible and whatever uncertainty is around the projects is removed, not least for the benefit of our construction industry. Major companies are sitting ready and waiting, and a lot of work was done on their involvement in the projects, which will take place in three stages. It is vital that we finish the work as quickly as possible and that people can see how we are moving forward. The commitment is still there. It is a commitment from our Executive and from the North/South Ministerial Council, and, until the Irish Government say differently, I am working on the basis that they are also committed to completing their side of the bargain.

**Mr Spratt:** I thank the deputy First Minister for his statement. I want to go back to the A5 again and the fact that the Irish Government had previously committed £400 million to road projects. The deputy First Minister has just stated that £50 million has been committed during 2015 and 2016. You mentioned commitment, but has any further finance been discussed or committed beyond that period? The £50 million seems to be a drop in the ocean in comparison with the £400 million that the

Irish Government originally promised. We hear that there is commitment, but is there financial commitment? Have figures been discussed?

**11.15 am**

**Mr M McGuinness:** The answer to that is yes. There have been further discussions on that issue between me, the First Minister and the Taoiseach. We do not yet know the outcome of those discussions. You are right that the £50 million is only a small percentage of what was the Irish Government's overall commitment. The Taoiseach went on the record — at UCD, I think — just a few months prior to his Government's decision to say that he would honour the commitment to these flagship projects, namely the A5 and the A8. We are obviously conscious of the economic difficulties that his Government are going through. We hope that, as a result of the ongoing discussions between not just Departments but the First Minister, me and the Taoiseach, there will be a recognition that these are flagship projects for the North/South Ministerial Council, that they are hugely important infrastructural projects for the development of the north-west and that we need certainty in relation to time and funding.

Given that we met the Taoiseach only recently, I am sure that I speak for everyone in the House by taking this opportunity to extend all our sympathies and condolences to him on the death of his mother. I attended the funeral yesterday in County Mayo. At this sad time, we are all thinking about his loss, as well as the huge fiscal and economic challenges that he faces.

**Ms S Ramsey:** Go raibh maith agat, a Cheann Comhairle. Like others, I thank the deputy First Minister for his statement. Minister, you said that the two Education Ministers were undertaking a survey of the sustainability of rural schools. I welcome that work, considering the issues facing education North and South. I would appreciate it if the Minister would give us a bit more detail on where that sits and the possible outcomes.

**Mr M McGuinness:** We had a discussion on rural primary schools. It came up as a result of a concern raised by Ruairí Quinn, the Minister for Education in the South, about the ability of children from the Protestant community in rural areas to access education, given the particular circumstances.

The two Education Ministers told us about work that they are planning on the sustainability of rural primary schools in border regions. They intend to commission a survey to establish the current and future schooling capacity and need in border regions. That will include looking at the level of demand from parents and young people in choosing schools across the border. Officials are working on it, and the Ministers intend to discuss it again at the next NSMC sectoral meeting on education. The findings of the survey will help in taking forward possible changes to legislation that currently place border-based restrictions on cross-border admissions and school transport assistance.

**Mr G Robinson:** Does the deputy First Minister believe that there are further savings to be made on cross-border bodies?

**Mr M McGuinness:** Both Finance Ministers are very conscious of their responsibilities to ensure that resources are used properly. At the meeting, we welcomed mutually beneficial co-operation as long as it is practical and adds value. We are all keen to work together to make savings. We agreed that, if there is scope to make savings by working together, it is important to examine that potential. The radiotherapy centre at Altnagelvin is a good example of what can be achieved through co-operation. It was recognised that Departments are best placed to identify how to avoid duplication.

The Irish Government would like to share services where there is overlap, and I understand that Finance Ministers are exchanging papers on that. We all recognise that that eminently makes sense. Where mutual benefit can be brought to our people, on the northern or southern side of the border, there is always a responsibility on us to look at how we can make further savings.

**Mr Nesbitt:** In paragraph 8, it says that the two Ministers will review the sustainability of rural primary schools in border areas. Does the Minister accept that there is a real danger that that process may compromise the integrity, authority and clarity of the viability audit already undertaken by the Department of Education of all schools in Northern Ireland, which is currently the only show in town?

**Mr M McGuinness:** I have no doubt that our Education Minister will factor all of that into his deliberations when carrying out the consideration of school provision in border areas.

**Ms Gildernew:** Go raibh míle maith agat, a Cheann Comhairle. I also welcome the Minister's statement and the fact that a couple of big capital projects, such as the Ulster canal and the A5, which both impact on my constituency, were discussed. I ask the deputy First Minister and the First Minister to continue to support those two big projects given their importance in respect of jobs and the wider infrastructure. Will the deputy First Minister update us on the relocation of Foras staff to Gweedore?

**Mr M McGuinness:** The Member has taken the opportunity to express her consideration — “concern” would be too strong a word — of the implications of the A5 and the development of the Ulster canal for the constituency. I have already reported on all of that, and those are all works in progress. There is no doubt whatsoever that we all recognise the importance of further development, which can bring economic benefits in tourism and the attraction of foreign direct investment to different constituencies throughout the North, not least her own.

In relation to the Foras na Gaeilge issue of decentralisation to Gweedore, last week, as part of the South's public service reform plan, the Irish Government announced that they did not intend to complete phase two of the relocation of the North/South Language Body's staff to Gweedore. However, the NSMC took a decision in April 2006 that 30 staff posts at Foras na Gaeilge should be located in Gweedore. Of course, the Irish Government have the right to review their structures, but the decision has implications for North/South structures. The outcome of the last NSMC meeting was that full consultation between Ministers North and South must take place. The issue will be discussed at the next NSMC language sectoral meeting, scheduled to take place in February next year.

**Mrs D Kelly:** I thank the Minister for his statement. The Minister acknowledges the difficult financial and economic climate and the fact that we are in a worsening recession, and I believe that we expect more bad news today from Westminster in relation to the Northern Ireland block grant. Does the deputy First Minister acknowledge and agree that the fact that we are five years on from St Andrews and the agreement around a review of the North/South arrangements represents a failure and that we have not grasped the opportunities that are presented and are achievable by

strengthening and enhancing North/South bodies? Will he undertake to ensure that the findings will be published in 2012, given that the findings of the report from 2007 remain on a shelf in the First Minister and deputy First Minister's office?

**Mr M McGuinness:** At the plenary, we discussed the next steps under the St Andrews Agreement review. The terms of reference for the review are to examine objectively the efficiency and value for money of existing implementation bodies, to examine objectively the case for additional bodies and areas of co-operation within the NSMC, where mutual benefit will be derived, and to input into the work on the identification of a suitable substitute for the proposed lights agency of the Foyle, Carlingford and Irish Lights Commission.

To progress the first element of the review, we agreed that a number of proposals will be discussed at the next round of NSMC meetings in sectoral format, with a view to decisions being taken at the plenary meeting in June 2012. The proposals include recommendations specific to particular North/South bodies, including proposals for boards for certain bodies, which were made by a panel of experts and advisers to the review group. They also include outstanding corporate governance or accountability issues in the review of the body's financial memoranda, and that is under way.

It was also agreed that the Finance Departments, in consultation with sponsor Departments, will take forward a feasibility study of the potential for shared services to provide efficiency savings in the bodies and then report to a future NSMC meeting. A way forward on the other elements of the review was also agreed. That will include consultation in the Executive and in the Irish Government, discussions at the NSMC institutional meeting next spring and final proposals being agreed at the NSMC plenary meeting in June of next year. It was agreed that the full report of the experts on and the advisers to the review group will be circulated for information to the North/South bodies and published on the NSMC website.

**Mr Campbell:** What relevance does the deputy First Minister think the Irish Republic's forthcoming term in the presidency of the EU Council might have for Northern Ireland? I ask that given the irrelevance of the deputy First

Minister's attempted involvement in the recent Irish presidential election.

**Mr M McGuinness:** I think that that is called a cheap shot, but that is not unusual from Gregory. Obviously, the Irish presidency of the EU in 2013 was discussed at the meeting. No doubt it will offer opportunities for all of us. The presidency will come at a critical time in the negotiations on several important pieces of legislation. It is possible that Ireland will have the presidency at the conclusion of the reform of the common agricultural policy and structural funds, for instance. We have offered to assist the Irish Government in the preparations for the presidency. We have already placed one of our civil servants in the Irish Permanent Representation, and others may be placed in other Departments to boost specialist areas.

**Mr Doherty:** Go raibh maith agat, a Cheann Comhairle. I thank the deputy First Minister for his statement. Officials from the NSMC have been charged with bringing forward a new funding and implementation plan for the A5 and the A8. Can he give us any sense of when they will report? Will Roads Service personnel be in a lead role, as they have been to date?

**Mr M McGuinness:** That is a matter for the Departments that have been charged with doing that, on foot of the work at the NSMC meeting, to consider. The role of Roads Service and those who are in the lead in the project will obviously factor into the deliberations that are taking place. We all understand the huge disappointment that there was at the time of the Irish Government's announcement that they were not able to fulfil their end of the bargain at this time. We must remember that, when the projects were agreed, it was agreed that the front-loading would be done by us in the first and second years and the Irish Government's financial commitment would come in the third and fourth years.

As I said, I will not pre-empt the outcome of those discussions, except to say that it was hugely significant that officials were charged, at the NSMC plenary meeting, with bringing forward an implementation and funding plan. I think that everyone takes great encouragement from that. In the aftermath of the Irish Government's initial statement on what they were able to provide, there was some temptation to think that the money would be spent elsewhere.

The media obviously had their field day with it. However, they have all been brought back to reality as a result of the North/South Ministerial Council's decision. We cannot forget that those are flagship projects for the North/South Ministerial Council. The responsibility now is not whether the projects will go ahead but how they will go ahead. That is why people have been charged with implementation and funding responsibilities.

### 11.30 am

You asked how long it will take. It has to be ready for the next sectoral meeting of transport Ministers and relevant Departments, and then for endorsement at the next meeting of the North/South Ministerial Council. The work needs to be conducted as a matter of urgency. I know that, even as we speak, those deliberations are continuing in Departments.

**Mr Beggs:** The deputy First Minister referred to the offer of £50 million or approximately 5% of the necessary funds for the A5, which is the current plan. Does the deputy First Minister accept that £400 million is a very significant amount to have withdrawn and that there needs to be a re-examination of the affordability of any such project? Can he advise how certain we can be of the offer of £50 million, given that £400 million has been withdrawn? What is to stop the withdrawal of the £50 million?

**Mr M McGuinness:** The Irish Government have gone on the record and made it clear that £25 million will be available in 2015 and in 2016. Yes, I absolutely agree with the Member that it is hugely disappointing for all of us and for his constituency, because the A8 is also a flagship project along with the A5 coming out of the decisions taken at previous meetings of the North/South Ministerial Council. The challenge for all of us is to ensure that the commitments made at the North/South Ministerial Council to flagship projects are effectively brought to fruition. That is why the present deliberations are ongoing with a view to how we make that happen. As I said earlier, it is not a question of whether the projects will go ahead; it is a matter of how they will go ahead and how they will be funded. The Executive need to have certainty that the Irish Government are going to fulfil the other £350 million, which would be the balance of the £50 million, in the context of those projects going ahead. At the moment, our discussions are about getting certainty from

the Irish Government that they are as totally and absolutely committed to the construction of the road as the Executive and the Assembly are.

**Mr D McIlveen:** I thank the deputy First Minister for his statement. What plans are being made to remove from Northern Ireland illegally dumped waste and return it to the Republic of Ireland?

**Mr M McGuinness:** I know that that subject has received much attention recently. I know that a lot of work has been done already and that there has been good co-operation on waste management and the very important task of removing illegally dumped waste. The removal of waste from a site at Ballymartin near Kilkeel has been completed, and work on a further site may start later this year. Plans are being made to deal with the remaining illegal waste sites. The Northern Ireland Environment Agency has agreed a proposed timetable for future co-ordinated enforcement and actions and joint inspections next year. It is a work in progress, and progress certainly has been made.

**Mr Byrne:** I thank the deputy First Minister for his statement, in particular his comments about the A5. I also support him in his expressions of sympathy to the Taoiseach on the death of his mother.

I welcome paragraphs 14 to 17, which refer to the A5, and I particularly welcome paragraph 15, which refers to the Executive's commitment to the project. Will dedicated officials be working urgently on the project to ensure that it can be implemented through a reprofiling or on a phased basis?

**Mr M McGuinness:** As I said earlier, this is being taken forward with the utmost seriousness. The North/South Ministerial Council has charged the relevant Departments with bringing forward funding and an implementation plan. Therefore dedicated officials are working on the project, and all of us are anxious to see its outworking. The fact that the North/South Ministerial Council, the Irish Government and the Executive have recommitted to the project should bring a lot of comfort to people who were concerned that, perhaps, the project would have been lost as a result of the Irish Government's decision.

However, at the same time, in the course of our deliberations, it is very important that we get certainty from the Irish Government in relation to their fulfilling their end of the bargain. That is why, in the course of the deliberations between

the relevant Departments, it is very important that the First Minister and I continue to engage with the Taoiseach to ensure that any future elaboration on the issue includes a definite commitment from the Irish Government to fulfil their end of the bargain. We are all conscious that although there will no doubt be some re-profiling of how the road will be constructed, it is important that the commitment will be implemented by any Government that follows the Kenny/Gilmore Administration. That is without, of course, presuming the outcome of the next general election in the South. Whatever agreement is made, it must commit future Governments in Dublin to the completion of the project, given that we now accept that the project will have to be re-profiled.

**Mr Allister:** We know from the media that, on the margins, there were discussions with Enda Kenny about the Republic's facilitation of the IRA's terrorist and genocide campaign. Although it is good to press the Republic about those matters, did no one think to ask you, deputy First Minister, what you know about them and what help you could give to solve those issues?

**Mr Speaker:** Order. The Member knows quite well, and he has been a Member long enough to know, that questions must relate to the statement. I have to say that, on this occasion, your question has certainly grown legs. So I ask the Member to remain seated and we will move on. That ends questions on the statement from the First Minister and the deputy First Minister.

**Mr McDevitt:** On a point of order, Mr Speaker. I make this point of order with some regret. It has become a bit of a trend in the House that some Members opposite and Mr Allister are minded to make specific allegations about the Southern state and its party to the Northern conflict. Their allegations are very specific. Is it in order for someone to use his position in the House to make an entirely unfounded remark about another state? *[Interruption.]*

**Mr Speaker:** Order. I see this very much as the cut and thrust of debate on all these issues. This is about how Members should temper their language in presenting what they want to say, more than anything else. I see nothing wrong whatsoever when Members speak on particular motions, such as private Member's motions, on issues that the Member has alluded to because I see it very much as the cut and thrust of debate. However, when it comes to ministerial

statements, it is vital that questions be asked specifically to the statement. On occasions, Members ask questions that grow legs about ministerial statements. I give some latitude to Members who go slightly outside the statement but come back to the original statement in asking their questions. However, Mr Allister is totally out of order, and he knows that.

**Mr Bell:** On a point of order, Mr Speaker. On a similar point, is it right for the SDLP to make equally unfounded allegations against the British state, given that we all know the reality of the funding and the failure to extradite from the Irish Republic that led to the terrorist campaign ongoing in Northern Ireland?

**Mr Speaker:** Order. What I have already said applies. We really should move on. This is about the cut and thrust of debate in the Chamber. Let us move on.

## Ministerial Statement

### **British-Irish Council: Indigenous, Minority and Lesser-used Languages**

**Ms Ní Chuilín (Minister of Culture, Arts and Leisure):** Go raibh maith agat, a Cheann Comhairle. Thank you, Mr Speaker. With your permission, in compliance with section 52 of the Northern Ireland Act 1998, I wish to make the following report on the second British-Irish Council (BIC) ministerial meeting on indigenous, minority and lesser-used languages. This statement has been agreed with junior Minister Bell, who was the accompanying Minister.

I attended the meeting in Gweedore, County Donegal, on 11 November 2011. I represented the Executive as Minister of Culture, Arts and Leisure, along with Jonathan Bell MLA, junior Minister in the Office of the First Minister and deputy First Minister. The Irish Government were represented by Dinny McGinley TD, Minister of State with special responsibility for Gaeltacht affairs; the Scottish Government were represented by Alasdair Allan MSP, Minister for Learning and Skills; Guernsey was represented by Deputy Michael O'Hara, Minister of the Department of Culture and Leisure; Jersey by Mario Lundy, the director of education; and the Isle of Man by Stuart Dobson, the chief executive officer of the Department of Education and Children.

The British Government are represented on the British-Irish Council indigenous, minority and lesser-used languages group by Rt Hon Hugo Swire MP, Minister of State for Northern Ireland. The Welsh Assembly Government, represented by the Welsh Language Board, takes the lead in BIC on indigenous, minority and lesser-used languages issues.

I will now present a summary of the issues that were discussed at the meeting on 11 November. Promoting the use of indigenous and minority languages in communities was recognised as a vital part of the promotion of minority languages and the safeguarding of their future. Ministers endorsed the findings of the conference held in Belfast in October 2010 that considered and shared good practice in the field of promoting language and culture in minority language communities. The Belfast conference was attended by practitioners and policymakers from all BIC member Administrations.

Ministers agreed that projects to support the use of indigenous and minority languages by young people, in families and in the wider community should be supported by Governments. Ministers also noted the importance of adopting a government-led strategy to promote the use of indigenous and minority languages, and they agreed to share best practice in the BIC when developing such strategies. Ministers commended the organisation of a seminar for practitioners working in the field of promoting the use of indigenous and minority languages among young people. The seminar, which preceded the ministerial meeting, offered an opportunity for Administrations to share best practice in the field and to further develop their strategies in that important aspect of language planning.

In response to a recommendation from the 2009 Jersey summit, the seminar was arranged in partnership with the Network to Promote Linguistic Diversity (NPLD), which is a pan-European network that encompasses constitutional, regional and smaller-state languages to promote linguistic diversity in the context of a multilingual Europe. Ministers welcomed the opportunity for practitioners from BIC member Administrations to share experiences with European partners through the involvement of NPLD.

Ministers reviewed the work that has been achieved by the work stream since the previous ministerial meeting in 2006 and noted its positive contribution in ensuring that best practice is shared among member Administrations. Ministers considered and approved proposals for the future work programme of the indigenous, minority and lesser-used languages working group. The group will continue with its work in the areas of education, young people, broadcasting and the economic impact of indigenous and minority languages. It was agreed that the group should revisit the field of legislation in the context of indigenous and minority languages. The group will also focus on two new areas, namely marketing and information technology, with a particular emphasis on social networking.

Ministers tasked the BIC working group with identifying further synergies with the Network to Promote Linguistic Diversity to gain maximum leverage from public resources in that area, and they asked the group to evaluate the work that has been undertaken since 2006

and to consider how the outcomes can be disseminated to stakeholders.

**Miss M McIlveen (The Chairperson of the Committee for Culture, Arts and Leisure):**

The Minister made reference in the statement to the fact that the indigenous, minority and lesser-used languages working group would continue with its work in the areas of education, young people and broadcasting. Will she outline in some detail the group's work to date, the manner in which the work will continue and the budget that is allocated to that work?

**11.45 am**

**Ms Ní Chuilín:** I thank the Member for her question. We are actually getting an appraisal of the work done on this to date. It was mentioned that the work done since 2006 needs to be evaluated. From the meeting, this is a new concept, particularly the development of work around young people and social networking, primarily using things like Facebook, Twitter and MySpace. It was discussed at the meeting prior to the formal BIC ministerial meeting, along with the usage of it. We are anticipating an evaluation of the work done since 2006 and an update report on progress, particularly in relation to information technology and with a focus on social networking. I assure the Chair of the Culture, Arts and Leisure Committee that we will provide updates to the Committee when we get them.

**Mr Sheehan:** Go raibh maith agat, a Cheann Comhairle. Will the Minister outline whether there are any plans to share the experiences of other members of the British-Irish Council in regard to language Acts and strategies?

**Ms Ní Chuilín:** I thank the Member for his question. As outlined in the statement, that is the intention. There is and will be a focus on the legislative approach to languages, particularly around strategies and Acts. I spoke to the Welsh commissioner and the Scottish Minister about legislation around Acts and strategies to help to promote and to protect the languages of those respective countries.

**Mr Swann:** Minister, I note that the indigenous, minority and lesser-used languages working group is going to revisit the field of legislation in the context of indigenous and minority languages. Will the Minister give her assessment of the benefits of legislation that

deals with indigenous and minority languages coterminously, rather than as single entities?

**Ms Ní Chuilín:** I am struggling with the Member's question. Legislation is not unionist or nationalist; it is for all. It is about the protection of languages. If I am getting the Member right, it is about how legislation will help to promote and to protect the status of the Irish language and Ulster Scots.

**Mr Swann:** It is legislation about —

**Mr Speaker:** Order. Let the Minister continue.

**Ms Ní Chuilín:** It will also strengthen the links North/South and, indeed, east-west. It is primarily about the protection of languages and of their status.

**Mr McGlone:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as ucht na bhfreagraí go nuige seo. I thank the Minister for the responses so far.

An féidir leis an Aire rud éigin a chur in iúl dúinn? Déanann sí tagairt maidir le straitéisí ó thaobh an dá Rialtas ar leathanach 2. An féidir léi eolas a roinnt linn maidir leis na straitéisí sin? Chomh maith leis sin, an féidir léi cur in iúl dúinn faoi na moltaí i dtaobh an chláir oibre i dtaobh na dteangacha is lú úsáid agus na Gaeilge, faoi mar atá luaite ar leathanach 3?

Will the Minister please give us some detail on the collaboration between both Governments in developing strategies for indigenous and minority languages? In her statement, she referred to proposals for the future work programme of the indigenous, minority and lesser-used languages working group. Will she share some information about the progress that has been made on both those points?

