

# Official Report (Hansard)

Monday 14 May 2012  
Volume 74A, No 8



# Contents

**Assembly Business** .....359

**Ministerial Statements**

North/South Ministerial Council: Institutional Format .....359

Health and Social Care: Shared Services .....367

**Committee Business**

Judicial Appointments .....373

Superannuation Bill: Extension of Committee Stage .....383

**Assembly Business** .....385

**Oral Answers to Questions**

Office of the First Minister and deputy First Minister .....385

Education .....391

**Private Members' Business**

Crime: Farming Community .....398

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# Northern Ireland Assembly

Monday 14 May 2012

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

*Members observed two minutes' silence.*

## Assembly Business

**Mr B McCrea:** On a point of order, Mr Speaker. Regarding the Committee for Employment and Learning's report to the Assembly that is to be debated tomorrow, I have been asked by the Committee to draw to your attention Standing Order 46(7). Standing Orders are silent on the matter of an Executive response to a report. It has been drawn to my attention that there will perhaps be no ministerial response to the debate. The Committee feels that that is disappointing, given the timescale and importance of the issue. I wonder whether, Mr Speaker, on behalf of the Committee, you can investigate the matter and find out what might be done, because it is a matter of general public interest.

**Mr Speaker:** I thank the Member for his point of order. The Member will know that that is a matter for the Executive and the individual Minister. In defence of Ministers and the Executive, I will say that they do come to the House whenever they can, especially for important business. I always encourage Ministers to come to the House and to give it its rightful place, and I have to say that Ministers do that. On the issue that you raise, I have some sympathy. However, address it with the Executive and the individual Minister. The Member may need to follow that road. At the end of the day, it is really up to the Executive as to whether and which Ministers come to the House.

## Ministerial Statements

### North/South Ministerial Council: Institutional Format

**Mr M McGuinness (The deputy First Minister):** In compliance with section 52C(2) of the Northern Ireland Act 1998, I wish to make the following statement on the seventh North/South Ministerial Council (NSMC) institutional meeting, which was held in the Royal Hospital Kilmainham in Dublin on Friday 27 April 2012.

The First Minister, Peter Robinson, and I represented the Executive at the meeting. The Irish Government were represented by Eamon Gilmore, Tánaiste and Minister for Foreign Affairs and Trade, who chaired the meeting. During the meeting, we exchanged views on the current economic situation and budgetary challenges, and discussed opportunities to build on existing co-operation, particularly on the economy, service delivery and tourism. We noted opportunities to maximise tourism gains during 2012 and 2013, including 2012 Our Time, Our Place, Derry/Londonderry UK City of Culture and "The Gathering" of 2013. We launched the 2011 NSMC annual report, which summarises work taken forward across all the NSMC areas for co-operation in 2011.

We discussed the challenges and opportunities associated with the Irish EU presidency in 2013 and reaffirmed our commitment to securing a further round of PEACE and INTERREG funding, and stated that that is a priority for us. The Council welcomed the collaboration that has taken place to maximise the drawdown of EU funding, particularly for research and development, and agreed that it was important that that collaboration continued.

The Council welcomed progress on a range of initiatives, delivered and planned, which aim to deliver economic and social benefits

in the north-west, including the Northern Ireland Executive's Programme for Government commitment to develop the One Plan for Derry/Londonderry; collaborative work between Derry City Council and Donegal County Council to develop synergies between the One Plan and An Stráteis, the Donegal county development plan; construction of the new £70 million radiotherapy unit at Altnagelvin Area Hospital, planned to commence in 2013 and be operational by 2016; commitment to the upgrade of two sections of the A5, with the Executive funding £330 million, including the Irish Government's commitment of £50 million; commitment, to date, of over €120 million from EU programmes in the north-west, including flagship projects such as the €30 million Project Kelvin and the €16 million Peace Bridge; and commitment to maximise the economic tourism potential of the City of Culture and "The Gathering" of 2013. The Executive have committed £12.6 million, subject to completion and approval of appropriate business cases, to support the delivery of the City of Culture programme, including the hosting of the Turner Prize, the Stirling Prize and the All-Ireland Fleadh; and the north-west has been allocated £18.5 million under axis 3 of the Northern Ireland rural development programme.

The Council agreed to review progress on the north-west gateway initiative at the next NSMC institutional meeting. We discussed matters relating to the North/South bodies, including progress on corporate and business plans, implementation of cumulative efficiency savings and the ongoing review of the bodies' financial memoranda. The Council noted that Liam Nellis, the chief executive of InterTradelreland, is due to retire and thanked him for his contribution to the work of InterTradelreland.

We discussed progress on consideration at NSMC meetings of a number of proposals concerning the North/South bodies. We look forward to further discussion of that and of the other elements of the St Andrews Agreement review at the June 2012 NSMC plenary meeting. The Council agreed that the next NSMC institutional meeting will be held in Armagh in October.

**Mr Humphrey:** I thank the deputy First Minister for his statement. What steps have been taken to increase efficiency and good financial planning with regard to North/South bodies?