**Ms Ní Chuilín:** The Member said "both Governments", but I am not too sure which Governments. I referred to the Scottish and Welsh Governments. If the Member is referring to how the language of those jurisdictions has been protected, I made that clear.

On the issue of the working group, we brought forward, for example, the Líofo initiative in September. All the member states were enthused and excited about that because they are all at different levels of development in protecting and developing their languages. That should form a part, so the lessons learned from us — good practice, things we could

do better — will be shared. In addition, my primary focus and concern is the development of an Irish language Act and the two separate strategies. It will be one of those issues where each Administration shares progress on each development regarding the protection of languages. That information is collated and shared with each Administration, so we do not have to wait from one BIC meeting to the next to find out where good practice exists or what works and what does not.

I am not sure specifically what the first part of the Member's question referred to. If the Member were to write to me on that, I would be happy to answer.

**Mr Lunn:** I thank the Minister for her statement. I appreciate that there was a conference in Belfast in October 2010 and some sort of summit meeting in Jersey in 2009, but does the Minister think that a ministerial meeting every five years is sufficient to give the subject the priority that it deserves? To satisfy my curiosity, will she also confirm which minority languages people are concerned about in Jersey and Guernsey?

**Ms Ní Chuilín:** Each of those Administrations is producing proposals for developing their language. Obviously, there are difficulties with that development, but each Administration that comes to the table is afforded the same respect. I will not get into which language the proposals relate to because that is not my business.

The Member's question was whether five years between meetings is too long. I cannot comment on what happened before I became Minister. However, I will say that I and each Administration have made a commitment to share information where possible. It is not acceptable to wait from one sectoral meeting to the next to share good practice. Representatives of each Administration at those meetings are genuinely enthusiastic about the development and protection of language and about ensuring that every language has equal status. I am happy to share any lessons that we can learn from the development of all that, and I accept that that is also the case for the other Administrations.

**Mr Irwin:** I thank the Minister for her statement. In response to the question from my colleague Michelle McIlveen, the Minister stated that work carried out since 2006 was being evaluated. Why was an evaluation not carried out before? What is the timescale for the evaluation?

**Ms Ní Chuilín:** You need to ask the previous Minister about that. A unionist Minister was in this post — *[Interruption.]*

**Mr Speaker:** Order. Allow the Minister to continue.

**Ms Ní Chuilín:** A unionist Minister was in this post from 2007, so you need to ask your colleagues why that did not happen. Under my watch, there will be an evaluation, and we will share that with the Committee. If you want to put in any specific questions in writing, either directly or through the Chairperson, I would be happy to respond.

**Mr Ó hOisín:** Gabhaim buíochas leis an Aire as a chuid freagraí go dtí seo. To date, what discussions have taken place on the Líofo 2015 campaign?

**Ms Ní Chuilín:** As I outlined in response to an earlier question, I presented the Líofo initiative during a discussion on sharing initiatives that sit outside the commitments that Administrations and Governments have already made on language progress and protection. The smaller Administrations in particular were looking for ideas about how to encourage people to get involved in learning and development. I have to say that the enthusiasm for Líofo was obvious, and I intend, through this format and others, where possible, to ensure that the different Administrations are as aware of it as possible. Certainly, the smaller Administrations will come here to talk to people who have signed up for and will learn through Líofo. Indeed, they will talk to me and my Department about how they could possibly replicate it.

**Mr Dallat:** The Minister will have noticed on her trip to Gweedore that one way in which languages are promoted is through road signage. I am sure that she also noticed the signs in Wales and the promotion of Scots Gaelic in the northern part of Scotland. What discussions took place to ensure the promotion of Irish on road signs here?

**Ms Ní Chuilín:** I thank the Member for his question. For the record, I have not been to Wales or Scotland but I was in Gweedore and I did see the signs. My colleague Conor Murphy introduced bilingual signage and made sure that the Irish language was visible to road users. It is unfortunate that that did not continue. At the end of the day, this is part of the strategy and will be part of the Irish language Act. However, as Conor Murphy demonstrated, you do not

need to wait until that happens before you do the right thing.

**Mrs Hale:** Will the Minister share with us any examples of best practice for developing strategies to promote the use of indigenous and minority languages that were raised at the meeting?

**Ms Ní Chuilín:** Best practice has been that the strategies have been brought forward. The Administrations have consulted extensively and have asked language groups and the wider community how those strategies need to be progressed in respect of what Governments should provide and how Governments are going to protect indigenous languages. I spoke to Minister of State Dinny McGinley TD, the Welsh Commissioner and Alasdair Allan MSP and they are looking to review and to evaluate their strategies to see that they are not just about value for money and effectiveness but are doing what they are supposed to, which is to protect and enhance the development of each language.

## Committee Business

### **Department of Justice: Review of Initial Ministerial Provision**

**Mr Speaker:** The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer will have 15 minutes to propose the motion and 15 minutes for the winding-up speech. All other Members who wish to speak will have five minutes.

### **Mr Moutray (The Chairperson of the Assembly and Executive Review Committee):** I beg to move

*That this Assembly notes the report of the Assembly and Executive Review Committee (NIA 18/11-15) on its review of the initial ministerial provision in relation to the Department of Justice and the arrangements from 1 May 2012.*

Members will be aware that the Department of Justice Act (Northern Ireland) 2010 provided for the establishment of the Department of Justice and for the appointment of a Northern Ireland Minister to be in charge of that Department. The 2010 Act provides, at section 2(1), the terms of the appointment, setting out what is referred to as the initial ministerial provision. Schedule 1(8) to the Northern Ireland Act 2009 makes provision for the dissolution of the Department of Justice. It dissolves on 1 May 2012 unless, before that date, either the Assembly resolves, through cross-community support, that the Department is set to continue operating from 1 May 2012, or a second Act of the Assembly provides that the Department is to continue operating from 1 May 2012.

Members will be aware that this is sometimes referred to as the “sunset clause”. The House will recall that on 10 October 2011, the Assembly approved a motion under Standing Order 59(4) to refer to the Assembly and Executive Review Committee the matter of the review of the initial ministerial provision for the Department of Justice and to make recommendations relating to the provision that should exist from 1 May 2012. The Committee subsequently agreed its terms of reference for the review on that basis. Those terms of reference reflected that the timescale for the review would be extremely challenging in that they provided for the possibility that a second Act would be required by 1 May 2012.

The Committee agreed that the stakeholders for the review would be the Assembly’s political

parties, an independent MLA, the Office of the First Minister and deputy First Minister (OFMDFM) and the Department of Justice, including the respective Assembly Committees. All stakeholders were issued with a detailed stakeholder options paper, which set out possible options that specifically flow from the legislation that could be developed but may not necessarily be a practical or viable way forward.

Those questions sought views from stakeholders on the suitability and adequacy of the initial ministerial provision and the arrangements from 1 May 2012.

### 12.00 noon

I will summarise the stakeholder responses. In terms of the Justice Minister arrangements from 1 May 2012, the Alliance Party favours that the Assembly resolves that the Department of Justice is to continue to operate from May 2012. The DUP described that option as “worthy of further consideration”. The Green Party, the SDLP and Sinn Féin favoured the option of a second Act under the Northern Ireland Act 2009 before 1 May 2012 to repeal the initial ministerial provision — with all Northern Ireland Ministers, including the Minister of Justice, losing office — and to fill those offices by the d’Hondt process. The DUP stated that that option was:

*“worthy of further consideration...subject to a reduction in the number and reorganisation of departments”.*

No stakeholders preferred any of the other three options. Those were that the Assembly resolves that the Department of Justice is to continue operating from 1 May 2012, with a subsequent Act; the introduction of an Act to dissolve the Department of Justice before 1 May 2012; and the do-nothing option.

Finally, a number of stakeholder responses from the DUP, the Green Party, the SDLP and the Ulster Unionist Party raised the issue that the review of the ministerial arrangements in relation to the Department of Justice provides an opportunity to simultaneously review and reduce the number of Departments in Northern Ireland. Following its discussions on stakeholders’ views, the Committee agreed that, on the basis that there was no consensus on any of the options, the Committee would draft a report that outlines all of the options and summarises the consultation outcome in terms

of who endorsed which options and why and any other comments.

Although the Assembly and Executive Review Committee (AERC) reached no consensus on recommendations to come out of the review, the report clearly highlights stakeholder-preferred options, some areas of agreement and some options that are unacceptable. The way forward is for the Assembly’s political parties to decide, through the First Minister, deputy First Minister and other party leaders. The Assembly and Executive Review Committee requests that the Assembly notes the Committee’s report, and I, as Chair, look forward to hearing Members’ contributions.

**Mr Sheehan:** Go raibh maith agat, a Cheann Comhairle. First, I offer my apologies. It was intended that I would make a winding-up speech, but I am unable to do that due to a family commitment. I thank the Committee Chair for his co-operation in agreeing to Raymond McCartney making the winding-up speech. I also thank the Chair for his work in compiling the report and the Assembly and Executive Review Committee officials for their diligence.

The transfer of policing and justice powers to the Assembly was accomplished after the Hillsborough agreement in February 2010 because there was sufficient cross-community confidence and support to do so. The initial provision for the appointment of a Minister of Justice was accepted as an interim agreement. However, Sinn Féin believes that, from May 2012, a Minister of Justice should be appointed on the basis of d’Hondt, as is every other local Minister. Therefore, we support option B3, as outlined on pages 59 and 60 of the report. By May of next year, we feel that the Department of Justice will be well bedded down and that it will, therefore, be time to treat the Justice Ministry in the same way as all the others.

**Mr Beggs:** I thank the Committee staff, Assembly research staff and legal staff who provided support and information during the Committee process. The report is rather unusual in that it does not contain any recommendation. Instead, it appears to me that the review and the bringing together of the report has simply enabled Members to acquire greater knowledge of the situation and the legal position behind the devolution of policing and justice and the views of individual political parties. I suspect that it will lend increased

urgency to finding a solution before the May 2012 deadline occurs.

The legislation covering the Department of Justice is some of the most complex that I have come across. There are a number of relevant statutes, including the Northern Ireland Act 1998, the Northern Ireland (St Andrews Agreement) Act 2006, the Northern Ireland Act 2009 and the Department of Justice Act (Northern Ireland) 2010, all of which inter-relate. That has been very difficult to understand, and the legal background and opinion were useful.

It is a very sensitive area, and it is important that we get things right, otherwise there will be unacceptable outcomes. There is the possibility that, if we hit that deadline with no proper means of giving authority to a Minister in place, there will be judicial reviews of decisions taken by accountable bodies. Accountable bodies, of course, include our police, our courts and our prisons. That situation could affect all those agencies and others. It appears to me that, without the accountability of those agencies to a Minister in the Northern Ireland Assembly, there would be no legal authority to spend money or pay staff in our police, courts and prisons. That is incredibly serious, and it appears that new legislation would be required unless agreement is quickly reached. I would have thought that no sane person would have set up a system in that regard, so serious are those matters.

It is self-evident that, as we quickly approach the May 2012 sunset clause, which was agreed initially by the DUP and Sinn Fein when devolution took place, a fresh agreement is required. As we approach the deadline, we approach the end of the ministerial authority that resides with the Minister of Justice. It was not popular in 2010 to express concern about devolving policing and justice in the circumstances, because of the instability of the arrangements. Perhaps those who questioned the Ulster Unionist view at that time will see our concerns more clearly as the deadline approaches.

I expressed concern at the time that it would lead to political instability in the future. There is concern in the law-abiding community about the possibility of those who have been convicted of terrorist acts trying to rewrite history should they become a future Minister of Justice. In addition, it would be detrimental to politics in Northern Ireland in future were elections to become a

case of, "Vote for us, or they become Minister of Justice". That would not be good for stability, and it would further polarise politics.

The Ulster Unionist Party's response has been that the sunset clause should not be dealt with in isolation. Instead, we should use this opportunity to restructure existing Departments and bring about efficiency savings. We have argued that there should be urgent inter-party discussions, which would reach a suitable political accommodation. Some favour simply the d'Hondt process, while others favour the continuation of the current arrangements. Both could result in the reshuffling of all ministerial Departments and the associated need for any new Ministers to reread into new Departments, which would be wasteful and, perhaps, would limit the speed of the Assembly.

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

**Mr Beggs:** It is important as we go forward that we come to a sensible arrangement. The Committee's report simply provides a backdrop to the situation.

**Mr McDevitt:** The SDLP welcomed and, indeed, argued for many years for the devolution of policing and justice back into Irish hands. It was a matter of great regret that that devolution should take place on a fundamental inequality and that the political arrangements, which were arrived at in Hillsborough, should have created such an inequitable outcome.

The review offered the House the opportunity to move beyond an arrangement that is fundamentally unequal, arguably undemocratic, and undeniably contrary to both the letter and the spirit of the Good Friday Agreement, and to agree a model that could be based on some degree of equality, could acknowledge the spirit and the letter of the Good Friday Agreement and would be self-evidently more democratic. There is no democracy in our current system of mandatory coalition, which says that 25,500 votes gives the Alliance Party two seats at the Executive table, yet 94,000 votes gives my party only one seat or, indeed, 90,000 votes gives the Ulster Unionist Party only one seat. That disenfranchises — quite literally, by definition — 150,000 people. It says that their vote counts less and that they have less right to a say in the governance of the region. Why is that? It is because of an inequitable arrangement that was

reached by Sinn Féin and the DUP to achieve the devolution of policing and justice.

On behalf of the SDLP, I entered discussions on the review with a clear determination to seek consensus that would undo that inequality, re-establish democratic principles at the heart of the House and return us to the spirit and the letter of the Good Friday Agreement. It is for that reason that I argued for option B3, which quite simply means that, at the end of April 2012, the Assembly would rerun d'Hondt for all Departments. Those parties that have a mandate and enough seats in the House to be entitled to one, two, three, four or five seats around the Executive table would be represented in accordance with their mandate. That is the fair, honourable and just option for which to argue, and I regret that we were unable to agree to it. The same argument will be made in political discussions, which will be convened by whomever and will take place wherever. I suggest to the entire House that it will be the test to which the people will hold us.

If the Assembly wants a system of government that is based on consensus, consociationalism and true power sharing, it must deliver a system of government that is self-evidently based on those principles, not one that is selectively so — that is, sometimes, except when it is not convenient, which is when it is done another way — and certainly not one that undermines the legitimate mandate of several parties in the House and inflates the mandate of others.

Therefore, in conclusion, to continue with the current arrangement would be the worst possible outcome. It would enshrine a fundamental inequality in the governance of the region. It would make the House and its arrangements synonymous with inequity, anti-power sharing, all the principles that the Good Friday Agreement is not and all the words that the First Minister did not speak of in his conference speech. My appeal to colleagues is that, even though we could not arrive at agreement in the Assembly and Executive Review Committee, we must take the opportunity over the next few weeks to settle on the obvious solution, which is, for the time being, to do things in the way in which the people intended us to and, in 1998, voted for us to do, and that is to rerun d'Hondt for all Departments.

**Mr Dickson:** I am happy to support the motion and speak on the issue in the debate. The Alliance Party's overriding concern remains that

justice powers are devolved to the Northern Ireland Assembly. That is the single most important thing that the Assembly should seek to achieve out of the debate. The initial ministerial provision was probably the only suitable compromise that could be secured, given the concerns that existed at the time. I must say, however, that the current system has successfully provided for the devolution of justice to the Assembly and has shown a measure of confidence in the Minister of Justice, which cannot be demonstrated for other Ministers. That has been crucial, given the continued sensitivities around the administration of justice.

### 12.15 pm

Of the options available, the only one that we can proceed with must ensure the continued operation of that Department. It is vital that the Department of Justice remains in the hands of this Assembly. Devolution has provided for greater accountability and ownership and much better effective delivery than was ever available under direct rule.

I could go through all the options but, specifically, option B3 has been referred to, and I will comment on that as well. We would welcome option B3 if we believed that it could be properly implemented. However, even the exchanges in this Chamber over the past few months have demonstrated that the Assembly's approach to justice may not have matured sufficiently for that to be possible. Therefore, the Alliance Party is in favour of option A, which provides the best chance of maintaining the current level of public and political confidence in the office. While it is clear that there are anxieties around the devolution of justice, that option would continue to ensure that the Minister of Justice benefits from the confidence of a cross-community majority of MLAs, which is imperative given those anxieties. For that reason and those mentioned earlier, the Alliance Party's preference is for option A. You will also be aware, Mr Speaker, that the Minister has offered his resignation in those circumstances so that that matter may be put to the test as well.

**Mr Hamilton:** The report that is before the Assembly today once again highlights the valuable role that the Assembly and Executive Review Committee undertakes on behalf of the Assembly. We may not always be able to agree on an exact position as a Committee —

this report is another example of that — but it shows the Committee's ability to scope out, on behalf of the Assembly, the positions of parties on issues that, to borrow the word that Mr Dickson used, often have great sensitivities surrounding them. So, the report outlines almost every party — I was about to say each party's position — in this Assembly's position on the assessment of the initial arrangements for the Department of Justice and what should take place after May 2012.

Before outlining the Democratic Unionist Party's position, I want to address another issue. I do not think that we need worry too much about the concern and anxiety and the nightmare scenario expressed by Roy Beggs because, as he pointed out, there is some sense of urgency to get this done in the time frame.

It is the view of the Democratic Unionist Party that the initial arrangements have worked satisfactorily. I do not want that to be seen as a particular endorsement of the incumbent Minister; I am talking about the structures in the context of the sensitivities surrounding the devolution of policing and justice. It is our view that the structures that were put in place very deliberately have worked satisfactorily to the extent that the hysteria predicted by some has not manifested itself. People will have noticed that, since the devolution of policing and justice, all hell has not broken loose and the ceiling has not collapsed in on us. We have shown the maturity to have policing and justice powers in our own hands even after all the issues that unfolded down through the years that made many believe that we could not administer those powers ourselves. So, those doom-laden predictions that were made by some have not come to pass, not least because of the painstaking negotiations in the early part of 2010 to put in place the very arrangements that are now in place.

However, that has created an anomaly — Mr McDevitt is correct to point it out — whereby the Alliance Party has two positions in the Executive. That is easily explained on the face of it by the fact that two different methods are used to elect those Ministers, but there is undoubtedly unfairness in that, and it ought to be addressed.

There are two options that the DUP believes are worthy of further consideration by parties. The first is the maintenance and continuation of the

current arrangements, which is referred to in the report as option A.

The second option that the DUP believes is worthy of further consideration is referred to as option B3. It involves a second Act and the Minister of Justice being appointed via d'Hondt. We place upon that very strict and specific conditions involving the reduction and reorganisation of government Departments at Stormont. Mr Beggs has expressed his party's preference for a reduction in the number of Departments, and we welcome that his party has got in line behind the DUP's leadership on the issue. That is the strict and specific context in which we set our position that that option is worthy of further consideration.

**Mr Girvan:** I thank the Member for giving way. Will he agree that that the public want a reduction in the number of Departments to make this place more efficient and that we should grasp the opportunity that is presented to us?

**Mr Speaker:** The Member has a minute added on to his time.

**Mr Hamilton:** I thank the Member for his intervention. Even an added minute is not sufficient to explore fully the issue of reduction and reorganisation of Departments. It is safest to say that the Member is absolutely right in that, particularly at this time of severe constraint to public expenditure, wasting money on Departments that many of us will argue are unnecessary is an indulgence that Northern Ireland cannot afford. I hope that we will have opportunities to discuss that further and elaborate on it in the future. A reduction and reorganisation of government Departments is the very strict context in which we set our position that option B3 is worthy of further consideration.

In conclusion, the AERC has completed its work and has drafted a compendium of parties' positions. That is useful to party leaders as they discuss the issue further and agree on a final way forward for the Department of Justice post-May 2012.

**Mr Campbell:** Each of the representatives who have spoken has outlined the nature of the AERC discussions. The Alliance Party representative made a relevant point regarding the Justice Minister himself. My colleague Mr Hamilton made the point that the functioning of the Department is distinct from the incumbent. Mr Speaker, you will be glad to hear that I will resist from going

through the calamitous events in which the incumbent Justice Minister has engaged. That is distinct from the manifestation and outworking of the functions that we have agreed.

As Mr Hamilton outlined, the DUP's view is that a number of options are available. The general public would seriously question the Assembly's discussions if we were not to use every possible opportunity to look at the functioning of every Department in this place. Therefore, if we can agree a reduction in the number of Departments, we should. Members from the SDLP and the UUP commented about previous Administrations, but, given that those Administrations collapsed quite frequently, I do not exactly hold them up as any paragon of virtue of how Administrations should be run. Let us look at this with some sort of fresh perspective to see —

**Mr McDevitt:** Will the Member give way?

**Mr Campbell:** Yes, I will give way.

**Mr McDevitt:** I seem to remember that, in a previous Administration, you were Minister for Regional Development. How many Executive meetings did you attend during your tenure as Minister for Regional Development?

**Mr Speaker:** The Member has a minute added on to his time.

**Mr Campbell:** Thank you, Mr Speaker, for that extra minute, of which I will not have to avail myself. I did not attend any, because I did not need to. The issue — *[Interruption.]*

**Mr Speaker:** Order. Allow the Member to continue.

**Mr Campbell:** Under the St Andrews Agreement, as we are finding out in a different context, no Minister can go off on a solo run, because changes have been made. We need to make further changes — *[Interruption.]*

**Mr Speaker:** Order.

**Mr Campbell:** — through the AERC. Hopefully, our report provides a sensible framework on which we can build to try to get an agreed structure. We all know about the sunset clause. Hopefully, Armageddon, which the honourable Member for East Antrim predicted, will not come about. I am out speaking to people all the time, and I do not hear them saying, "What are you going to do about the Department of Justice?" In fact, I have not heard it mentioned once since

power was devolved, and there were those who predicted that all sorts of things were going to happen. They did not happen between now and then, no doubt they will not happen between now and May, and they should not happen post-May 2012.

**Mr Speaker:** The Business Committee has arranged to meet immediately upon the lunchtime suspension. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm, when the first item of business will be Question Time. This debate will resume after Question Time, when the first Member to speak will be Sandra Overend.

*The debate stood suspended.*

*The sitting was suspended at 12.25 pm.*

*On resuming (Mr Deputy Speaker [Mr Dallat] in the Chair) —*

**2.00 pm**

## Oral Answers to Questions

### Finance and Personnel

**Mr Deputy Speaker:** Questions 7 and 15 have been withdrawn and require written answers.

#### **Government Estate: Energy Reduction Target**

1. **Ms Lo** asked the Minister of Finance and Personnel what action he is taking to ensure that the energy reduction target of 10% over the 2011-15 period, as outlined in the government estate energy efficiency action plan, is achieved.  
(AQO 868/11-15)

**Mr Wilson (The Minister of Finance and Personnel):** First of all, across the estate, we spend about £187 million on energy. Therefore, energy reduction is very important for us, both directly in the Civil Service and in the arm's-length bodies, such as the education and health organisations.

We have set a 10% energy reduction target for the parts of the estate that come under the Department of Finance and Personnel's control. We hope to achieve that by, first, reducing the footprint of the estate. Do we need to use all the buildings that we have, or can we consolidate into a smaller number of buildings? Secondly, we hope to achieve that by capital investment in energy efficiency measures, such as smart meters. Lastly, we hope to do that through behavioural changes in staff by simply encouraging people to use less energy in buildings, turn off lights and be more aware that, when they leave windows open and the heat goes out the window, it costs the public sector money.

**Mr Deputy Speaker:** I call Mr Steven Agnew. Apologies, Anna. You still have a supplementary question to ask.

**Ms Lo:** It will not be too difficult a question for the Minister.

I welcome the work that is being carried out. The initial results of the pilot voltage optimisation

project from the various Departments indicate that potential savings of 6% in electricity consumption are achievable. So, obviously, we need to double our efforts to work the savings up to 10%. Will the Minister advise us whether there is any particular area that he will look at to try to boost the savings by the extra 4%?

**Mr Wilson:** First of all, we have undertaken the pilot installation. That has been tried in three buildings: Ballymena County Hall, Clarence Court and Clare House. The predicted savings were estimated at between 5% and 13%, although the Member is quite right that the actual figure has been at the lower end.

The equipment that we installed will have payback periods of between two and a half and five years, which is a fairly low payback period. We now hope to install the equipment in seven further sites. However, it is worth noting that the Civil Service estate accounts for about only 6% of the total energy used. We have found that, in that part of the estate, energy costs have been rising much less quickly than they have in the rest of the estate, which accounts for over 80% of energy use. In those areas, energy costs have been going up by about 40%.

**Mr Agnew:** What research has been done on the benefits of switching the government estate to renewable energy? I am sure that the Minister is committed to that from the point of view of reducing carbon, but would he agree that, as well as the reductions in carbon, there are savings to be made in the long term, in addition to the benefits of supporting the indigenous renewables industry?

**Mr Wilson:** The Member knows that I am very committed to reducing carbon and the carbon footprint of the Civil Service estate. I just indicated to him the ways in which we have done that. However, I must say that the Member's question requires a little more research. As he will know, energy from renewable sources, especially wind energy, which seems to be the main renewable source that we are promoting in Northern Ireland, is much more expensive than all the other sources of electricity. Let me give an example: the cost of energy from wind is around three and a half times more per unit than energy from gas. If, therefore, we are looking at ways of reducing energy consumption and bills, the one thing you certainly would not do is rely on a lot of the untested and expensive technology of renewable sources. I suspect that

a far more effective way of getting energy costs down — we have to do this, given that we have a bill of nearly £200 million across the public sector in Northern Ireland — is to use energy more efficiently.

**Mr McGlone:** Go raibh maith agat, a LeasCheann Comhairle. What discussions has the Minister had with ministerial colleagues on the issue? Are savings being made, or are attempts being made to save on the estates that he has referred to?

**Mr Wilson:** The Department of Finance and Personnel is responsible for the Civil Service estate, and, as I said, we have made efforts to cut costs there. We have set ourselves a target of 10%, and we compare favourably with other parts of the public sector.

On occasion, I have discussions with other Ministers about ways of investing to save. Indeed, many of the invest-to-save proposals that came forward during the Budget debate were around energy and the type of energy used in the public sector. Given that the payback period for many of these energy-saving methods is around two and a half to three years, it is probably better to finance them through invest-to-save schemes than through expensive, long-term capital commitments. There are ongoing discussions with Ministers around the invest-to-save agenda so that we cut down on this important aspect of cost to the public service.

### Business Premises: Strangford

2. **Mr Nesbitt** asked the Minister of Finance and Personnel how many business premises in the Strangford constituency are vacant.

(AQO 869/11-15)

**Mr Wilson:** The information on the number of businesses in the Strangford constituency that are vacant is not available as data is collected at district council and ward level only. As of 20 November, there were 582, 252 and 596 non-domestic properties recorded as vacant in the Ards, Castlereagh and Down council areas respectively. I understand that all of those will not be in the Strangford constituency, but those are the nearest figures I can give the Member.

**Mr Nesbitt:** I thank the Minister for that information. I wonder whether he will join me in celebrating the fact that a long-term vacant property in South Street in Newtownards has now been rented and revitalised as a vibrant Ulster

Unionist advice centre. There is, obviously, a downside, in that, presumably, the DUP has lost one of its advice centres elsewhere in the constituency.

As the Northern Ireland Retail Consortium endorses the need for a small business rate relief scheme, just not the one that he is proposing —

**Mr Deputy Speaker:** Could we have a question, please?

**Mr Nesbitt:** — does the Minister feel that there is a danger that he might pluck defeat from the jaws of victory?

**Mr Wilson:** I do not know whether the position of this vibrant Ulster Unionist Party office that has now opened in South Street was strategically chosen to benefit from the even heavier footfall that goes into the Alliance Party office next door; maybe time will tell. Mr McCarthy is not here today to verify that.

The small business rate relief scheme is an essential component of what the Executive are trying to do to revitalise a particular sector of our economy that has fared very badly during the recession. The fact that it has had widespread support is an indication that it is a scheme that will be effective. Of course, there have been detractors, but many of those who have criticised it have done so for purely selfish reasons.

**Mr McLaughlin:** Go raibh maith agat, a LeasCheann Comhairle. This is in no way a reference to the Ulster Unionist constituency office, but has the Minister considered 100% rate relief on vacant properties, given the current economic circumstances?

**Mr Wilson:** I have not, but I will tell you what we have done. Many of those who responded to the consultation indicated that we should try to find ways of putting vacant properties to some use. The suggestion has been made that, instead of immediately charging people the full rate if they take over vacant properties, the 50% rate relief should be extended for a period to give them an incentive to take over vacant properties. That is something that I am looking at positively, although it will be for the Executive to decide when we present the final paper to them. However, it could have a dramatic impact by bringing vacant properties into use by reducing the overheads for new businesses, at least at first.

**Mr D Bradley:** Go raibh maith agat, a LeasCheann Comhairle. I noticed over the weekend that the

Minister has taken to wearing dark glasses. Indeed, I would seek some form of disguise if I was presiding over a Department with a rate debt of £150 million. Will the Minister swap his dark glasses for rose-tinted ones and tell us what serious proposals he has to reduce that debt?

**Mr Wilson:** I assure you that I do not need dark glasses here today, because there are not many bright, shining lights coming from that side of the Chamber. The Member raises an important point, but I would like to see some consistency, not only from members of his party but from members of other parties. Of course we have to pursue those who do not pay the rightful tax that the Assembly has agreed to levy. However, there is always a balance to be struck. In times of economic difficulty, do we pursue those who have not been able to pay their rates to the ultimate, taking them to court, bankrupting them and putting them out of business? I guarantee that, if we were to pursue the draconian line implicit in the Member's question, he would be here today criticising me for putting people on the dole.

I hope that the Member understands that the issue is complex and there is a balance to be struck. We will pursue those who do not pay their rates. Equally, however, we must recognise that, in difficult economic climates, some people refuse to pay their rates — we go after those — but there are some who cannot pay their rates. It is a balance, and we have to make a judgement. Moreover, even though we are in a recession, we have actually reduced the rate debt burden, which indicates that we are pursuing those people rigorously, but we have to have sensitivity and a sense of balance.

**Mr Deputy Speaker:** The Member is not in her place to ask question 3.

### **A5 Road Project: Funding**

4. **Mr Eastwood** asked the Minister of Finance and Personnel what discussions he has had with other Ministers about the effects of the Irish Government's delay in contributing to the A5 project. (AQO 871/11-15)

**Mr Wilson:** I have provided a full update to ministerial colleagues regarding the funding of the A5 project. The Executive are now considering the implications of the Irish Republic's decision to defer and reduce its

contribution to the A5 project. We will consider how the remaining funding is reallocated.

**Mr Eastwood:** Given that we are just getting some of the details of today's autumn statement, will the Minister give us an assurance that there will be no negative impact on capital spend in the North as a result?

### **2.15 pm**

**Mr Wilson:** I assume that the Member is speaking about Northern Ireland. Early indications are that, as a result of the additional capital funding that will be made available, the Northern Ireland Budget should benefit to the tune of about £130 million over the next three years. We hope that there will also be some positive consequences for current spending. We are not exactly sure of the increases that there will be; they will probably be fairly small. However, at least our worst fears about a big reduction in current spending but not a great reduction in capital spending do not seem to have come to the fore.

**Mr Murphy:** The Minister will be aware of the importance that was attached to the project by the entire Executive in the North/South Ministerial Council meetings. It was important in respect of economic regeneration for the north-west, which straddles both jurisdictions, and the construction industry, which would have carried out the building work for the project. How much discussion has he had with the Minister for Finance in the South to ensure that whatever commitment is there is held to and to argue for a greater commitment in that time frame to secure as much of the project as possible, given the obvious benefits attached to it?

**Mr Wilson:** The Member has hit the nail on the head: it is a project that straddles Northern Ireland and the Irish Republic. It benefits both jurisdictions, which is why it was the case in the first instance and why it must remain the case that the project will have to be jointly funded. It would be totally unreasonable to expect Northern Ireland to carry the total burden for a project that will have equal benefits for the two countries on this island.

I had discussions with the Finance Minister in the Republic before the decision was made. I emphasised to him the importance that we attached to the scheme and to the joint funding of the scheme. Since the decision was announced, I have had two meetings with the

Republic's Finance Minister. The First Minister and deputy First Minister had a separate meeting with him. In those meetings, we indicated that, if the scheme is to progress, we expect a commitment from the Government of the Irish Republic. The sooner that commitment can be made, the sooner we can make decisions about the level of spend and the type of project that it will be. So far, there has been a commitment of £50 million. Although it is outside the Assembly's current Budget period, we will seek to firm that up and, of course, get a greater commitment. However, the size of the commitment will depend on the amount of work that can be done.

**Mr Girvan:** Will the Minister confirm whether the A8 project will go ahead as planned, or will this announcement do the same for it as happened with the A5?

**Mr Wilson:** The decision on what will be done with the capital money in the Roads Service budget and on what reallocations of that money there might be as a result of the Irish Government's decision not to fully fund the A5 will be taken by the Executive on the basis of the decisions and priorities set by the Minister for Regional Development. It is not for me to decide the Department for Regional Development's priorities for whatever money remains in the roads budget after we decide how the money is to be allocated.

**Mrs Overend:** Will the Minister advise on the Assembly's financial provision for this project and its planned phasing over the next four years?

**Mr Wilson:** I did not quite hear the first part of the sentence, but I think that the Member asked what the revised programme is likely to be.

We have had no clear commitment from the Government of the Irish Republic on any money over the Budget period for which we have allocated funding. Since we have not decided how much of the funds will remain with DRD, the Minister for Regional Development will not be in a position to make a judgement. At the end of the day, it will be his decision which parts of the road scheme, if any, go ahead and what the timing of that will be. However, as I said in answer to an earlier question, it is my view — indeed, it was implicit in the question — that, since this is a joint project and will benefit both parts of the island, it should be jointly funded. Until we are certain of what joint funding there is, it will be difficult to make decisions about phasing, timing and what parts of the road will be done.

## INTERREG IVa

5. **Mr Copeland** asked the Minister of Finance and Personnel whether he can confirm that all of the €70 million of INTERREG IVa funding has been allocated to projects and that there is no risk of moneys being returned to Europe.

(AQO 872/11-15)

**Mr Wilson:** INTERREG IVa has a total budget of £233 million, and, to date, it has approved 64 projects, which are worth approximately £164 million. That represents 71% of the programme budget and leaves a balance of approximately £68 million to be allocated.

The Special EU Programmes Body (SEUPB) is currently processing 19 applications, and it is expected that those will have been fully assessed by early 2012. After that, there will be further calls for the remaining programme budget to be allocated. The current forecast is that, when the successful projects have been approved, INTERREG IVa will have between £35 million and £55 million left to allocate. If the programme fails to meet its EU targets, the shortfall is deducted from the budget, and that is one situation that we want to avoid. However, I must say that I am somewhat alarmed that, at this stage, we are being told that between £35 million and £55 million may be at risk.

**Mr Copeland:** I thank the Minister for his frank reply. Has he given any consideration to approving schemes on a reserve list, so that, if a scheme is knocked out of the project for any reason, there is at least something else that is approved and ready to be included, to avoid any money being sent back?

**Mr Wilson:** I would prefer SEUPB to do its job and allocate money to the areas where we expect money to be spent. I do not want to find that we simply use that money to finance projects that would be financed in the normal run of events anyway. It is meant to be additional money, and it is meant to have an additional impact on the Northern Ireland economy. For that reason, I will press SEUPB to ensure that it gets projects assessed quickly, follows up to make sure that the money for those projects is spent and, where there are difficulties, gives advice to the applicants so that quality projects can be brought forward.

**Mr Campbell:** For comparison purposes, could the Minister outline what the Peace III

programme commitment and spend was in relation to INTERREG IVa?

**Mr Wilson:** The Peace III programme is meeting all its spending targets. I do not know the figure for Peace III off the top of my head, and I do not want to mislead the Member regarding the exact amount of money, so I will write to him and give him the total amount of money that has been spent to date.

**Mr Lynch:** Go raibh maith agat, a LeasCheann Comhairle. Has the Minister made any recommendations on how to speed up grant allocations?

**Mr Wilson:** We have made some recommendations. I have asked SEUPB about the reason for the delay, and it has said that sometimes its economists do an assessment of a project and then it goes to departmental economists for their approval. Those two things running in sequence lengthen the time taken. We now have a parallel process whereby the economists from the SEUPB and the sponsor Department will look at the project together early on so that there should not be that duplication of work. Hopefully, that will speed up the process.

The other thing that I have been saying to the SEUPB is that, if we are not getting quality projects coming forward or if they are being brought forward and the SEUPB is having to hold them back because it needs more information, it should talk to the applicants at an early stage and tell them what it expects to see. Those are simple things that need to be done, and they are ways in which we can minimise the risk of underspend.

### Small Business Rate Relief Scheme

**Mr Deputy Speaker:** I call Mr William Humphrey.

**Mr Humphrey:** Can I ask Roy Orbison, sorry, the Minister, if he could confirm that, having had meetings in recent times and as the Committee has had discussions with NIIRTA, the Federation of Small Businesses and the large retailer organisations — sorry, can I ask question 6?

6. **Mr Humphrey** asked the Minister of Finance and Personnel for an update on the benefits that the small business rate relief scheme will deliver. (AQO 873/11-15)

**Mr Wilson:** Now that I know his supplementary, I will answer that as well. The small business

rate relief scheme was introduced in 2010, and it was to help support small businesses during the economic downturn. Since then, the Executive have agreed to extend it. The intention is to double the number of businesses that will benefit from the relief. So far, those who have benefited have indicated that it has had an impact. No formal evaluation has been done because the scheme has been in place for only one year. However, in light of the positive reaction that there has been, I have no doubt that small businesses see it as an important lifeline at this time.

**Mr Deputy Speaker:** Does the Member wish to ask a supplementary question?

**Mr Humphrey:** Thank you, Mr Deputy Speaker, for your perseverance. Given his discussions today with the city centre management in Belfast and the Chamber of Commerce, does the Minister believe that he can do more to help our capital city in the difficult times that traders in Belfast face in the run-up to Christmas and, of course, the new year?

**Mr Wilson:** One has to look at the whole Programme for Government; the small business rate relief; the freezing of the regional rate; the amount of money that has been spent in Belfast city centre; the vast amounts of money that have been spent on improving the environment in the city centre; and, of course, the activities in which the Executive have been involved in promoting Northern Ireland. Specifically, that has helped Belfast with the likes of the MTV awards. Next year is the centenary of the Titanic and the signing of the Ulster covenant, and there will be events around those. A vast amount of money has gone into helping the capital city. The Minister of Enterprise, Trade and Investment has indicated that, between now and 2020, she hopes to increase visitor numbers to Northern Ireland to 3.5 million, with an extra spend of £625 million. Much of that will go into the greater Belfast area.

**Mr Ó hOisín:** Go raibh míle maith agat, a LeasCheann Comhairle. How many additional businesses will be included in the scheme?

**Mr Wilson:** As a result of the scheme, we hope to double the number of businesses to be affected by small business rate relief. That will be about 9,000 businesses.

**Mr Byrne:** I thank the Minister for his efforts to help small retail businesses. Has he any

further proposals for schemes that might help provincial towns, which are suffering severely from the retail downturn? Does the Minister expect any benefits to come as a result of the Chancellor's statement today, particularly in relation to businesses?

**Mr Deputy Speaker:** Members should ask only one supplementary question.

**Mr Wilson:** First, as far as small provincial towns are concerned, my Department is dealing mainly with issues relating to rates. There is the small business rate relief scheme, plus the things that are attached to that, such as the 50% relief for first year occupation of vacant premises etc. They will have an impact on many of the small provincial towns. Through DSD, more money is being allocated to urban regeneration and town regeneration master plans etc. That will also have an important regenerative impact. We hope that today's statement will have a net impact on the Northern Ireland Budget over the next year in capital spend of about £130 million.

**2.30 pm**

## Health, Social Services and Public Safety

**Mr Deputy Speaker:** Questions 1, 4 and 5 have been withdrawn.

### Primary Care Centres

2. **Mr McElduff** asked the Minister of Health, Social Services and Public Safety how his Department intends to take forward a capital programme for primary care centres.

(AQO 884/11-15)

**Mr Poots (The Minister of Health, Social Services and Public Safety):** I am committed to investing in primary care to make the health service more effective and to allow me to move patient care from the acute to the primary care sector. In the current economic climate, my capital budget is not sufficient to allow me to progress all the capital projects that I would like to. Therefore, I have tasked my officials with examining alternative sources of funding to supplement the projects that I can progress through the capital budget to enable me to progress a range of primary care centres across Northern Ireland.

**Mr McElduff:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer and an earlier indication that he will be creative and innovative in finding capital money for primary care centres. Will he take into account the distance of patients from the nearest acute service hospital when prioritising primary care centres where much of the healthcare will be delivered? Obviously in west Tyrone terms, places such as Carrickmore are very disadvantaged because they are most distant from an acute hospital —

**Mr Deputy Speaker:** The Member knows that we must have one question.

**Mr Poots:** Thankfully, patients in Carrickmore do not always require treatment when they are in Carrickmore. Sometimes Ballygawley would be more requiring. Nonetheless, it is important that we provide as much care in the primary care sector as possible. That is why I am looking at alternative methods of procuring those facilities. I have established a board in my Department, which includes members of the Strategic investment Board, my staff and Mr Compton from the Health and Social Care Board, to ensure that we can move this forward.

**Mr Beggs:** Is the Minister aware of the urgent need to upgrade the health and care centres in Carrickfergus and Larne, given, in particular, the substandard nature of both those premises and the need for appropriate space so that medical professionals do not have to operate in cramped conditions?

**Mr Poots:** I have to be honest: I am less concerned about the nature of how the Member describes it. I do not want glorified health centres or excellent facilities for people to operate out of. I want facilities that will make a real transformational difference to the healthcare system that will help me to shift care from the secondary sector to the primary care sector. I am looking for facilities where GPs will be in operation with allied health professionals and social services, with diagnostics available so that the elderly person with a chest problem can get it dealt with at a local level and reduce the number of people who have to go into hospital, with all the risks that that brings, particularly to older and vulnerable people.

**Mr Eastwood:** Does the Minister recognise the cash savings and the potential for reducing waiting times should minor procedures be

carried out by GPs in primary care facilities in the community rather than in hospitals?

**Mr Poots:** Yes, I do. Hopefully, when we have a report on the way forward for the health service, the individuals who draw up that report will reflect a similar consideration.

## Kinship Care

3. **Mr Copeland** asked the Minister of Health, Social Services and Public Safety to outline the level of kinship care currently provided.

(AQO 885/11-15)

**Mr Poots:** There are, essentially, two types of kinship care: formal kinship care and informal kinship care. Formal kinship care involves children being placed in care with either family or friends, with the placement being assessed by social services in health and social care trusts and in accordance with what the law requires. Informal kinship care is the care of children by family in circumstances where a child is unable, for whatever reason, to live with his or her birth parent or parents. In the main, unless child protection issues are referred to them, children's social services have no role in approving the care of those children because the extended family of the child has chosen not to involve the state in the care of their kin. I emphasise that that is their prerogative. They are not required to involve the state, and, in many cases, they choose not to do so.

At 31 March 2011, there were 717 children in kinship foster care in Northern Ireland, 336 boys and 381 girls. Those formal arrangements require the approval of social services, and records are kept of assessments, reviews and social work visits. However, if children are being looked after through an informal kinship care arrangement, social services will generally not have any involvement with them, and they will, therefore, not appear in official statistics.

**Mr Copeland:** I thank the Minister for a very full answer. Does he agree that, in some ways, those providing kinship care may be seen as saving the state very many millions of pounds, and is it right that some of them are disadvantaged when they reach the state pension age by the suspension and withdrawal of certain benefits? Can he estimate the amount of money that his Department would have to spend to provide those services if kinship care were not available?

**Mr Poots:** Having children in the care of their families is hugely preferable. As is indicated, this is not something that we shy away from, and we provide that type of care for 717 children whose families are caring for them. Those are children who were at risk. If, for other reasons, children are unable to stay in their own home and other members of the family take care of them, where those children are not at risk, it is a different matter, and, therefore, there is not the same opportunity for us to become engaged to the same extent. We fundamentally seek to look after children at risk, and I assure the Member that there are many children at risk. That there are 717 children in kinship care, plus many, many others who are in foster care or in homes, is an indication of that fact.

**Mr Deputy Speaker:** I remind Members that they may each ask only one supplementary question.

**Mr Durkan:** Go raibh maith agat, a LeasCheann Comhairle. Has the Chief Social Services Officer indicated to the Minister whether there are any problems with payments to kinship carers throughout all five social care trusts?

**Mr Poots:** I am not aware of any. The Chief Social Services Officer has not made me aware of any problems, although that is not to say that there are none. We try to make the system as supportive of the children in the first instance, and to those families in which we have had to intervene, we give sufficient support to ensure that the children can be cared for.

Let us be honest. We really do not want to have children kept in residential care for two reasons: the outcomes are considerably poorer; and the costs are prohibitive. Therefore, let us look for the option that delivers the best outcomes. If it saves money along the way, all the better, but let us look for the best outcomes at all times.

**Ms Lewis:** What progress has been made in developing kinship foster care standards?

**Mr Poots:** We have to be very clear about the standards that are set. We will uphold standards that ensure that children are well looked after, receive full appropriate care and be in a place of safety at all times. A lot of those children come from backgrounds where they have been in very dangerous and vulnerable situations. Therefore, it is incumbent on us to get them the maximum amount of protection and safety and the appropriate care at all times.

**Mr Deputy Speaker:** I remind Members that questions 4 and 5 have been withdrawn.

### NHS: Winter Weather

6. **Mr Douglas** asked the Minister of Health, Social Services and Public Safety what actions the health service has taken to prepare for another potentially harsh winter. (AQO 888/11-15)

**Mr Poots:** The health service worked effectively last year to ensure that services were maintained throughout the winter. Following those difficult and challenging events, as best practice, trusts and other health and social care (HSC) organisations took the opportunity to review their plans in the light of that response. Consequently, all HSC organisations have enhanced their plans, where appropriate, in advance of this winter to ensure that they meet the needs of people who receive health and social care services. In addition, funding has been made available to trusts to improve the resilience of health estates. Each HSC organisation also participated in an HSC winter-planning workshop on 24 October and tested its response plans in a cross-government severe weather exercise on 22 November.

That included testing improved arrangements for identifying vulnerable people during a prolonged spell of harsh weather. The assessment of their needs will be kept at the forefront of response arrangements. If required, key public health messages will be reinforced throughout the winter.

**Mr Douglas:** I thank the Minister for his full response to that question. Given the potential for severe cold weather this winter, have specific measures been considered that will take account of the most vulnerable people in our society, including the young and the elderly?

**Mr Poots:** That is certainly a valid question. We have drawn up a checklist to assist in the identification of people who are or might become vulnerable in an emergency. We have also held multi-agency meetings, and the assessment of the needs of vulnerable people is a starting agenda item. That will ensure that there is early identification of specific vulnerable groups as well as monitoring how an evolving incident may impact on other groups and cause them to become vulnerable, which will enable appropriate action to be taken at each stage of the emergency to address their needs.

**Mr Cree:** I thank the Minister for his responses so far. If the winter turns out to be less harsh

than last year's, as experts are now predicting, how quickly can the Minister redeploy any money that is saved? What projects are likely to benefit from that money?

**Mr Poots:** The experts did not predict last year's harsh winter. In fact, they predicted that we would have a warm and wet winter. I will wait and see what the good Lord sends us. I trust that it will not be as cold as last year. If that results in savings, there are plenty of areas in which we could spend money. Towards the end of the year, we try to buy in more operations and reduce the waiting lists for cardiac care, orthopaedics, and so forth. There will be ample opportunities to spend any money that happens to exist. At the minute, our total budget is around £15 million short. We hope to make that up over the next number of months. If we get a warm and wet winter, I am quite confident that we will be able to spend all of the resources that are available to us.

**Mr Brady:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answers. I have contacted him recently about possibly using part of the social protection fund to give winter fuel payments to those who are terminally ill, including approximately 600 cancer patients and 300 other people with terminal illnesses. Will the Minister give us an update on that?

**Mr Poots:** We are having ongoing consultation about that with the Office of the First Minister and Deputy First Minister (OFMDFM). I know how keen OFMDFM and its Ministers are for us to support some very vulnerable people throughout the winter. It is a very worthy idea. If we can facilitate that with some fairness, we will certainly do that. It is quite challenging to identify those who are most in need without excluding others who are in genuine need. That is one of the challenges that face us, but we are wholly sympathetic to that notion.

### Obesity

7. **Mr McQuillan** asked the Minister of Health, Social Services and Public Safety what action is being taken to tackle obesity. (AQO 889/11-15)

**Mr Poots:** My Department established the obesity prevention steering group to oversee and drive forward the Fit Futures implementation plan, which aims to prevent obesity among our children and young people. More recently, that group has led the development of A Fitter Future

for All, which is a cross-government strategic framework to prevent and address obesity across the life course in Northern Ireland. The framework will incorporate action on food and nutrition and physical activity to tackle overweight and obesity issues throughout the population.

I anticipate that the framework will be issued in the near future, subject to final agreement from the Executive. The draft Programme for Government, which is currently out for consultation, commits us to investing £7.2 million on the framework over the next three years. The Public Health Agency (PHA) is currently addressing obesity through programmes that encourage physical activity and provide information and support to eat healthily. The Public Health Agency has actively supported the development of the framework and will play a key role in its implementation.

#### 2.45 pm

**Mr McQuillan:** I thank the Minister for his answer. What value does he place on behaviour-changing programmes such as the Motivate programme being run by the Northern Trust?

**Mr Poots:** I had the opportunity, through the Member, to meet those behind the Motivate programme, which has delivered real and significant change. We will, therefore, ask the Chief Medical Officer (CMO) and the Public Health Agency to look at that to see whether it can be developed and rolled out further.

The challenge of tackling obesity is huge. If people do not change their lifestyles, obesity will cause huge damage to their health outcomes, which, in turn, will cost the public purse massive amounts of money. People with that lifestyle really need to change it and challenge their behaviour. I should say that smoking, excessive drinking, overeating and sitting on the couch are all part of an overrated lifestyle that considerably shortens one's life.

**Mr Agnew:** Given the importance of diet to health, what work is being done by the Department to promote healthy eating, including the provision of quality food in hospitals to help to aid recovery?

**Mr Poots:** The Public Health Agency is responsible for that. However, my Department has developed A Fitter Future for All, which is an obesity prevention framework for Northern Ireland 2012-2022 that we will publish in the near future.

Previous to that, the Department participated in the physical activity guidance editorial group, which developed the UK-wide CMOs' physical activity guidelines, 'Start Active, Stay Active'. We have also been working with the Food Standards Agency on food labelling, providing calorie information on food menus, reformulation, etc. The Department remains a member of the Food Access Network and is working with the Institute of Public Health in Ireland on increasing awareness of health impact assessments.

Let me nail the lie sometimes promoted on radio stations that bad food is cheaper for families in need: buying low-cost heavily processed foods, be they pizzas, burgers or whatever, from local stores is not as cost-effective as buying fresh vegetables and some of the cheaper cuts of meat. We need to encourage people to cook properly and to provide nutritious meals for their families as opposed to buying a couple of items from the local store and popping them in the microwave, because that will not provide proper sustenance or nutrition.

**Mr P Maskey:** Go raibh maith agat, a LeasCheann Comhairle. I would be grateful if the Minister could tell us whether there are any plans to take more definite action on bulimia and anorexia.

**Mr Poots:** The definite actions that will come through in the new obesity strategy will obviously be aided by the £7.2 million that we have identified and dedicated to that strategy. It is fairly clear that this is not just aspirational but something in which we intend to invest to ensure that we deliver the results required.

### Health Inequalities: West Belfast

8. **Ms J McCann** asked the Minister of Health, Social Services and Public Safety to outline his plans to tackle health inequalities in west Belfast. (AQO 890/11-15)

**Mr Poots:** The needs of west Belfast are significant in complexity and volume. The area represents some of the most socially deprived areas in Northern Ireland and has significant levels of long-term unemployment, low educational achievement and poor health.

Tackling health inequalities goes hand in hand with addressing the socio-economic circumstances that prevail in and affect people's lives. The PHA's health and social well-being improvement teams work in close partnership with the West Belfast Partnership, Colin Neighbourhood

Partnership and other stakeholders to identify and address health inequalities in the west Belfast area. Significant time in the past year has been spent by partners engaging with the respective communities throughout the area to identify priorities for the investment effort.

A number of targeted programmes and initiatives are under way or are planned through a range of contracts with community and voluntary organisations. Those will focus on, for example, mental health and emotional well-being and cardiovascular disease in the Belfast commissioning group area, as well as on supporting families through early years, suicide prevention and awareness, and drug and alcohol misuse in the Colin area.

**Ms J McCann:** I thank the Minister for his answer and for seeing that social and economic inequalities are linked to health. How concerned is the Minister that the life expectancy of someone from West Belfast is six years fewer than those who are from South Belfast, which is just a couple of miles away? What discussions has the Minister had with his Executive colleagues to make West Belfast a special case and to introduce a scheme that would tackle those inequalities?

**Mr Deputy Speaker:** Sorry, one question please.

**Ms J McCann:** Sorry.

**Mr Poots:** Thank you, Mr Deputy Speaker. West Belfast reflects many other working-class areas, and we need to challenge the fact that people are not living as long. Many of those people make considerably more visits to hospitals and health centres throughout their lives, which indicates that they need to make lifestyle choices and that work needs to be done from the earliest point in young people's lives to educate them properly and appropriately on how they can lead healthier lifestyles.

The six or seven years' difference in life expectancy is not an accident. It is largely the result of people leading lifestyles in which they eat poor quality foods that are highly processed, high in fat and very sugary. They also do not take the exercise that they should, and many smoke and drink heavily. All those things impact on people's lives. We are prepared to work with the community to educate it, and we will put more money into the public health agenda to ensure that that education process continues.

**Mr A Maginness:** I thank the Minister for his answer, which was very interesting. It focused on public health issues, and my constituency of North Belfast has similar problems. Will the Minister reassure people and the House that he will continue his good work in that respect? Will he avail himself of other programmes such as Supporting People and neighbourhood renewal to bring home the good work that is being done in public health?

**Mr Poots:** I thank the Member for the question. In west Belfast, for example, 46% of mothers smoke during pregnancy, compared with the average rate of 11%. Combating that is a challenge, and that is work for the Public Health Agency. It is also evident that 50% of smokers will die as a result of smoking: that is one in every two. That is also a challenge for the Public Health Agency, as are obesity and excessive drinking. All those things and all those messages need to be kept in the public domain, and even if it bores, irritates and annoys people, we need to keep pumping those messages out. Some people are not receiving those messages as well as they should, so they are continuing with lifestyles that are hugely damaging to their health and consequently creating a considerable amount of work for us.

**Mr Campbell:** I commend the Minister for his informative and concise answers. Some of his Executive colleagues should take a leaf out of his book; that might help us to get down the Order Paper.

**Mr D Bradley:** Which ones?

**Mr Campbell:** Does anyone want me to answer that? There might be a few embarrassed faces around the Chamber.

Does the Minister expect the draft Programme for Government to assist with tackling health inequalities in the next two years?

**Mr Poots:** I do. For example, in the Western Trust, we have introduced the Family Nurse Partnership. I was in the city of Londonderry recently, where I met with young mothers. A good start to life is hugely important, and it can make such a difference. I am certainly prepared to work closely on that with my colleagues in the Department of Education and the junior Ministers in OFMDFM and to make interventions at an early point so that children can get the right start in life and be put on the right educational foundations.

I believe that we can make a difference over a generation. There is a course of work for us to do immediately as well, and it will be about getting messages to adults. However, if we really want to make a difference, we need to get to the children, and that is a course of work that we will need to do.

**Mr McCallister:** I am grateful to the Minister for his earlier replies. Tackling health inequalities is a very important issue. Does the Minister feel that in trying to close the gap between the most advantaged and disadvantaged areas there are particular targets he would envisage setting to help reduce the differences?

**Mr Poots:** At the minute, the difference is 7.7 years for males and 4.6 years for females. From 2007 to 2009, male life expectancy reached 76.8 years, which represented a 1.2 year increase over 2001-03, and female life expectancy increased by 0.9 years to 81.4 years. That is what is possible and achievable. It will not happen next year or in the following year, but in a decade you can make a difference, and in a generation you can make a considerable difference. Thereafter, there is no particular reason why you cannot close the gap.

## Cardiovascular Disease

9. **Mr G Kelly** asked the Minister of Health, Social Services and Public Safety for an assessment of the cardiovascular disease risks to vulnerable people, given the high levels of fuel poverty that they experience. (AQO 891/11-15)

**Mr Poots:** Lower temperatures have a negative impact on health and well-being. Direct impacts are increased morbidity and a higher risk of mortality. Living in cold homes can also exacerbate many conditions, including circulatory illnesses such as cardiovascular disease; delay recovery from serious illness; and adversely affect mental health and well-being.

My Department is working with other Departments and partners in the statutory, private, voluntary and community sectors to address fuel poverty and its impacts on health. The Public Health Agency (PHA) is actively driving forward a number of initiatives to support the fuel poverty strategy, Warmer Healthier Homes, launched by the Department for Social Development in March 2011 to target vulnerable households that are most in need of help.

**Mr G Kelly:** I thank the Minister for his answer. He may have dealt with this point in his answer, but will he elaborate a bit on the priority for fuel poverty on which his Department is dealing with other Departments? I appreciate that this is a multi-departmental difficulty.

**Mr Poots:** The Department for Social Development (DSD) is the lead Department. However, the Department of Health, Social Services and Public Safety did participate in a fuel poverty event organised by the Committee for Social Development on 16 November to identify the work being undertaken by the relevant Northern Ireland Departments with the aim of developing practical solutions to fuel poverty. The PHA invested £447,500 during 2010-11 to combat fuel poverty. Therefore, we do see it as a problem, and it is not something that is exclusive to the DSD.

**Mr Dunne:** What actions will the Minister take to improve survival rates from heart attacks in the Province?

**Mr Poots:** The best actions that we can take are as follows: first, we should encourage people to change their lifestyles so that they are less likely to have a heart attack in the first instance; secondly, if someone does have a heart attack, we should get them to the nearest hospital that has percutaneous coronary intervention (PCI) available, because when you do so, you ensure that people can have hugely better outcomes. If someone can get to a hospital that has a catheterisation laboratory, have stents installed and the clot removed from their artery, their chances of recovery will be greatly increased. In fact, if people can get to those hospitals quickly it makes a large difference, because every hour that a person has to wait to have the stent installed takes around a year off their life. That is why we need to focus on ensuring that we have the right services available in the right places.

**Mr Deputy Speaker:** Time is up. That concludes Question Time.

3.00 pm

## Committee Business

### Department of Justice: Review of Initial Ministerial Provision

*Debate resumed on motion:*

*That this Assembly notes the report of the Assembly and Executive Review Committee (NIA 18/11-15) on its review of the initial ministerial provision in relation to the Department of Justice and the arrangements from 1 May 2012. — [Mr Moutray (The Chairperson of the Assembly and Executive Review Committee).]*

**Mrs Overend:** I am glad to have the opportunity to speak on the motion. As a member of the Assembly and Executive Review Committee, I add my thanks to the Committee staff and research staff for their work on the report. This report contains a fair amount of research on the issue. Yet, as my colleague Roy Beggs said, it contains little in the way of recommendations. As someone who looked on from the outside when the talks dragged on at Hillsborough and the Executive did not meet for over 100 days — something that the DUP/Sinn Féin duopoly likes to skip over — and as a new Member of the Assembly, I hoped that such situations had been left in the past. One of the reasons that my party voted against policing and justice being devolved in March 2010 was the potential instability that it could bring in the future. My party was attacked for doing its democratic duty. Indeed, with the issue raising its head again, we are justified in the concerns that we raised. However, the matter has moved on since then, and my party has accepted that we must carry on the work started by the Department of Justice.

The legislation is complex, and a new arrangement, which should be agreed for May 2012, cannot be taken lightly. The process of decision-making must be transparent and open. If we create a them-and-us situation around the justice post, the real danger is that the issue could produce more political instability and more polarised politics. Agreement on the Minister of Justice must be concluded before Christmas to avert any crisis and drawn-out talks, such as those we saw before the Hillsborough agreement. We have a tight deadline, should new legislation be needed. There should be inter-party talks now,

not only on the sunset clause but on all aspects of the Assembly.

As my party leader highlighted in his letter to the Committee in response to the consultation on the provisions of the justice ministry:

*“this review now provides an opportunity to reduce the number of government departments in Northern Ireland. This will require more detailed all Party discussions to discuss the out-workings and practicalities of such a decision, which would of course include the Department of Justice”.*

I reiterate that it is a sad fact that the issue of policing and justice will yet again be centre stage at a time when all our energies should be put into creating and maintaining jobs in Northern Ireland to help to redevelop our economy, reskill our workforce and support our home-grown industries. People want an effective and mature Government who meet and take decisions on difficult issues, something that this Assembly and Executive are not yet delivering.

The report highlights the serious and complex nature of this issue, and I welcome its publication. Hopefully, it will produce an opportunity to clarify some of the issues, and we will grasp the opportunity to find a way forward in a timely manner.

**Mr Allister:** This debate, in a way, is a mirror image and the cause of government working or not working in this place. It is indicative of the lurching from one expediency to another, which of course brought the Department of Justice into being and its present Minister into office. At the time, it was patched together with total disregard for any aspect of a mandate or respect for mandates. We ended up in the preposterous situation of having a party with eight Members gifted two Executive seats, while parties with twice as many Members and almost four times the number of votes as the Alliance Party ended up with one seat in the Executive. That, of course, was done out of sheer expediency to get past a certain difficulty.

We are now at the point of needing another sticking plaster. So, what do we do? We refer it to the Assembly and Executive Review Committee. What a farce. The Assembly and Executive Review Committee will not make this decision. The Assembly and Executive Review Committee will go through the motions and produce vacuous reports such as today's, which tells you of this, that or the other option. However, it will not make any decisions. It

simply awaits its instructions, which will come from the next Sinn Féin/DUP deal. Then, with great gravity, it will consider it and find it a fine proposition. It will rubber-stamp it, and it will return to the House as if it were a creature of democratic process, when everyone knows that it will be a decision taken not on principle but solely for expediency, behind closed doors, by the DUP and Sinn Féin. The Committee, of course, will lend itself to that farce.

I ask the SDLP and the Ulster Unionists this: are they going to be walked over again on this matter? Will they allow themselves again to be treated like second-class parties in the House? If option A is the preferred course of action, will they again toady to a situation where they and their electorate are insulted by the fact that the Alliance Party is elevated to a post and they are excluded? Are they going to nod their way through another farcical process in that regard?

Of course, there may be other options. We know that Sinn Féin wants to run d'Hondt. That has sent the DUP scurrying with a concern, because it has always boasted to the community that it controls Finance, the most important Ministry that there is, and that Sinn Féin will never hold the Justice Ministry. Of course, if d'Hondt is run as things are, Sinn Féin will hold one or the other. That is why Mr Robinson has come up with the wheeze that we do not really need a Department of Finance. In fact, in a great revelation, he has discovered that government would be so much more functional and efficient if we put the Department of Finance into his spending Department, the office of the joint First Ministers. It might be there to oversee every other Department and make sure that they audit and spend money correctly, but, in that way, the joint First Ministers could administer finance and the DUP could take the Justice Ministry. Then it could say to the gullible electorate, "Didn't we tell you that we would save you from a Sinn Féin Justice Minister?", never mind, of course, that it had given half the control of finance to Martin McGuinness. That is the sort of expediency politics that we are headed into. It betokens the dysfunctionality of this House and the fact that we are nowhere near good, solid, reliable government and that on this issue, of all issues —

**Mr Deputy Speaker:** Bring your remarks to a close, please.

**Mr Allister:** — we lurch from one crisis to another.

**Mr Agnew:** It is, indeed, an irony that the Justice Ministry post is the most unjustly allocated. Other parties taking part in this debate could have been accused of representing their own interests, but I do not think that the Green Party can be accused of that. When we voted on who the Justice Minister should be, we backed the Ulster Unionist candidate simply because that is how we believed things should be done. We believe that the Justice Ministry should be treated like any other and allocated under d'Hondt.

**Mr Campbell:** The Member said that the Green Party believed that it should be treated in the same way as any other party. He also said that it should have been treated equally under d'Hondt, but does he not agree that, if it had been treated equally under d'Hondt, the SDLP would have got the Justice Ministry? Why, then, did he back the Ulster Unionists?

**Mr Agnew:** If our mathematics were wrong, I apologise for that, but it was a principled position. As things stand and in terms of our own interests, I could put myself forward as Justice Minister, and, if it were the will of this Assembly, I could be Justice Minister. *[Interruption.]* Indeed, so could my colleagues Mr Allister or David McClarty. Mr Allister might have a tough time. *[Laughter.]*

At the DUP conference at the weekend, we heard the First Minister say that, if we want a better society, it cannot be about "them and us". I agree with that sentiment, and that is why we must end the system that was designed to ensure that it cannot be "them". In other words, from the DUP point of view, it cannot be Sinn Féin and, from the Sinn Féin point of view, it cannot be the DUP. The system was designed to keep those parties out. The Green Party cannot support that type of governance. Indeed, I am surprised that my colleagues in the Alliance Party are willing to continue to support that system.

Although I appreciate that, at the time, as Mr Allister has pointed out, the mechanism was put in place to ensure that justice was devolved — my party supported the devolution of justice — now is the time to move on and, indeed, forward into a more normalised form of government. The First Minister called for that at his party conference. We must work towards that. To bring the Justice Ministry under d'Hondt would

do just that and bring us one step closer to normalised government in Northern Ireland.

Another anomaly in the system that needs to be addressed is that parties in the Assembly do not have to publish their political donations. If we are truly committed to normalised governance, we should get rid of that anomaly and provide full transparency to the electorate on how political parties are funded.

The Green Party supports option B3. We want to see the rerunning of d'Hondt, with the Justice Ministry to be included in that. We also support proposals for a reduction in the number of Departments. However, my party does not believe that the rerunning of d'Hondt should be conditional on a reduction in the number of Departments. In our view, that could be a de facto way to support the status quo, which to us is unacceptable.

Ultimately, our key objective should be to normalise the political process in Northern Ireland. Bringing the Justice Ministry under d'Hondt and treating it in the same way as any other Ministry is the best way to do that.

**Mr Givan:** My colleagues have outlined our party's position on the issue and how we believe that it should be taken forward. As a party, we have been consistent about the devolution of policing and justice. That has been supported by our party throughout all its different levels and structures. Indeed, when Mr Allister was a member of our party, he, too, supported the devolution of policing and justice. He canvassed for it. He got people to support it.

I have listened with interest to some of the commentary during the debate. I listened to Mr Allister when he talked about the issues that he has raised in the Chamber. I thought that pantomime season had started early this year. I wonder whether this place is becoming a soap opera for Mr Allister to entertain people, because there is no substance to what he says.

**Mr Poots:** The pantomime that is most attributable to Mr Allister is 'Snow White and the Seven Dwarves'. He perceives himself as Snow White. The seven dwarves represent the number of votes that his colleagues got in the election. Unfortunately —

**Mr Allister:** What about the snowmen?

**Mr Deputy Speaker:** Order. The Member will resume his seat. The other Member will stop

shouting across the Chamber. All of us will return to the motion.

**Mr Poots:** Unfortunately, Dopey appears to have been the one who advised Mr Allister that Sinn Féin would be in control of policing and justice. Clearly, that has not been the case.

**Mr Givan:** I thank the Member for his intervention. During the debate, Members mentioned the anomaly by which the Alliance Party holds two Ministries, given the number of votes that it received compared with other parties. There is a valid point in that. I believe that everyone would agree. I listened to Mr Allister's contribution on that issue. I ask myself how he proposes to fix it. Is he saying that the only way to fix it under current rules is to run d'Hondt? Therefore, does he support d'Hondt?

**Mr Allister:** My position is clear: I would never have a Justice Ministry within the confines of a terrorist-inclusive Government — period.

**Mr Givan:** Of course, then —

**Mr Deputy Speaker:** Sorry. The Member must resume his seat. I ask again for moderation and good language.

**Mr Givan:** That verifies the point that my party makes consistently, which is that the Member wants direct rule. What he wants is to hand power back to a Government who have neglected the interests of the unionist community for decades. He wants to hand power back to them and leave unionism powerless and with its destiny out of its own hands. My party does not subscribe to that position.

**3.15 pm**

**Mr A Maginness:** Will the Member give way?

**Mr Givan:** Yes, I will give way.

**Mr A Maginness:** Does the Member agree that the present position is grossly unfair to the SDLP and the Ulster Unionists and that the system was effectively gerrymandered in favour of the Alliance Party? Indeed, does he agree with the First Minister who said recently that the situation was fundamentally unfair?

**Mr Givan:** Yes. I agree that it is an unfair system. However, it was a democratic decision by the people who put us here, and the Assembly voted for the circumstances that we are now in. That is not gerrymandering; that is the democratic process. I appreciate that the Member opposite

does not like to recognise that his party is no longer in control and that circumstances have changed, but that is the way it is. The Assembly is operating St Andrews Agreement-style, not Good Friday Agreement-style, and Members need to take cognisance of that when we look at these issues.

I am sure that the Member will have taken the free advice provided by Mr Allister about his party's position. However, it is interesting that the SDLP now wants fairness in the allocation of —

**Mr A Maginness:** Will the Member give way?

**Mr Givan:** No, I will not give way any further.

It is interesting that the Member opposite now wants fairness in the allocation of positions. Maybe that will allow the SDLP and the Ulster Unionists the opportunity to say, "We will work the Executive and stay in the Executive", because they do not seem to know their position on that. So, there is irony in the comments that are being made today in the Chamber.

A comment was made that this will be worked out at a higher level than the AERC and that this report was a sham. Interestingly enough, Mr Allister never made a submission to the AERC. When the opportunity was available for political parties to give their opinion on how this should operate, Mr Allister did not make a single contribution. However, he will now sit and try to pick holes, but he never provides a solution. He talked about the gullible electorate, but it is he who feels that the electorate is gullible. However, the last election showed that it was not gullible when it voted for this party and rejected his party. At that point, enough has been said.

**Mr McCartney:** Go raibh maith agat, a LeasCheann Comhairle. I preface my remarks by thanking the Chair, Stephen Moutray, for bringing the report in front of the Assembly on behalf of the Committee. As Pat Sheehan, the Deputy Chair, is absent, I am making a winding-up speech on behalf of the Committee.

The report represents the fulfilment of the matter referred to the Assembly and Executive Review Committee by the Assembly on 10 October 2011, which said:

*"That, pursuant to Standing Order 59(4)(b), this Assembly refers to the Assembly and Executive Review Committee the matter of a review of the initial ministerial provision in relation to*

*the Department of Justice; and agrees that the Committee should make recommendations relating to the provision that should exist from 1 May 2012."*— [Official Report, Vol 67, No 3, p149, col 1].

As the Chairperson said this morning, no broad consensus could be reached on recommendations relating to the ministerial provision that should exist from 1 May 2012. However, the correct process of consultation with key stakeholders was followed, and the preferences of the stakeholders on the various options have been clearly set out in the Committee's report on the review.

I thank Members for their contributions today. In total, 10 Members spoke, and I do not feel that I have to repeat their positions. Each party outlined its position, and those are in the report. Only one Member's party did not make a contribution to the Committee throughout its consideration, but he certainly gave his views on what he felt was the best way forward or, indeed, the no way forward. We have to allow for some indulgence, and political rivalry maybe came to the fore at the latter stages of the debate, but, in the main, the party representatives and spokespersons outlined their respective positions, which are clearly reflected in the report.

On behalf of the Committee, I thank the Committee staff, who assisted the Committee in the review and in the production of the report. Their patience and diligence is to be commended. As the Chairperson of the Committee said, the issue is now for the Assembly's political parties, through the Office of the First Minister and deputy First Minister. I ask that the Assembly notes the Committee's report.

*Question put and agreed to.*

*Resolved:*

*That this Assembly notes the report of the Assembly and Executive Review Committee (NIA 18/11-15) on its review of the initial ministerial provision in relation to the Department of Justice and the arrangements from 1 May 2012.*

## Private Member's Business

### Crimes Against Older and Vulnerable People

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

**Mr Givan:** I beg to move

*That this Assembly recognises that older and vulnerable people are deserving of respect and safety in their homes; and calls on the Minister of Justice to introduce legislation to impose mandatory minimum prison sentences for people who are found guilty of violent crimes against older or vulnerable people.*

Many Members will have to deal with this issue at constituency level. In the various forms of media, the attacks on the elderly that take place are highlighted regularly. Clearly, it is a concern that is raised. The Executive have reflected on that concern in the draft Programme for Government, which makes it clear that the matter will be taken forward during the lifetime of this Assembly mandate. Therefore, there is a need to consider these issues, but we need to do it in a non-emotive fashion. Obviously, emotions can run high when we discuss this type of issue, but I want to go through the issues in a non-emotive fashion and try to make the points clearly on why we have tabled the motion.

There are a number of reasons. First, as everyone will agree, public confidence in the sentencing that is administered is low, and there is a greater need for deterrence. Public confidence may be low for a number of reasons. I accept that there is a lack of understanding among the public about how the court system operates. In my role as Chair of the Committee for Justice, I am learning every day how that system operates, and the more I see how it works, the better my understanding. Clearly, there is a job of work to be done to get that understanding of the systems that are in place and the sentences that are administered to the wider community. That is why we said that the introduction of some form of televising of court proceedings — perhaps of the sentence being given out — could be provided for so that the public can get a real feeling of what goes on in

the courtroom and how decisions have been reached. That could go some way to helping the community to gain a better understanding.

Work has been taken forward on getting consistency in sentencing. The Minister put out for consultation proposals on sentencing guidance. I welcomed that as a positive step. Likewise, the Lord Chief Justice has considered the issue and has taken forward work on it. Now, the two have been able to dovetail together, and that is the right approach. I put on record my appreciation of how the Lord Chief Justice is handling the issue. I have met Sir Declan Morgan, and we have talked about the issue. He is opening up the office and engaging with the community in a way that has not happened before. That is to be welcomed, and efforts are being made in recognition of the fact that the judiciary is very much part of our society and that engagement with society is vital. That in no way diminishes judicial independence, which is critical and which our party and, I think, everyone in the Chamber will always defend. Ultimately, it is for the judiciary to take a decision, but it must be within the framework that we, the politicians, decide. That is where the issue of mandatory sentencing comes in.

The Lord Chief Justice is reviewing a number of issues, and I share the frustration that, I believe, is implied with issues such as fuel laundering, which is being brought into the review. We heard evidence in the Justice Committee that, in the past decade, there were 40 prosecutions of individuals engaged in that activity but only four led to a custodial sentence. Those four were in 2001-02. Yet, whenever we compare that to similar incidents in England, we see that the majority of such cases there led to a custodial sentence. The Lord Chief Justice has agreed that that issue, for example, will be brought into the review, as the specialist unit that he established to review sentencing will consider it. I think that the reason for that is that guidance can usually be provided through the Court of Appeal whenever cases that are deemed unduly lenient are referred to it. That did not happen in those types of cases. Therefore, the Lord Chief Justice has brought that issue into the unit that he established to consider the matter. That is welcome and to be commended. Good work is taking place, and I support that.

On this issue, however, we need to send a clear message about attacks on older people — or

senior citizens, as the Ulster Unionist Member for Upper Bann would clearly prefer older people to be called. On 'Stormont Today' last night, he seemed to make a particular issue of that. We need to send a clear message that attacks on the elderly will not be tolerated and that, if you attack an elderly person, you will go to jail. Therefore, we believe that a mandatory minimum sentence would be an approach that could be used to convey that message.

We are raising the issue and putting it out there. Members may agree with that approach or they may not. However, it is a real issue that is recognised in the Programme for Government, and I think that it is welcome that it is being debated. We should work together to find a mechanism that would be the best approach to dealing with this. In my constituency last week, an elderly couple — one who is 71 years of age and one who is 67 — had their house broken into. Five masked individuals physically pushed them through the door to get access, and that elderly couple was left traumatised. An attack on an elderly person is not the same as an attack on somebody of my age. It leaves them mentally traumatised and living in fear of crime in a way that does not affect other sections of the community. That is a category in our society that merits additional support and recognition in the judicial system. Therefore, we are putting this motion before the House today.

**Mr McLaughlin:** Go raibh maith agat, a LeasCheann Comhairle. I congratulate our colleagues on the opposite Benches for bringing this motion and for putting the spotlight on the vicious and pernicious litany of attacks on senior citizens, especially bearing in mind the occasions when we have seen them on television and can actually see the physical damage. However, we have some difficulties with the motion. I want to take a bit of time to explain that, although I very much welcome the proposer's reference to the need for us to work together to come up with an appropriate response. I have two main reasons for being concerned about the wording of the motion, but I wish to be very clear about the absolute requirement for the Assembly to agree an urgent and absolute response to these cowardly attacks and to do so appropriately and effectively.

The first concern relates to mandatory sentences. In our research, we found no example where that type of prescriptive approach was found to be either appropriate or effective.

There are many examples of this absolutely cowardly and vicious — as I described it earlier — phenomenon that has emerged in our society. However, there are no examples of the mandatory sentence approach having the desired deterrent effect. Given that we are working on this together, we have to consider —

### 3.30 pm

**Mr Weir:** I thank the Member for giving way. I appreciate that there probably are not examples of mandatory sentences for this type of crime, but there are other examples in society whereby we effectively use mandatory sentences. For example, somebody who is guilty of a drink-driving offence will pretty much automatically receive a one-year licence suspension, which is effectively a mandatory sentence. From that perspective, it is not completely outside the sphere of the judicial system.

**Mr McLaughlin:** I take the Member's point, but the statistics argue that that approach has not had a deterrent effect. In many instances, legislators are scratching their heads to come up with a more effective and comprehensive response to drink-driving, because people are either not hearing the message or ignoring it, and our Health Minister was discussing that in a slightly different context today.

In this circumstance, we are dealing with a very vulnerable section of our community, and our response has to be seen to be effective. That is what I would argue, and I hope that colleagues accept that.

My second issue relates directly to the motion and the use of the word "violent". I ask colleagues to reflect on what lawyers, the judiciary and the courts would make of the use of that word. We are talking about not only violence but harm. We have seen terrible examples of people who have been viciously beaten, but we have also seen people who have been traumatised and terrorised in their old age and in their own homes by attacks in which physical violence was not used but victims were put in terror of their lives, and there was a consequent psychological impact.

Violence and harm are the types of concepts that I would like to be discussed and responded to. I ask colleagues to consider whether the use of the word "violent" might be counterproductive, especially if clever defence lawyers get to work on circumstances in which there was a robbery

and an older victim or victims but no physical damage to be seen. In those circumstances, is it possible that a mandatory and prescriptive sentencing policy would not deal with the crime?

I am pleased to see the Justice Minister here. I ask that he takes forward the work with the Lord Chief Justice. I very much welcome the fact that there is a unit in the offices of the Lord Chief Justice and the Attorney General that is looking at the issues, because we have to look at sentencing policy urgently.

We also need to look at the police response and tactics. I am quite certain that they are as anxious to come up with effective responses as anyone else. We should also consider consulting the recently appointed Commissioner for Older People, Claire Keatinge, in drawing up protocols and guidance.

I ask the Minister to move the matter forward. We thought about tabling an amendment but decided against it, because we would prefer to have a discussion with colleagues opposite, consider this in the round and, if the Minister indicated in his response that he is prepared to bring forward a review and come back with a report and recommendations, perhaps revisit the issue rather than going to a Division.

I thank colleagues for tabling the motion, but, as it is worded and presented, it may not have the desired effect. We are all agreed that an effective response is needed.

**Mr Hussey:** I thank the Members who tabled the motion because it raises some serious issues that the House needs to debate. I cannot disagree with the rationale of the motion, which is to ensure proper sentences for those who attack older, vulnerable people. However, I have some reservations about the method that the DUP is using to go about it, and I will come back to that point later.

First, I want to deal with the matter at hand, which is the appalling attacks on older and vulnerable people in our society. Those attacks are often brutal and violent, and they are made worse by the fact that the perpetrators know full well the vulnerable circumstances of their victims. I fully believe that we as an Assembly need to work to curb that type of crime. It is one of the lowest forms of crime, and, for that reason, I do not think that anyone in the House would not agree with the first part of the motion, which states:

*“that older and vulnerable people are deserving of respect and safety in their homes”.*

We must also be mature about this and realise that the fear of crime among older people is often the real problem. I call on the Minister to outline how he intends to address this important issue and tackle the fear of crime among our older people. My mother is 83 years old, and I want to ensure that older people like her do not spend their evenings living in fear of victimisation.

There are a few issues with the part of the motion that calls on the Justice Minister to introduce mandatory minimum sentences. Let me be clear that I support tougher sentences for criminals who attack older and vulnerable people, but I am sceptical of the idea that mandatory minimum sentences are the way forward. I believe that the independence of the judiciary needs to be respected, and judges should be capable of making decisions that take into account issues such as the seriousness of the crime, the circumstances of the offender and the impact on the victim, as well as any mitigating and aggravating factors.

I refer to a letter received by my colleague Basil McCrea in response to a query to the Lord Chief Justice about sentencing for attacks against the elderly. The letter stated that in order to reflect public revulsion of such attacks, the courts indicated that condign punishment should be imposed on the offender. In one such case — *R v Ferguson* in 1989 — the Court of Appeal upheld a sentence of eight years that was imposed after three offenders entered the home of an elderly couple, swearing at and threatening them. The house was ransacked, and the homeowner, who suffered from emphysema, was beaten with a crowbar and garden hoe, and had his nebuliser mask kicked away.

I am also concerned about the great number of offences that are covered by the term “violent crimes”, as the term covers offences against the person, sexual offences and robbery. Offences against the person could refer to a threatening phone call to an elder person. Is the DUP saying that that should be subject to the same mandatory minimum sentence as a brutal physical assault on an older person? Other Members have highlighted examples where that approach would not be just. It seems to me that the DUP has not thought through the wording of the motion sufficiently, and I ask for clarification.

I received an e-mail last night from one of my constituents, in which she stated:

*"I'm afraid to say the situation at my house has not improved any. Since last speaking to you there have been 3 other incidents — totally fed up and scared living in my own home at the moment."*

That lady suffered from air being let out of her tyre and the valve stolen, damage to the top of the car and her fence being vandalised again. She is not elderly and could not be classed as vulnerable in the legal context of the word, as she is in her 20s. Therefore, I disagree with Mr Givan. Her next door neighbour is in her 70s and will not go out at night. Will the proposed law deal with incidents involving one person differently from those involving another? If so, it will not be a fair and equitable law.

I also ask the Minister to progress the work that is being done on sentencing guidelines in Northern Ireland. I understand that he is working with the Lord Chief Justice on that, and I urge him to continue that work. I believe that this is where the real debate is, as clear sentencing guidelines — for all types of crime — will undoubtedly improve public confidence and consistency in sentencing decisions, resulting in a reduction in the fear of crime. Perhaps we can look to England and Wales as an example, as they have the Sentencing Council, and Scotland has legislated for a similar approach.

I support the motion because of its rationale and because I want tougher sentences for those who are most deserving of them, although I have raised some issues that I would like the DUP to take on board.

**Mr A Maginness:** I thank Mr Givan and his colleagues for tabling the motion. It is important and timely.

I agree with his comments about the Lord Chief Justice, in that I think that he has done admirable work in trying to reach out to the community and in trying to take into account the views of the community and of politicians. He has done so in a fearless fashion and without any interference with his personal integrity as a judge, or, indeed, the independence of the judiciary. That is a very important step. The creation of the unit in relation to sentencing is a very positive step and will be of great benefit to the development of sentencing policy by the judges. Of course, civil society, including ourselves, will have some input into that. That is

very important. Of course, there are boundaries between us and the judiciary that should not be interfered with in any way, and I think that is recognised by all in the House.

Any crimes against older people or the vulnerable are so shameful that they must be marked out and characterised by severe sentences to deter those who carry them out. That is a clear message that should come from the House. However, it should also be pointed out that crimes against older people are relatively rare — I emphasise the term "relatively". Indeed, violent crimes in particular are more likely to be suffered by those between the ages of 16 and 24. Indeed, Northern Ireland is one of the safest places to live if compared with other jurisdictions.

It is important to try to reassure older people that they do, in general terms, live in a safe community and in a society that is cognisant of their issues and fears. There is a tremendous fear of crime among older people. That is borne out by successive surveys of older people. We have to try to address that issue of fear of crime itself. Indeed, Age Concern, as a result of a survey, indicated that older people felt that that could be addressed by more police on the beat; better street lighting; more effective policies against antisocial behaviour, and I know that the Department of Justice has embarked on that; less media sensationalisation of crime, which tends to build up fear; and more work to help young people understand the needs of older people. If those things were put into effect, I think that we could reassure older people. Clearly a message has to go out that tougher sentences are important in relation to that type of violent crime.

I cannot agree with mandatory sentencing in that context. I do not believe that you can simply have a mandatory minimum sentence and believe that that inflexible instrument will cure all. I do not believe that that is a good way of approaching sentencing.

**Mr Weir:** I thank the Member for giving way. How does he square what he has just said with his earlier remarks, when he said that attacks on the elderly:

*"must be ... characterised by severe sentences"?*

If there must be a severe sentence, does that not mean that there must be a minimum tariff?

**Mr A Maginness:** I do not accept that. Do I get another 60 seconds? It is very important to get my 60 seconds.

Sentencing is the province of the judiciary. I do not believe that the judiciary should be fettered in relation to sentencing. Sentencing is very complex indeed. Sentencing is governed by guidelines laid down by the Court of Appeal in Northern Ireland; it is very important that we recognise that. We should also recognise its complexity and that it is based on the facts of each individual case. If we recognise that it is heavily fact-dependent, it is important that we give judges as much flexibility as possible. That does not rule out tough sentences for this type of crime.

**3.45 pm**

**Mr Deputy Speaker:** Time is up.

**Mr A Maginness:** Mandatory sentencing is not the best way to achieve the laudable aim that you wish to achieve.

**Mr Dickson:** We are all appalled at the disgraceful and cowardly attacks against older and vulnerable people that have taken place in the past few weeks. The sickening attack on two pensioners in Newtownabbey at the weekend is just one example. Those offences are particularly repugnant and detestable. We, as a society, have a responsibility to protect older and vulnerable people.

We must remember that those who feel vulnerable are not just the elderly but people who may be of another skin colour or sexual orientation. We must also do all in our power to ensure that all those who feel vulnerable are safe. For the most part, they are, thanks to reduced crime rates. PSNI statistics show that people over the age of 65 are least likely to be the victims of violent crime and account for less than 2% of violent crime that occurred in the past year. That is certainly not in any way to excuse those who carry out some of the most horrific attacks on the elderly and the vulnerable in their homes.

I want to quote very briefly from correspondence, which was quoted from earlier by our Ulster Unionist colleagues, to Mr McCrea from Laurene McAlpine, who is the principal private secretary to the Lord Chief Justice in Northern Ireland. In the letter she states:

*"Earlier this year following public consultation, the judicial sentencing group established by the Lord Chief Justice published its first programme of action, which identified areas where new sentencing guidelines would be useful. One of those areas is attacks on vulnerable people, including the elderly."*

For my life, I cannot understand why, therefore, the Chair of the Justice Committee has brought this motion. He has been through this debate already and should know that this very serious issue has been taken to heart and is being dealt with very seriously as we speak. As others have done, I encourage him to withdraw the motion and allow further discussion.

I will continue to quote from the correspondence from the Lord Chief Justice's office:

*"Such offences are, therefore, regarded very seriously by the judiciary. As you can appreciate, however, the court considers each case individually. It is therefore impossible to say that a non-custodial sentence would never be imposed. If, however, that is the result of a particular case, it would have been the decision reached by a professional experienced judge after very serious consideration of all the relevant facts."*

I prefer to trust the judiciary rather than the proposers of the motion when it comes to dealing with sentencing in Northern Ireland.

As far back as 1988, in dismissing an appeal for sentencing in Northern Ireland of 12 years' imprisonment for robbery when a couple were robbed at gunpoint in their own home, the Lord Chief Justice said:

*"It is the duty of the courts to seek to protect people who live in isolated places, and I make it clear to those who commit such offences that, if they are caught and convicted, they will receive heavy punishment."*

I have no doubt that, as late as 29 November 2011, the judiciary in Northern Ireland fully understands its responsibility when it comes to sentencing in these circumstances.

We need to ensure that these people are caught. That comes about through community co-operation, good policing and good intelligence. When an attack occurs on a vulnerable individual, whether it is a couple in their home, someone in the street or whomever, it is important that this society and community provides the appropriate evidence to the police, who in turn can provide for a prosecution in the courts.

I have every confidence that the courts in Northern Ireland are fully aware of their responsibilities to society. They have been listening. The Justice Committee knows full well that the Lord Chief Justice takes very seriously the whole issue of sentencing guidelines, and I am content that he is dealing with those matters in an appropriate way.

**Mr Weir:** Will the Member give way?

**Mr Dickson:** I have finished.

**Mr Weir:** There are a number of points that need to be made. First, we should remind ourselves that we are dealing with a private Members' motion. This is about pointing the direction in which we want to go. Some Members have raised concerns about the exact wording of the motion, and I take on board what Mitchel McLaughlin said about framing the legislation and the need to look at the wording and to consider the words "violence" and "harm". I believe that those words could be incorporated in the legislation. This is about pointing the direction of travel. Therefore, if there are reservations over the exact wording, those can be taken on board.

**Mr Dickson:** Will the Member give way?

**Mr Weir:** I will be happy to give way.

**Mr Dickson:** The Member says that we need guidelines for pointing the direction of travel. I feel that the Member has not listened to what I was saying. The Lord Chief Justice is pointing the direction in which we need to travel.

**Mr Weir:** The Member clearly did not listen to me, because I did not say that we needed guidelines. He must have misheard me. This is about pointing the direction of travel in terms of the legislation. As the Programme for Government is committed to tougher sentences, which his party signed up to, perhaps the Member has not only not heard but not read.

The House is united in wanting to see tougher sentences, but, with the best will in the world, there were two isolated examples of tougher sentences in 1988 and 1989. I have no doubt that, on many occasions, the courts will give tough sentences. Do I have confidence that guidelines will go far enough? Even in the words that were quoted to us, there may be circumstances in which a non-custodial sentence, even for an attack on the elderly, will

be the appropriate manner. How does that give a watertight assurance on the issue?

It has been pointed out, and I acknowledge that, generally speaking, the vast majority of assaults are committed by young males on young males. That is true. However, as regards the motion, so what? There may be a limited number of attacks on the elderly, but one attack is one too many. It is time that we took action on this issue.

While the numbers may be limited, the impact of an attack — this is where there is a differentiation — on a member of the elderly community, in terms of the public view of crime and in terms of the impact on that person — whether you call them elderly or a senior citizen — can be much more devastating than it is on any other member of the public. Sometimes, elderly people never properly recover after such attacks. They may be left feeling fearful for the rest of their life. Therefore, there is a high level of impact.

A number of Members raised the issue of inflexibility. This is about ensuring that an attack on the elderly actually carries a custodial sentence. We can debate the exact level of that sentence, but it allows a level of flexibility. Presumably, if you have a minimum and a maximum sentence, there will be a range for the judge to decide within when taking into account the circumstances.

As indicated, we already use minimum mandatory sentences for issues such as drink-driving. There is a mandatory life sentence for anyone who commits murder. Therefore, the principle has been established. Mr Maginness said that he does not want to fetter the judiciary, but I do not believe that that is the case. He said that sentencing should not be fettered. On that basis, is he going to support legislation to remove all maximum sentences for any offence? If sentencing cannot be fettered, why not simply give a free hand to the judiciary to put forward any sentence for any crime? It seems to me that maximum sentences can be accepted but not minimum sentences.

We need to send out a clear signal that considerable harm is being done out there and that we are not just going to talk about guidelines, but, in all cases, that those are actually going to be followed through. I am not confident that the courts will give a tough sentence in that circumstance on all occasions.

In the past, we have, unfortunately, seen a number of occasions when crimes that should have received a much tougher sentence were given what many of us would see as a slap on the wrist by the courts. That has happened, and I believe that we need to take action against that.

We need to stamp out attacks on older and vulnerable people. I believe that a very strong guaranteed deterrent of a minimum sentence would send out that clear signal. I urge Members to support the motion. Let us work on some of the details, but we should support the motion so that we can then have a direction of travel that puts into action all our words of condemnation of those attacks.

**Mr Brady:** Go raibh maith agat, a LeasCheann Comhairle. I declare an interest in the subject, as I have a very elderly parent living at home. I agree with my colleague Mr McLaughlin's comments about the Minister's being here to take on board all the issues and arguments. It would be sad if the House were to divide on such an important and sensitive issue concerning older people.

However, I do not think that mandatory sentences are the answer. Crimes against older people are appalling and are to be condemned in all instances, but I think that better community infrastructure is required to give old and vulnerable people, who often feel isolated, a feeling of inclusion and security.

Approximately three years ago, Help the Aged surveyed older people, and 73% of those surveyed stated that they felt marginalised in the areas in which they lived. Whenever I attend district policing partnership (DPP) meetings, the PSNI tell us constantly that the incidence of crimes against older people is low. However, that is absolutely no consolation to the person who is robbed or attacked. I think that another Member made the point that one crime against the elderly is one crime too many. I endorse that absolutely.

We can list a number of incidents in our constituencies when older people have been attacked. In my constituency recently, a 90-year-old woman was viciously attacked and traumatised. She was held down by an attacker while another ransacked her house. To date, no one has been apprehended. If the incidence of those crimes is so low, by definition, there should be a higher detection rate.

The courts should be in a position to apply appropriate levels of punishment and sentencing, taking into account all the circumstances, including the degree of violence and intimidation used by the perpetrators. If mandatory sentences were introduced, it is possible that the Public Prosecution Service would opt for the lesser charges, so the purpose of minimum mandatory sentences would be undermined.

The issues of the vulnerability of older people and of how they are considered and treated need to be addressed in a wider sense. Attacks against older people need to be tackled, but I do not think that mandatory sentences are the answer.

As one of my colleagues mentioned, there is a very important role for the Commissioner for Older People, Claire Keatinge. She should have an input. I ask the Members opposite to consider what has been said.

**Mr S Anderson:** I support the motion. On Saturday, at our party conference, my party leader sounded out a very clear warning of our intention to introduce tougher sentences for those who are charged and found guilty of attacks on older people. He said:

*"As far as we are concerned, if you attack a pensioner, pack your bags, you're going to jail."*

If anyone questions the timing, relevance or importance of those remarks or of the motion, they need look no further than the front page of yesterday's 'News Letter'. There they will read the harrowing and very moving account of the latest in what is a long line of attacks on elderly people in their homes. It happened on Saturday evening, just hours after Peter Robinson's speech. Mr Colin Bell, aged 71, lives with his sister Eileen, who is 72. At teatime on Saturday evening, a gang of four men broke down the door of their Newtownabbey home, where they have lived for the past 45 years. They stole all their savings and their winter fuel allowance. If that was not bad enough, those cowardly thugs struck Mr Bell on the head.

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

In another incident on Saturday evening, this time in Ballycastle, the home of two elderly sisters was robbed when they were out. Thankfully, they were out and were probably spared an assault and injury. Imagine how they felt when they arrived home.

A recent BBC 'Panorama' programme looked at the impact of a robbery on victims' lives. It is clear that, regardless of whether you are young or old, an invasion of your home causes trauma and shock, which can leave a permanent mark.

If it is bad when you are a young victim, just think for a moment how much worse it is when you are a senior citizen. The attack on Mr Bell and his sister and the incident in Ballycastle are just the latest in a series of similar attacks. In most cases, defenceless and vulnerable senior citizens are not only robbed but physically injured. The physical injuries might heal but, sadly, they might never get over the psychological trauma.

**4.00 pm**

**Mr Bell:** Will the Member give way?

**Mr S Anderson:** Do I get an extra minute? Yes.

**Mr Bell:** There are two things, Deputy Speaker, that we need to say. First, we need to reassure most of the elderly people out there that they will never be the victim of an attack. Secondly, the attacks that are occurring are occurring on a minority of people. However, there is a time to speak and a time for the House to stay silent. I put it to the House that now is the time to speak and give a clear message that we believe that there are no circumstances where someone who has carried out a violent assault on an elderly person should not go to jail. Given that there are no circumstances, there should be no ifs and no buts: you attack an elderly person, this House is behind you, and we will send you by due process of the law straight to jail.

**Mr Deputy Speaker:** The Member has an extra minute.

**Mr S Anderson:** Thank you, Mr Deputy Speaker.

I agree with everything that junior Minister Bell said. We need to speak up for our elderly citizens. We need to do more, and we need to act on their behalf. That is the purpose of the motion. We are calling for a robust change in the legislation so that courts will be required to impose a custodial sentence on those who carry out violent attacks on the elderly and the vulnerable. Junior Minister Bell said recently that for anyone who carries out violence against the elderly and the vulnerable it must be a case of do not pass go, do not collect £200, go straight to jail.

This is not a knee-jerk reaction to some new development in our society — far from it. Attacks on the elderly and the vulnerable have been a major problem for some time. We are entering the darkest time of the year as we approach Christmas. I feel that the spate of attacks on the elderly and vulnerable will increase. I represent a rural constituency. If these are worrying times for those living in towns and villages, just think how much worse it is for those living in isolated rural areas. They lock their doors as darkness falls and live in fear until the next morning. Every sound — even if it is only the wind, a cat, a dog or whatever — causes alarm and stress. We need to do what we can to offer those people hope.

I agreed fully with the views expressed by Minister Danny Kennedy after an attack on an 85-year-old man in his home in the Mountnorris area of County Armagh in November 2009. He quite rightly described that attack and those responsible as vile and the lowest of the low. That, indeed, is precisely what they are. Therefore, I am concerned that Mr Kennedy's party colleague Basil McCrea, in his recent comments, seemed reluctant to support the measures proposed in the motion. Mr McCrea's argument was that because the trend of attacks is downward, we must be careful not to cause panic among the elderly. He argued that we need to reassure them. That is all well and good, but as I said, those who have been attacked and those who live in fear of being attacked do not want to hear fine words about statistics and downward trends. They want to be reassured that someone cares and that action is being taken to protect them. Surely a mandatory minimum prison sentence will help to offer that assurance.

Even if the trend is downwards, let us build on that and speed it up by making it clear that the gutless thugs who attack and target elderly people in their homes will pay a high price for their crime. I am greatly disappointed by Mr McCrea's attitude. Given the choice between criminal thugs and vulnerable elderly people, how can there be any justification for treading softly on the thugs and thus letting down the vulnerable and the elderly?

I am also interested to know where Mr McCrea's Upper Bann colleagues Sam Gardiner and Jo-Anne Dobson stand on this. They have already been challenged on this in the local press and have chosen to remain silent. Surely the people

of Banbridge, Lurgan and Portadown deserve to know. It is worth noting that there were 12 robberies in a few hours in Portadown recently —

**Mr Deputy Speaker:** The Member is coming to the end of his time.

**Mr S Anderson:** — in one evening. I am convinced that the threat of a prison sentence would be a considerable deterrent, and that is why we tabled today's motion. I commend it to the House.

**Mr McCartney:** Go raibh maith agat, a LeasCheann Comhairle. Beidh mé ag labhairt in éadan an mholta seo. Thank you very much. Paul Givan and his colleagues are to be congratulated for bringing this important issue to the Assembly. Indeed, in his opening remarks, Mr Givan said that he wanted to debate the issue in a constructive, non-emotive way, and that is the way in which the debate should take place. Unfortunately, there has been some indulgence in seeing who can come out with the best adjective to describe some attacks and then use it to attack the positions of other political parties. I do not think that that is the way the debate should progress.

In his contribution, Mitchel McLaughlin made the point that we want to be constructive and debate this in a very calm way. We do not want the House to divide on the motion. He made the offer, and we await the words of the Minister to see what measures he can put in place to ensure that, whatever concerns or issues are raised around attacks on the elderly, they will be presented in a dignified and constructive manner. That is what we should do, rather than seek confrontation or raise emotion.

I do not say this in a judgemental or pejorative way, but something has been absent so far from the contributions of the proposers of the motion; they have not told us whether there has been an increase in the number of attacks. A number of incidents have been highlighted, but we have not been told whether there has been an increase. If there has been an increase, we have something to be concerned about. Nor did the proposers tell us what the detection rate is for these particular crimes. Is the detection rate low? Has it decreased over the last number of years? That is something that we would all be concerned about. They did not tell us what the conviction rate is for these crimes when people are brought before the courts. Is there a suggestion that convictions are not happening?

Is that down to bad collection of evidence, bad decisions made by the Public Prosecution Service or bad prosecutions on the day?

**Mr Wells:** Quite frankly, many Members on this side are not worried about detection or conviction rates; it is a matter of whether it is right or wrong. If two young thugs break into a pensioner's house and terrorise him, I do not care if that is the only incident in south Down in that year, those people should go to jail for a very long time. This is all somewhat irrelevant. People are demanding that the firmest possible action be taken against such thugs. They are not interested in the statistics that surround those crimes; they want them behind bars.

**Mr Deputy Speaker:** The Member has an extra minute.

**Mr McCartney:** Before I comment on that remark, I want, like Michael Brady, to declare an interest. My parents, Liam and Bessie, are 86 and 85 respectively, so I have an understanding of how old people relate to this issue. You make the assumption that, when two people are arrested for committing an offence against elderly people, they do not get the appropriate sentence. That is the problem; there is an idea that calling for a mandatory sentence will mean that all will be harm-free and everything will be rosy in the garden. That is why I ask the question.

People want to know and be reassured that, if they are attacked, those responsible will be detected. They may then have an interest, as we all would, in how the courts deal with them, but, if they are not put in front of the courts, it does not matter what the sentence is. The point we are trying to make is that the idea that a mandatory sentence will, in some way, reduce the number of attacks has not been sustained by any of the proposers of the motion nor, as Mitchel McLaughlin pointed out, is it sustained by evidence. Indeed, the evidence in our jurisdictions is the opposite: it is that mandatory sentences do not lead to a lower level or rate of crime. That is important.

There is another aspect to this issue. Alban Maginness touched on the fear of such attacks. I hope that the Minister will address this. The Department, which has been in front of the Committee, told us of the measures it is taking. From my parents, I know that the housing development in which they live was designed in a particular way that assists safety in the environment. Antisocial behaviour is practically

non-existent, thanks to good design and community infrastructure. For places like Dove Gardens, a new housing development in Derry, time was taken to allow residents, the Housing Executive, the police and all the agencies to come together and try to design out antisocial behaviour. Bungalows are placed in a particular part of the housing development so that older people are in dwellings that are well-placed and well-designed. They have good community infrastructure, which makes attacks on them even more difficult.

That is the type of thing that we should be doing, not running in front of microphones, calling for seven-year mandatory sentences and then challenging political opponents as if they are somehow weak because they have a different point of view. Elderly people are not reassured by people shouting down microphones on 'The Stephen Nolan Show' to see who can beat their chest the hardest. We have to ensure that, when someone breaks into an old person's home, they will be detected and brought in front of the courts and that proper sentences will then come about.

A number of Members said that the Lord Chief Justice —

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

**Mr McCartney:** — has put in place sentencing guidelines. That is where our focus and attention should be, not on seeking headlines.

**Mr Eastwood:** I begin by agreeing with Members who said that anyone who violently attacks older people or anyone in our society should be dealt with decisively by the judiciary. However, the Assembly should be about trying to find real solutions to problems. Mandatory minimum sentences are not the way to do that. The debate raises important issues that pertain to every community in the North. There is a real need for more effective community policing, and more needs to be done to tackle the fear of crime, which many in our community undoubtedly have.

The issue is much more complex than the simplicity afforded to it in the motion. If our older population is exposed to less crime than any other age demographic yet fears it more than any other demographic, the question that naturally arises is whether the motion is the most appropriate response. The blunt instrument of mandatory minimums will serve

as bad legislative practice and an empty gesture to our older population.

Age Concern has emphasised that there is a broader context to the cause of older people's fear of crime. Sensationalist headlines or simplistic legislation will not protect older people. Age Concern states that fear:

*"causes a destructive 'locked in, locked out' cycle for older people — they lock themselves into their homes to protect their safety and security and as a result lock themselves out of their communities. This causes more isolation, loneliness and fear."*

The solutions, therefore, are rooted in the compassion of our communities towards older people, in well-resourced community policing and in ensuring that our older population is imbued with a sense of belonging and self-confidence.

We must allow the Lord Chief Justice to continue his work on reviewing sentences. The Assembly should not stand in the way of well-researched and expert approaches to sentencing by imposing ill-thought-out reactionary legislation. It is clear that those who carry out attacks on vulnerable members of our community need to be dealt with decisively, but this is not the way to do it.

**Mr D McIlveen:** I support the motion, and I congratulate my colleagues for bringing it forward. I cannot disagree with a number of the comments that have been made by some Members today. I know that crime levels against older people are relatively low, and I know that older people are the least likely age group to be a victim of crime. However, I also know that 502 violent crimes and 1,081 domestic burglaries were recorded against older people from April 2008 to March 2009. That is around 1,500 people aged 65 and over who have been violently attacked or burgled in a single year. Although we are told time and again that, in reality, pensioners do not need to fear crime, those 1,500 people represent 1,500 individual cases in which our older generation, the people who built this country, were attacked or burgled.

Those 1,500 people are only the starting point. In addition to the people who are victims of crime, every single incident sends a ripple effect of fear around the community. Older people are much more likely to live in fear of crime, and they are much more likely to allow that fear to have a significant impact on their day-to-day

lives. There are some frightening statistics. According to the Northern Ireland Pensioners Parliament, 64% of older people who were surveyed cited fear of crime as one of their top priorities. In 2004, an Age Concern survey found that around half of the respondents over 75 were afraid to leave their homes after dark.

#### 4.15 pm

The Older People's Advocate reported that older people need constant reassurance that their interests are being protected. I must, then, ask this: would it not be better if we showed older people that there are no excuses for attacking them? We should let them know that they are valued, that we are looking after them and that we will not accept lenient sentences for those who attack them. Let us not forget that this is all in the context of an ageing population. One statistic estimates that older people could make up 25% of the population by 2041. It is simply not acceptable, therefore, that we ignore the needs and fears of that section of our society.

We have to pause and make some mention of the media and the reporting of such incidents. I am a strong advocate of a free media. When democracy is under threat, a free media is the first thing to be attacked, so I will always be an advocate of it. However, the media have to be responsible in their reporting of these events. I send out that message loud and clear today. They have to think very carefully about the effect of their reporting on wider society. I would hate it to get to the stage where media outlets use older, vulnerable people as a means of boosting ratings. That cannot be allowed to happen. The Assembly must send out a message loud and clear to the media that they must be responsible for the way in which they report those issues.

We have to acknowledge — coming back to the main point — that there are failures in our judicial system at present. The prosecution can appeal sentences only in exceptionally limited circumstances. Therefore, when the public perceive sentences to be too lenient, there is very little that the Public Prosecution Service can do about that. That limited appeal right is compounded by the fact that aggravated assault, for example, has a maximum sentence of seven years and a minimum penalty of a fine. As a result, there is a perceived inconsistency in sentencing for that type of offence.

The independence of the judiciary is vital. However, equally important is consistency in sentencing and public confidence in that sentencing. Despite the fact that crime has fallen in Northern Ireland in recent years, almost two in three respondents to the Northern Ireland crime survey believe that crime is worse than it was two years ago. There is obviously a lot of work to do in order to improve confidence in the criminal justice system.

I find it extremely difficult to argue with sending out a clear message that if you attack an older or vulnerable person, you will go to jail. I do not see how anybody in the House can stand against that. The people of North Antrim whom I represent will certainly not be soft on crime, and I am interested to hear what the other Members for North Antrim will say in this debate. Again, I support the motion and commend it to the House.

**Mr Allister:** Emotionally, I can identify very readily with the motion. All of us, I think, recognise that attacks on the elderly have to be amongst the most repulsive of crimes that can be committed and that, therefore, there have to be severe deterrent sentences in place in order to deal with such wanton attacks. The question, though, is whether proper due process and proper deterrent sentences require mandatory sentences, which remove the discretion from the judge, whose purpose it is to sentence, and which hamstring him with the requirement that he must give a certain minimum sentence with no regard to the circumstances of a particular crime.

The vast majority of people who appear on serious assault charges in respect of elderly people deserve, and will get, serious sentences. However, let me give you a real-life example to evaluate whether there is logic, sense and workability in imposing mandatory sentences. A pensioner paedophile assaulted a young boy. The father of the young boy then took it upon himself to go round to that pensioner's house. One word borrowed another; he struck him and broke his jaw.

Should that father go to jail for seven years, or for any time, or should he be dealt with through, for example, a suspended sentence? Under what is proposed in the motion, that individual would start with the same minimum sentence as the ghoulish thug who, with violence on his mind, goes into a house and beats up a defenceless old couple. That is where the concept of mandatory sentences begins to fall apart.

They are a bit like mandatory coalitions: they do not work in practice. We need to tread carefully.

Given that the motion has come before the House, I confess that I am surprised that no one was able to parade a single case of inadequate sentence. We have had many words, but no Members have stood up and read from a newspaper a description of a case in which someone got an inadequate sentence. Why is that? I am not saying that there have not been inadequate sentences. However, there is a mechanism whereby sentences that are deemed inadequate can be referred to the Court of Appeal, and that mechanism has been used properly many times.

**Mr Wells:** The learned Member has practised at the Bar for a quarter of a century, and he knows that sentences are not only punishments but deterrents. Does he not accept that, if a thug knows that if he is caught after burgling the home of a little old lady and causing her injury he will go to prison for seven years, he will be less likely to set out on that crime in the first place?

**Mr Deputy Speaker:** The Member has an extra minute.

**Mr Allister:** Of course he should go to prison and of course there should be a deterrent sentence, but is the Member saying that the man from the real-life example that I gave should go to prison for seven years? That is the outworking of what the honourable Member is urging on the House: that there should be no exceptions and that if you, in any circumstances in the eyes of the law, assault someone, you will go to prison, no questions asked.

I am pointing out that some cases are capable of having unique distinguishing factors, and that you cannot apply a one-size-fits-all approach to every case. Let us have severe and tough, deterrent sentences, but let us do it through the due process of the referral of deficient sentences and through the guidelines from the Court of Appeal. I can tell you, Court of Appeal guidelines work: you cannot weave your way around them.

**Mr Storey:** The Member does not agree that there should be a mandatory sentence. However, if someone were to be sentenced in the context of the attack that he outlined, would the use of the Court of Appeal not be applicable in those circumstances?

**Mr Allister:** Yes — if the Attorney General thought that it was a lenient sentence. However, I cannot dream of circumstances in which the Attorney General would think that it was a lenient sentence. That intervention demonstrates one of the problems of this debate: a little knowledge is a dangerous thing. One Member told the House that there are mandatory sentences for drink-driving offences. There is no mandatory sentence whereby you would go to jail for drink-driving. There is a mandatory disqualification —

**Mr Deputy Speaker:** Will the Member please bring his remarks to a close?

**Mr Allister:** — which is utterly different from a mandatory incarceration. As I say, a little knowledge creates quite a dangerous situation.

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

**Mr Allister:** Let us be clear —

**Mr Deputy Speaker:** Order.

**Mr Allister:** Of course this must be dealt with, but we must have a system that can deal with everyone.

**Mr Deputy Speaker:** Order, please. Thank you. I call Mr George Robinson, and because of the restrictions on the debate the Member will have four minutes.

**Mr G Robinson:** Follow that. It is a sad reflection on today's society that we must debate this motion, which I fully support. I was brought up to respect and honour my elders. I watched the recent news coverage of battered and bruised pensioners who were picked on by cowards. That is what they are, because the perpetrators of such attacks know that pensioners and the elderly are the most vulnerable people in our society. I have sat beside terrified pensioners after they had sustained similar attacks to those that are outlined in the motion, and I appreciate the devastation and lifelong trauma that those incidents leave.

It must be emphasised that some older and vulnerable people who are the victims of such attacks never recover from the experience. Indeed, they receive a life sentence of fear. That is an absolute disgrace. Most of those people have contributed to our society by working hard and paying their way in life, unlike some of those morons who have committed such heinous

crimes. That is why I believe that anyone convicted of such attacks must serve a fixed period in jail.

As a society, we cannot permit the current situation to continue. Such crime must be suitably punished, and the judiciary must ensure that our older and vulnerable people are properly protected, with maximum sentencing to fit the crime. The First Minister recently stated that, as far as the DUP is concerned:

*“if you attack a pensioner, pack your bags, you’re going to jail.”*

That is a statement with which I fully concur. I hope that every Member supports this very worthwhile motion from my colleagues, as our elderly deserve to live life free from fear and without being imprisoned in their own homes.

**Mr Ford (The Minister of Justice):** I welcome the Assembly’s interest in this particular issue. Indeed, we are a little behind the times, because just last week the Pensioners Parliament, meeting in the Senate Chamber, debated a similar issue. It called for the fear of crime among older people to be a priority in the new community safety strategy. It also called for older people’s concerns to be taken into account.

A number of people cited attacks that have taken place in recent weeks and that have, quite rightly, been subject to widespread condemnation externally and here this afternoon. All crime has to be condemned, but crimes against older and vulnerable people are particularly abhorrent. It would be a great pity if, as a result of this debate, older people became more fearful about their safety than is justified. We in this House have a responsibility to ensure that we do not add to people’s fears in the same way as the media has done, as has been highlighted. I do not want, in any way, to lessen the dreadful impact that individual crimes have on victims and their immediate families, but we should also be clear, as has been said, that attacks against older people in Northern Ireland, especially violent crimes, are relatively rare. Statistics show that people aged 65 and over are least likely to be the victims of violent crime, accounting for less than 2% of such victims, although older people represent 14.5% of the population.

We all know that even one such crime is one too many. That is why the draft Programme for Government includes a commitment to tackle crime and fear of crime against older and vulnerable people by more effective and

appropriate sentences and by other measures. Although this is a new commitment, it is an area to which my Department was already giving significant focus. We have a range of strategies aimed at tackling crime and fear of crime among older and vulnerable people, and in the new community safety strategy, we intend to develop and improve those strategies to build community confidence, encourage community involvement in crime prevention and reduce the fear of crime.

The new strategy will look at a range of options, including how we support inter-generational projects; support people through schemes such as neighbourhood watch; and provide peace of mind and security for older people. It will consider how to develop a wider understanding of the fear of crime in Northern Ireland and its particular impact on older and vulnerable people. It will also encourage engagement and communication with local communities through the new policing and community safety partnerships to help identify the support that communities need to tackle local concerns so that they can close the gap between actual and perceived levels of crime.

The Department of Justice is working towards publishing an agreed strategy with buy-in from other Departments and a range of other agencies early next year. In tandem with that work, Members will be aware that I have been considering a range of potential mechanisms by which greater transparency and consistency in sentencing, and understanding of sentencing practice, might be achieved. Sentencing is a complex issue and also an emotive one. It is an issue on which most people will have a view, particularly on the crimes that we have been discussing this afternoon against older or vulnerable people. My work on the development of a sentencing guidelines mechanism and my liaison with the Lord Chief Justice throughout the process has shown me that not enough is known about sentencing practice in our courts.

Therefore, officials from my Department are in discussions with the Justice Committee on draft proposals for ways in which transparency, consistency and an understanding of sentencing practice might be delivered in a manner that helps to promote public confidence. I hope to announce proposals on the way forward in that respect in the near future.

**4.30 pm**

In the meantime, I confirm to Members that the principles underlying sentencing, as expressed in sentencing guidelines, consider attacks on the vulnerable, including older people, an aggravating factor in sentencing decisions. That brings me to the focus of the debate: the call for mandatory prison sentences for those convicted of crimes against older and vulnerable people. All Members who spoke in the debate absolutely condemned recent attacks. I certainly agree with them that the punishment for anyone convicted of such attacks has to reflect the vulnerability of the victim and society's abhorrence of such crimes. However, sentencing in an individual case has to be a matter for the independent judiciary, immune from partisan or political interest.

In making sentencing decisions, the judiciary is guided by sentencing guidelines. Those guidelines indicate that the courts should include issues such as the vulnerability of the victim as an aggravating factor when assessing the appropriate sentence to be imposed. Let me quote from a Court of Appeal guideline judgement:

*"It must be brought home to offenders who violate the privacy and security of old people in their homes and expose them to violence that immediate and heavy sentences of imprisonment will follow their detection and conviction."*

I consider it important that the discretion of the judiciary is maintained in such cases. Mandatory minimum sentences of imprisonment allow no room for discretion, a point that was recognised by a number of Members who spoke. I think that that was everyone on this side of the House and Mr Hussey, although, for some bizarre reason, at the end of his speech, he said that he intended to support a motion that he had largely spoken against.

Mandatory sentences make no allowance for the exceptional case, and there is always the possibility of such cases. I confess that I was thinking of potential examples. However, yesterday, Jim Allister told me of the example of the paedophile pensioner, which he gave the House this afternoon. It is probably fair to say that, if Jim Allister were described as, "A 'Guardian'-reading, sandal-wearing liberal", he would feel a little discomfited. Such a description would not worry me but would worry him. Yet, Mr Allister, speaking from his clear, practical

experience in the law courts put his finger on a precise example of why mandatory sentences are wrong. To suggest that the father in that case should be subjected to the same minimum sentence as a thug who assaults and abuses old people is absolutely ridiculous and was recognised as such by the silence in which he was heard before DUP Members desperately tried to think of something to heckle him with. We have the clear example cited, and we have heard others, including Mr McCartney, cite research from other jurisdictions that shows that mandatory minimum sentences can have unintended consequences. Indeed, Mr Allister's example would have been exact proof of that. That is why I and, I believe, the majority of the House have supported the concept of judicial discretion.

Members referred to sentencing guidelines. Of course, sentencing guidelines were raised as an issue in the Hillsborough Castle talks last year. At the time, some of us considered that a fairly formal mechanism was needed. However, there has been acknowledgement from different sides of the House today of the significant work being done by the Lord Chief Justice in developing informal sentencing guidelines and of his willingness to engage with laypeople involved in that process. Sir Declan Morgan's public consultation on the priorities for sentencing guidelines shows that he is in touch with public opinion. I welcome and support the work that he is doing. Some of the detailed issues around, for example, lay involvement, must be worked through in detail. However, it is absolutely clear that work is being done by the judiciary that complements the work being done by the Department, and Sir Declan Morgan's work is to be welcomed as a positive step forward.

The key issue for me is that we reassure vulnerable citizens that we promote safer communities and see that good work is done by police officers on the ground to ensure that criminals are caught. The knowledge that people will be caught and given an appropriate sentence by the judiciary is the deterrent — not the grandstanding and chest beating seen in the Chamber this afternoon — and it leads to judicial sentences that are appropriate to the facts of the case. In response to Mr McIlveen, Mr Allister highlighted the issue of an appeal against inadequate sentences, which is being looked at as part of the Attorney General's work.

I am committed, as the Programme for Government demonstrates, to continuing to work to ensure that crimes against older and vulnerable people are minimised, that offenders convicted of such crimes continue to be sentenced appropriately and that older and vulnerable people are able to live their life free from the fear of crime. The approach of the Programme for Government is to explore the options and determine the need for appropriate legislation, with the kind of flexibility that Peter Weir talked about, as opposed to the inflexible demand for mandatory sentences that he and his party colleagues have been talking about.

It is incumbent on us all, whether we are political representatives or media commentators, to conduct this debate with care. As has been acknowledged, attacks on older people are, thankfully, rare. Although we should not be complacent and the Programme for Government commitment highlights the action that we are taking to reduce attacks and ensure appropriate sentences, it would be regrettable if our debate or media comments on this important issue were to add to older people's disquiet.

Let me say again that I have welcomed the opportunity to participate in the debate. It is clearly a significant issue to which, I suspect, we will return in Committee, in the Department or in the Assembly in the days to come. I wholeheartedly agree with the view expressed in every part of the House this afternoon that older and vulnerable people deserve respect and safety in their home. However, for the reasons that I have outlined, I oppose the motion to impose mandatory minimum sentences.

**Mr Wells:** First, I apologise that I was not here for the entire debate. We had a very important meeting of the Health Committee at which I had to stay until the bitter end, as it were, and I missed the first few contributions to the debate. However, I have been able to speak to some of my colleagues, and I think that there is a definite trend between those who have a concern for the elderly and the liberal tendency, led by the leader of the Alliance Party and the leader of the TUV. I never thought that I would be able to say that in the same sentence. Clearly, they are in cahoots. There has been collusion between the two of them to produce their common view on this matter. I never thought I would be able to say that either.

It is clear that everyone else in the House — SDLP, Sinn Féin, the Alliance Party — is of the view that there should be no mandatory sentencing. The public and the DUP believe that the only just punishment for the thugs who break into the homes of vulnerable elderly people is that they go to jail. I will quote the specific example of a lady who has passed away; I am sure that she would not mind me quoting her name. Emily Gorman was one of the most decent, godly people that I have ever met in my life. She was an inspiration to me and my children. She lived in an old Housing Executive rural cottage near the village of Moira, and it was broken into twice by thugs who ransacked her home and stole the very small number of earthly possessions of any value that she had. As a result, she had to leave a home that she had lived in for, I am sure, 60 years and move into sheltered accommodation. Is there anyone in this Chamber who believes that the thugs who did that do not deserve to go down for at least seven years? I cannot think of any reasonable person who would believe that.

**Mr McCarthy:** I am grateful to the Member for giving way. I was very excited by the story that he told, but he did not finish it. What happened to the guys who carried out that despicable act on that lady whom you admired so much? Were they caught and brought before the courts? That is the crux of the matter all through the debate. It is about catching those boyos or girls.

**Mr Wells:** No, they were not caught. *[Interruption.]* Before the extreme moderates in the Alliance Party get too upset about this, I want to say that, if those thugs had known before they set out to do that evil deed that, if they were caught, they would get a mandatory prison sentence of seven years, they might well have decided not to go ahead with it. That is the point. All the honourable Members have totally missed the point that sentencing is not only a punishment; it is a deterrent. The honourable Member for North Antrim, whose legal opinion I respect — he has defended me in several difficult situations, as he will recall — *[Interruption.]*

**Mr Storey:** He has lost ones, too.

**Mr Wells:** He did a good job, generally. He makes the facetious point, however, that because we have a seven-year sentence we are less likely to detect people and get them to confess. The reality is that a seven-year sentence will neither help nor hinder the police

in the detection of the crime; it will act as a deterrent to the crime. It will mean that, if the person is caught, there will be clear public confidence that that individual will be sent down.

**Mr Allister:** I do not recall that I ever said that there would be any inhibition on the police's likelihood of catching people because of the existence or presence of a mandatory sentence. I do not think that it affects that one way or the other. However, let us be clear: virtually every sentence carries a specific maximum term. Therefore, the person who robs knows that he could get a life sentence. The person who inflicts grievous bodily harm knows that he could get a life sentence with a minimum term. Now, under the 2008 order, there are extended sentences. Therefore, it is the existence of the upper limit, which is stiff in all those cases, that is the real deterrent, provided that it is adequately applied when people are sentenced.

**Mr Deputy Speaker:** Could I ask for all remarks to be made through the Chair, please?

**Mr Wells:** The difficulty that I have with that is that very seldom, if ever, is the maximum sentence applied. Let us look at the other side of the argument. The Member is right to say that there is no judicial sentencing for drink-driving. I accept that. However, you know that, if you leave a hotel or bar and you are over the limit and are caught, you will get a mandatory ban from driving for a minimum of one year. I have no doubt that that decision has meant that thousands and thousands of people have stopped at the door of a bar and got a taxi. They realised what the implications were, should they proceed.

**Mr Allister:** That is because there can be no excuse for drink-driving; therefore, a mandatory sentence is always equitable. However, if you talk about a mandatory sentence to incarcerate someone, you totally shut the door on the few exceptional cases when a sentence should not be imposed.

**Mr Wells:** In other words, we allow one or two cases per thousand to dictate our right to impose a mandatory sentence. The example that the Member quoted to me is an interesting one. He also gave it to Mr Ford. However, it is not the norm. The norm is that thugs burgle houses to get money, such as in the incident that occurred the other night, when the life savings of an elderly, unmarried brother and sister were stolen. That is what

goes on. I cannot see any circumstances that could be presented to any court in which that combination of breaking and entering, theft and attacking elderly pensioners could not be —

**Mr Allister:** Will the Member give way?

**Mr Wells:** I will for the final time.

**Mr Allister:** Would the Member not be the first in the House to complain if a constituent of his such as I described got seven years for visiting some retribution on a paedophile who had attacked one of his children? The Member would be screaming, with great justification, about the inequity of that sentence. He would make the case that emerges with mandatory sentences, which is that, once you have them, you must take the rough with the smooth and you create as many problems as you solve. The answer is deterrent sentences in deserving cases, handed down by judges who know what they are doing.

**Mr Wells:** I have absolutely no doubt that, in those very unusual and particular circumstances, the DPP could take the decision to go for a lower-tariff offence. However, why should we forgo the opportunity to introduce a mandatory minimum sentence for the once-in-a-blue-moon situations when that might happen? We start from a base at which society does not have confidence in sentencing for attacks on elderly people. We must start with the premise that we want a seven-year mandatory sentence and work around those principles to produce legislation that will deal with that issue.

In addition to deterrence and punishment, sentencing creates public confidence in the judiciary. If the public are reassured and certain that there are firm guidelines on what is acceptable for sentencing and a firm rule that states that someone must be sent down for a certain period, the public will have confidence in the system. I do not believe that that confidence exists.

I accept that statistics show that there seems to have been a reduction in attacks on the elderly. However, that is absolutely no consolation to older people who are sitting in their home tonight in areas where those dreadful crimes have been committed recently. They are scared to go out of their front door. They are locked in a fortress mentality. They would be reassured to know that those who are responsible, if they are caught, will face a very difficult time.

**4.45 pm**

The honourable Member for North Antrim perhaps has still not departed from his role as a QC. Perhaps he wants to return to that noble profession some day and so wants to ride both horses to some extent. However, the public demand action. Hold an opinion poll on the streets today and ask the voters, the ratepayers and the people of Northern Ireland what they think about this issue, and the views of Mr McCrea, Mr Allister and Mr Ford will get less than 5% support.

**Mr Agnew:** Will the Member give way?

**Mr Wells:** I certainly will.

**Mr Agnew:** Victim Support and Age NI have not called for mandatory sentences. The only call that I am aware of for mandatory sentences before today's debate was from 'The Stephen Nolan Show', and I do not think that we should implement Nolan justice in this House.

**Mr Wells:** The public, particularly the elderly, will be shocked that people are jumping up from every corner of this Assembly to find a way of avoiding mandatory sentences. It is noticeable that those Members are out of line with their constituents' views on the issue. Go back to the leafy suburbs of North Down, Mr Agnew, and ask your electorate, particularly the elderly, what they think of the issue, and you will get a very different message. Therefore, I have absolutely no qualms about supporting the motion entirely. We will push it to a vote, and the people of Northern Ireland will watch with interest to see which Lobby Members go through.

**Mr Dickson:** I thank the Member for giving way. Will the Member not agree that elderly and vulnerable people want assurance that the PSNI has the appropriate resources to catch people and a reputation for putting them before the courts?

**Mr Wells:** They will all go to jail after that process ends.

**Mr Deputy Speaker:** Order. I regret to advise the Member that his time is up and that we must proceed.

*Question put.*

*The Assembly divided: Ayes 44; Noes 41.*

**AYES**

*Mr S Anderson, Mr Bell, Ms P Bradley,  
Mr Buchanan, Mr Campbell, Mr T Clarke,*

*Mr Copeland, Mr Craig, Mr Cree, Mrs Dobson,  
Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott,  
Mr Frew, Mr Girvan, Mr Givan, Mrs Hale,  
Mr Hamilton, Mr Humphrey, Mr Hussey, Mr Irwin,  
Mr Kennedy, Ms Lewis, Mr McCallister,  
Mr McCausland, Mr I McCrea, Mr D McIlveen,  
Miss M McIlveen, Mr McNarry, Mr McQuillan,  
Lord Morrow, Mr Moutray, 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 Ayes: Mr S Anderson and Mr Craig.*

**NOES**

*Mr Agnew, Mr Allister, Ms M Anderson, Mr Attwood,  
Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady,  
Mr Byrne, Mr W Clarke, Mrs Cochrane, Mr Dickson,  
Mr Doherty, Mr Durkan, Mr Eastwood, Dr Farry,  
Mr Ford, Ms Gildernew, Mrs D Kelly, Mr G Kelly,  
Ms Lo, Mr Lunn, Mr Lynch, Mr Lyttle, Ms J McCann,  
Mr McCarthy, Mr McCartney, Mr McDevitt,  
Mr McElduff, Mr McGlone, Mr M McGuinness,  
Mr McKay, Mr McLaughlin, Mr A Maginness,  
Mr A Maskey, Mr P Maskey, Ms Ní Chuilín,  
Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Ms S Ramsey.*

*Tellers for the Noes: Mr Dickson and  
Mr A Maginness.*

*Question accordingly agreed to.*

*Resolved:*

*That this Assembly recognises that older and vulnerable people are deserving of respect and safety in their homes; and calls on the Minister of Justice to introduce legislation to impose mandatory minimum prison sentences for people who are found guilty of violent crimes against older or vulnerable people.*

**5.00 pm**

*Motion made:*

*That the Assembly do now adjourn. — [Mr Deputy Speaker.]*

## Adjournment

### West Belfast and Greater Shankill Employment Services Board

**Mr Deputy Speaker:** The proposer of the topic for debate will have 15 minutes in which to speak, the Minister will have 10 minutes to respond and all other Members who wish to speak will have six minutes on this occasion.

**Mr P Maskey:** Go raibh míle maith agat, a LeasCheann Comhairle. I thank the Business Committee for supporting this topic and selecting it for the Adjournment debate tonight. I also thank the Minister for his attendance.

The importance of this debate is very relevant due to the fact that only last week the Westminster report on unemployment was released. That report highlights the high unemployment rates in the areas that we will speak about this evening. Some of the highlights in the report put a spotlight on the need for a more localised approach to addressing unemployment in west Belfast and the greater Shankill. The infrastructure is already there through the structures of the Employment Services Board, the employers' forum and other task force initiatives, which have already assisted in moving west Belfast and the greater Shankill forward.

I will take a bit of time to highlight some of the benefits that the task force has brought to west Belfast and the greater Shankill over the past number of years. The health employment programme works in partnership with the Belfast Health and Social Care Trust, UNISON, the Employment Services Board and the employers' forum. It helped to get over 150 people into employment, and over 300 people received progression training, 40 of whom moved on to more advanced positions, creating £1.4 million per annum for the local economy.

The social economy fund — a £1 million fund — has created 31 posts that will be supported for two years in 14 social enterprises that provide local services of community benefit. The

Contact Centre Job 100 initiative worked with local contact centre employers to ring-fence 100 jobs for those further from the labour market. Over 150 people have moved into employment in the contact centre sector as a direct result.

There has been the development of highly significant government guidance through the political ex-prisoners' group, chaired by Sir George Quigley, and a new working group set up by the Office of the First Minister and deputy First Minister (OFMDFM).

An innovative scheme in Bombardier offered adult apprenticeships to people from the task force areas with few entry requirements reduced. The Engineering Skills for Industry scheme, funded by Bombardier, the European social fund and the Department for Employment and Learning's (DEL) Steps to Work programme, is an innovative approach that provides additional help and support for those further from the labour market to gain qualifications and then employment in the engineering sector.

There have been construction cluster initiatives. Despite the severe impact that there has been on the construction industry, the task force structures have worked extensively with the employers' forum construction cluster to provide a series of work placement opportunities, linkages with local schools, mock interview programmes, and so on.

There have been direct interventions with retail employers to develop approaches and place clients, including Marks and Spencer, Timberland, IKEA, Asda and Tesco, to name but a few. The task force has also helped through the development of key approaches to maximise opportunities in areas such as Victoria Square and the Titanic Square in east Belfast.

The work of the task force structures has levered in substantial additional resources for employment and employability initiatives, with over £2 million in additional funding having been secured in the past seven years. DEL investment in the stakeholder forum element of the Employment Services Board has been match-funded almost pound for pound by the private sector through the support of the employers' forum. Since mid-2009, DEL has sought to separate the activities of the Employment Services Board into those contracted under the local employment intermediary service (LEMIS) and those that fall under the task force's remit.

In his letter of 31 January 2011, Minister Danny Kennedy noted that DEL funded the Employment Services Board from April 2007 to act as a facilitator for the Belfast-wide LEMIS stakeholder forum and that, since 2007, it has not provided the Employment Services Board with resources to discharge any or all of its functions in respect of the West Belfast and Greater Shankill Task Forces. DEL's definition of the services contracted under LEMIS has a very narrow focus and excludes the majority of what I have just mentioned.

With that in mind, the Employment Services Board's role in acting as a co-ordinating body for services and approaches to tackle employability and unemployment across west Belfast and the greater Shankill is at substantial risk. The recent task force consultations, along with direct consultation with neighbourhood renewal partnerships, have demonstrated widespread support for the Employment Services Board not only to continue but to strengthen its pivotal role in the development of a new strategy and associated action plan to tackle employability and unemployment in the task force areas.

The Employment Services Board is currently supported by Belfast City Council, which has committed £45,000 of interim funding. That support, although providing an essential lifeline, does not fully cover the board's very modest ongoing operating costs. The support from Belfast City Council ends on 31 December 2011 and will leave an overall shortfall of £32,000 until the end of March 2012.

The Department's lack of support for the Employment Services Board and its narrow focus on services to facilitate a stakeholder forum for LEMIS, as opposed to its wider task force remit, is a barrier, given that the evaluation of the last LEMIS recommended not proceeding with the shareholder forum element in the new LEMIS contract. It is important to note that all the Employment Services Board activities are employability related, fit in with DEL's remit and were embarked on to open up opportunities and overcome barriers to employment for those further from the labour market in the West Belfast and Greater Shankill Task Forces areas.

All the Employment Services Board's work is directly in employment and employability, and is therefore within DEL's remit and in support of its aims and objectives. Whether funded directly for that work, the benefits are clearly there

to be seen, with over £2 million in additional resources brought in by the employers' forum and the Employment Services Board.

There is no alternative to the stakeholder forum arrangements in place for LEMIS, and we have therefore taken a massive step backwards when it comes to government working with local communities and stakeholders to tackle unemployment collaboratively. The LEMIS evaluation did not consider that wider range of benefits and very narrowly focused on the administration of the stakeholder forum function rather than on the supporting developmental work.

New plans for tackling unemployment and disadvantage are currently being developed in west Belfast and the greater Shankill. The Employment Services Board is a key driver in that respect and has the full support of both partnerships, as well as that of the neighbourhood renewal partnerships.

With that in mind, I believe that the decision to withdraw the stakeholder forum function was based on a very short-sighted and narrow assessment that did not take account of the unique structures, arrangements and subsequent benefits to west Belfast and the greater Shankill. There is a greater case than ever to support such structures. Losing the Employment Services Board at this stage will place a great question mark over the commitment and investment by the private sector in the employers' forum, and I do not think that that is the message that we want to send out.

The short-term investment required is £32,000 to the end of March. I ask the Minister to look at his budget in the hope that he can find that small amount of money to assist west Belfast and the greater Shankill. Granting that small amount of finance would allow the Employment Services Board to seek other funding revenues to keep up its work.

The programme works, Minister. Therefore I would be very grateful if you could source that small amount of money as a lifeline to the community. I realise that budgets are very tight, but I would like to hear your response. I look at some of the positive work: Invest NI has invested £1.5 million in the Andor Technology site on the Springfield Road, which levers in other money to a total of £18 million investment in that area last week. I would be very grateful if the Minister could add on the small amount of £32,000 — if he has it in his budget — as

it would allow the work of the Employment Services Board to continue trying to give employment opportunities to people from some of the most disadvantaged areas.

**Mr Humphrey:** I declare at the outset that I am a former member of the West Belfast and Greater Shankill Task Force, a member of the Greater Shankill Partnership Board and a member of Belfast City Council. The Employers' Forum and the Employment Services Board basically came out of those task forces. The Employment Services Board has been providing a service in greater Shankill, and particularly in west Belfast.

One of the most significant things for those involved in the Employment Services Board was the Health Employment Partnership, which was jointly funded by DEL and the Belfast Trust. Last year, I attended an event in the Long Gallery with my colleague from Belfast City Council Tim Attwood. When we returned to the council we proposed and seconded a motion respectively in support of that. It is a great scheme. People at the event gave testimony about how the project had lifted them in relation to meaningful employment, gave them confidence in themselves and totally transformed them as individuals. I am saddened to hear that there may not be money to allow it to continue, although the Minister may correct me if I am wrong. It is unfortunate, to say the least, if that is the case.

Engineering with young people from Bombardier Aerospace has an impact on training, as does Springvale, on respective sides of the divide in west Belfast. Impact Training has been vital for the young people in the area that I and others in the Chamber represent. The proposer of the debate said that Belfast City Council has been providing some funding through the development department for ESB to help the greater Shankill and west Belfast. The initial funding was for three months, and then extended for a further six months due to the failure of distribution from this place.

The board's work has been vital, although I must be honest and say that I would have liked to see more of it in the Shankill. We need a holistic approach to tackling problems in areas such as west Belfast and the wards of north Belfast that about it. We hear about the difficulties in hard-to-reach communities for Protestants and Catholics. Many young people feel that they simply have no way out because the job

prospects are not there. Unfortunately, in some families, education is not valued. The focus of the national Government and its predecessor seems to be education, education, education.

Education is not for everyone. Some people make the decision not to go into third-level education, as I did; I went straight into industry. Other people want to learn the traditional trades. We do not have enough people training to be electricians, joiners, plumbers, bricklayers and so on, which is what the economy needs. The manufacturing base may have contracted now, but will we be fit for purpose if we have economic growth and manufacturing recovers?

### 5.15 pm

Some 50% of the people who built Victoria Square a number of years ago are from Poland. I have no difficulty with that, but why are people from the Short Strand, the Shankill, west Belfast and north Belfast not getting opportunities to go in there and do that work? The simple truth is that they do not have the skills because the training is not there. There is a great responsibility on the Minister's Department and Belfast Metropolitan College to teach the skills that are needed in those communities. That will give those people a lift and the opportunity to go into the world of work and get meaningful long-term employment that will give them confidence and vision for the future.

The threat of the withdrawal of funding from organisations such as ESB is a particular concern. I am not sure that Belfast City Council has the funding to make up the shortfall in its entirety, nor do I think that it is appropriate that it should do that. Belfast City Council can certainly work and support these organisations in partnership, but responsibility resides with regional government.

It is a particular problem in the greater Shankill area. Connectivity between Belfast Metropolitan College and the greater Shankill is very poor. It is very difficult for young people who go to that college. Recently, I was visited by a constituent who is supposed to be on a placement, training to be a mechanic. The car mechanic with whom he works has him changing tyres. That young fella has no prospect of becoming a mechanic if he is only changing tyres. If such courses were focused and directed in a professional way, it would allow people to get qualifications.

People who work in the Employment Services Board and on Jobskills programmes in the greater Shankill have much to do. They do good work, and they should be supported in that ongoing work. If the money can be found, not just from the Department but through working in partnership with the private sector and Belfast City Council, I implore the Minister to ensure that those schemes continue.

We can talk about education and a lack of training, especially vocational training. However, the truth is that we simply will not crack it unless a holistic, joined-up, collaborative approach is taken to tackling the problems in west Belfast, north Belfast and so on. I am concerned when I hear about school closures and reductions in education funding and vocational training in those areas. How will we instil in those people confidence that there is any prospect of meaningful employment if government does not work collaboratively with councils and the private sector? All those elements need to come together to ensure that the process works.

**Mr Deputy Speaker:** I call Alex Attwood. Members have a maximum of seven minutes, as a few names have been withdrawn.

**Mr Attwood:** I welcome Paul Maskey's Adjournment debate. There was not a word in his opening remarks that I differ from. There was virtually not a word in William Humphrey's remarks that I differ from. I hope that there will be barely a word in my remarks that either of them differ from, but we will wait and see about that.

Minister, there are four reasons why you should back this project in the next half hour. The first is the reason that Paul Maskey outlined: it is a good project with good results and a good future. Given its profile and success, the Department should think about providing funding. Secondly, as has been outlined, the amount of money that is sought in the period to the end of this financial year is moderate. As I will explain, other models of practice have been deployed over the past number of months to sustain good projects while potential funding opportunities emerge. Thirdly, there is an orthodoxy in DEL that needs to be broken, which is that mainstream programmes and models in the image of London programmes best serve the interest of communities. I do not think that that is the right orthodoxy. I have long believed that, at times, the conservative

and insular thinking of DEL gets in the way of the deployment of best practice, such as the Employment Services Board. Fourthly, I am being cautious in making this argument, but there is a need to reassure communities in West Belfast after the decision that was announced yesterday on the review of teacher training. Whatever the ambition and intention of the Minister in that regard, there is now new uncertainty in West Belfast about the Government's commitment to it. As a consequence, I believe that those four reasons give opportunity and space for the Minister to address the matter this afternoon.

I endorse what Paul Maskey and William Humphrey said about some of the initiatives that have arisen through the work of the Employment Services Board. I will name only two or three because they have been spoken about in some detail. The health employment programme is not just a good model; it is actually a model that should be deployed in all areas of disadvantage in the North. We have the single biggest employer in the public sector, with the single biggest spend in the public sector — namely, health — and there is a local model of identifying people in areas of neighbourhood renewal, training them up to apply for jobs in the health service and, at the same time, helping people in low-level employment with the health service to upskill in order to progress into higher jobs in the health service.

William Humphrey, my brother and others were in the Long Gallery because the programme is representative and has wider deployment in terms of DEL and DSD strategy, and it is a classic example of where we should go. It is a project that should be escalated, not put in jeopardy through the uncertainty around the Employment Services Board. The same can be said for all the other initiatives that came through the ESB, which Paul Maskey outlined in his speech, including construction cluster initiatives, direct retail interventions and, more than anything else, social economy projects.

Some 5% of employment in the North is in social economy projects. That is a model of employment, given that it is not for profit and money goes back into the business. It is a business; it is not charity, and it is not handouts. It is a business model in the image of not for profit and social economy projects, which have a greater role, especially if we can get to grips with our procurement.

As I said, there were models in the recent past where the Government decided to intervene in order to protect good programmes at a moment of high risk. I refer in particular to the integrated services project in West Belfast. When I was Minister for Social Development, we released short-term funding to get that project over the funding gap while further funding opportunities came forward. Although I have grave concerns about the social investment fund and believe that money should be reallocated very quickly, especially to DSD and perhaps to DEL to take forward various programmes, nonetheless, for the sake of £30,000 to cover a short deficit in funding while other funding models are worked up — or, as I prefer to see it, funding that is in the Budget is reallocated to those best placed in government to deploy those resources, namely DEL and DSD, to neighbourhood renewal projects — I do not think that this project should be put in any further jeopardy beyond the conclusion of this debate.

I encourage the Minister to break free of the technocratic culture that prevails in some elements of DEL and to recognise this afternoon's cross-party, cross-community endorsement of the project. I also encourage him to recognise that this is not just good in itself but is a trailblazer for good models of creating employment, skills and opportunities for people in areas of neighbourhood renewal. I further encourage him to send a good news message to all the people of West Belfast.

**Dr Farry (The Minister for Employment and Learning):** I congratulate Paul Maskey on securing the Adjournment debate, and I thank the Members who spoke for their comments. I will certainly take note of everything that has been said.

It might be helpful if I explained the nature of my Department's relationship with the Employment Services Board and how my Department procures programmes and services. My Department does not core fund organisations; rather, the normal practice is to procure specific programmes or services by competitive tender.

My Department has had two contracts with the Employment Services Board. The first was to support targeted initiatives for the long-term unemployed in West Belfast and the greater Shankill. That contractual relationship ended in 2007, when targeted initiatives ended. More recently, my Department provided funding for

the Employment Services Board to act as the secretariat for the Belfast stakeholder forum for the Local Employment Intermediary Service, better known as LEMIS, and fora were funded in Derry and Strabane.

During the latter part of 2009, my Department commissioned FGS McClure Watters to evaluate LEMIS. That evaluation concluded that LEMIS is a low-cost, highly effective intervention that helps those who are most disengaged from the labour market to reconnect with the world of work. It also concluded that there was no longer a need for the stakeholder fora and that to continue with them would simply be a duplication of functions already being delivered by others, such as my Department, the workforce development fora and local councils.

I should say at the outset that I value stakeholder engagement. My Department is working closely with Belfast City Council and other key organisations, including other Departments, agencies and educational institutions, to secure a strategic approach for the whole city of Belfast. I believe that we must break free from our traditional views of the city. That view breaks the city down into discrete areas — north, south, east and west — and weakens us all and fragments interventions. I think that we need to view the city as a whole and seek strategic solutions that will provide opportunities for all our citizens and build the cohesion and strength of the whole community in Belfast. I also believe that we can do that at little or no additional cost. At times of financial constraint, that can only be the right thing to do.

In line with the recommendations of the FGS McClure Watters evaluation report, funding was withdrawn from the LEMIS stakeholder fora in March 2011. The £150,000 that was saved by that decision has been directly reinvested into front line services by extending LEMIS to three more areas of Northern Ireland. In addition to being provided in Belfast, Derry and Strabane, LEMIS is now available in Cookstown, Moyle and Newry. Those areas have been identified as being the next three most deprived parts of Northern Ireland under the Noble indices.

I am sure that Members will agree that that extension of LEMIS should be warmly welcomed. We must do all that we can at this difficult time to help people prepare for a move into work as quickly as possible. The principle of reducing unnecessary overhead costs and redirecting

much-needed resources to front line services is very much in evidence in our extension of LEMIS.

Tomorrow, I will visit Ballycastle, where Network Personnel, one of our LEMIS contractors, will open new premises to deliver LEMIS in north Antrim. Locally, the service will be branded as Source. If LEMIS performs as well in the new areas as it has in Belfast, Derry and Strabane, we can expect around 100 extra people to find and retain work in the next year to 18 months.

My Department has no particular locus in the question of future funding for the Employment Services Board. Others, notably the Department of Enterprise, Trade and Investment and the Department for Social Development, may have a view, given their involvement on the Employment Services Board in the work of the West Belfast and Greater Shankill task forces, which are, of course, structures established by those Departments.

### 5.30 pm

With regard to my Department's wider commitment to west Belfast and the greater Shankill, the full range of employment service programmes and services remains in place. Those services and programmes can be accessed through the local jobs and benefits office network in our Andersonstown, Falls and Shankill offices. The Andersonstown office, which was opened last year, is one of the newest jobs and benefits offices in the network and offers the local community a comprehensive jobs and benefits service. I have over 100 staff working in those locations, providing information, advice and support across the whole client range from jobseekers and job changers to those with health conditions and disabilities.

In September 2011 — the latest month for which I have data — my staff helped over 250 people to move into employment in those areas. That is indeed a positive recognition of the support that they received from the employment service. In addition, the full suite of employment programmes is in place and available to customers in those areas. Those include the Steps to Work programme, which is our main adult back-to-work programme, and the full range of disability programmes offered by the Disability Employment Service.

LEMIS contracts also remain in place in west Belfast and greater Shankill. We have two contracts in the area: Upper Springfield

Development Trust delivers the service in west Belfast, while Impact Training, via the Shankill Job Assist Centre, offers the service in the Shankill area. LEMIS is an area-specific initiative, designed to meet the needs of the most disadvantaged in our most disadvantaged areas. It is worth noting that LEMIS continues to perform well in those areas, even after the withdrawal of funding from the stakeholder forums. In the first six months of the 2010-11 financial year, 50 LEMIS clients moved into work in the west Belfast and greater Shankill areas. In the same period this year, 59 clients found work. That is a remarkable performance, given the persistent difficulties in the labour market. I strongly suggest that my Department is doing all it can within the resources available to it to address worklessness, not only in west Belfast but right across the Province.

**Mr Humphrey:** I am grateful to the Minister for giving way. Recently, I met the manager of the Shankill Job Assist Centre, and I meet him regularly. He told me that many of the people who come to his office on the Shankill Road travel from south and east Belfast. That backs up the point that Mr Attwood made that the scheme has been so successful in the Shankill that it should be rolled out across the city, especially in urban working-class areas where there are very high levels of unemployment and very low levels of educational attainment.

**Dr Farry:** I thank Mr Humphrey for his comments. It is important to distinguish between programmes and structures. The message that I am trying to give is that the Department wants to invest in programmes and to do that on the basis of the evidence of what works and avoiding what does not work. I took on board his comments earlier about the problems of skills shortages and skills mismatches and the inability of people to take up jobs on their immediate doorstep. Those are all issues that I am extremely mindful of and want to return to the House with in the near future.

Members may also be aware that the employment service is carrying out a thorough review of provision to determine whether the current offering remains fit for purpose. In the new year, I expect to see major improvements both in the direct service offered to customers by front line staff and in the development of Steps to Work. In the coming weeks, we will go to market to procure a new programme for people with health conditions and disabilities. Work Connect, which

will replace the new deal for disabled people, will help those with low-level support needs to connect with the world of work. That will be particularly helpful for those going through the incapacity benefit reassessment process.

I will ensure that the employment service keeps all services and provision under review, with a view to maximising the quality and effectiveness of what we offer within the budget available. However, we can always do more. My Department has plans for a range of new initiatives, including a variation of the Step Ahead initiative targeted at 500 young unemployed people; an individual place-and-train scheme for people with learning disabilities; a self-employment initiative for the creative industries; and a variation on existing LEMIS provision to provide family support workers in each area to help address the wider barriers to work faced by families. Of course, all those new initiatives will cost money, and my Department has bid to the social protection fund for funding for them. We await the outcome of that bidding process.

The Assembly would do well to debate unemployment, particularly youth unemployment, in the very near future. Other jurisdictions have responded to the challenge, and we must do likewise. I believe that our Programme for Government and economic strategy will only provide the necessary solutions if we come together to forge collectively new possibilities for young people.

**Mr Deputy Speaker:** Will the Minister please bring his remarks to a close?

**Mr Attwood:** Will the Minister give way?

**Dr Farry:** I am out of time, I think.

**Mr Deputy Speaker:** The Minister is correct: we are now out of time.

*Adjourned at 5.37 pm.*





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