**Mr M McGuinness:** That is always under review. We are all very conscious of the very

stringent economic circumstances that affect the Government in Dublin and ourselves. The Ministers of Finance, North and South, have regular contact with each other and meet on a consistent basis. They continually review, through officials, the work of the North/South bodies. So we are very, very conscious of the need to ensure that public funds are being used wisely and in a way that brings mutual benefit to our institutions, North and South. This is something that is kept under ongoing review. We are satisfied that, thus far, a very important overview of the situation has been undertaken by the Finance Departments, North and South.

**Ms Ruane:** Go raibh maith agat. Ba mhaith liom mo bhuíochas a thabhairt don Leas-Chéad Aire as na freagraí go dtí seo. I thank the deputy First Minister for his answers thus far, and for the statement that he has made. Will he elaborate further on co-operation in tourism across the island? It is good to see the Peace Bridge and the various projects. A project that I would love to see completed is the bridge at Narrow Water at Warrenpoint. I know that there is wide cross-party support for it amongst all the MLAs in the constituency, and I welcome that. Will you update us on the tourism co-operation across the island that you discussed?

**Mr M McGuinness:** At the institutional meeting, we outlined the great confidence that we have in our tourist sector, which has been revitalised with new attractions and major events coming to the North. We highlighted the success to date of the Titanic building, which has exceeded all expectations; it is on course to receive 500,000 visitors this year. We spoke about the importance of large-scale tourism initiatives, such as the City of Culture and "The Gathering", and the huge potential that they have for our economies. We agreed that ensuring access to those events was important; for example, through direct flights to the island. There is recognition in Dublin of the important tourist project that we have here, not just this year but next year. Of course, we look forward with great excitement to the Irish Open, which will be on the north coast in the course of the next couple of weeks. I think that everybody recognises that that, coupled with the huge success of our golfers, North and South, in international events all over the world, brings great credit to us and pitches us as a major tourist attraction on the world stage.

Infrastructure is hugely important for tourism. Quite a number of parties, as well as Louth

County Council and Newry and Mourne District Council, have been lobbying on the issue of the proposed new bridge that has been in discussion in that part of the world over the past while. I am open to correction, but I think that our Minister of Enterprise, Trade and Investment, Arlene Foster, recently met elected representatives from the local community. It is something that is consistently being kept under review. Obviously, in taking that forward, there is still a body of work to be done, such as economic appraisals. Given that there was support from the EU for the new Peace Bridge in Derry, we will look very much to Europe to recognise the potential of the construction of such a bridge and how it would contribute to our tourist product and the important building of community relationships, North and South.

**Mr Nesbitt:** I thank the Minister for his report. I note, at point 6, the commitment to secure a further round of Peace funding. The deputy First Minister will be aware that, under previous Peace rounds, many millions were allocated to ex-prisoners and their families. Does he take a view on whether a time comes when it is no longer healthy for somebody to define themselves primarily as an ex-prisoner? As we approach the twentieth anniversary of the ceasefires, might Peace IV be a mechanism to address that issue?

**Mr M McGuinness:** At the meeting, the Tánaiste outlined the challenges and opportunities that are associated with the Irish Government's presidency of the EU in 2013. During those discussions, we recognised that there is an issue in relation to the whole EU Peace and INTERREG funding. It is very important that we recognise that Europe thinks that it is hugely important that we continue to encourage people who were previously participants in the conflict to continue to contribute to the development of the peace process. There is always the danger that complacency can set in and that people can take for granted the progress that has been made. That would be a huge mistake.

We all have to recognise, as we move further into the peace process, that the next big project for all of us — I am sure that Europe is focused on it — is the whole process of reconciliation. Looking at the work that has been done by ex-prisoner groups, on the republican and loyalist sides, it is quite clear that a huge number of people who were previously in conflict with one another are now very much at one in supporting

the peace process. That is hugely important. We have to continue to evolve the situation in a way that sees a very proactive programme of reconciliation taking place. Of course, the big question is about the role that former protagonists in the conflict play in that. Those involved in peace-building and conflict resolution recognise that people playing a positive and constructive role in trying to build a better future for everyone have a very important role to play. That role is continuously under review.

### 12.15 pm

**Mr Eastwood:** I thank the deputy First Minister for his statement, and I welcome the focus on Derry. I also welcome the commitment in his statement to maximising the potential of "The Gathering". Can we now assume that the Executive will engage fully with the Irish Government to continue to maximise that potential in 2013?

**Mr M McGuinness:** We are involved in very important tourism prospects for this year and next, and the Irish Government have organised "The Gathering". I have gone on record over the past couple of weeks saying that I think it hugely important that we try, from the island of Ireland's perspective, to gain as much mutual benefit from that as possible. If there is some opportunity to expand the whole concept of "The Gathering" in a way that would see the inclusion of the Ulster-Scots people of North America, for example, and indeed others in different parts of the world, whether it be Australia, Canada or elsewhere, I think that that is worthy of consideration.

We have to recognise that when the project was first mooted, there was, understandably, some concern among colleagues in the Assembly about how it would be used. I like to approach these things in a way that sees us gain mutual benefit, but to do so in a way that ensures everybody is comfortable. If we were to consider the prospect that the whole concept of "The Gathering" could be expanded in a way that is inclusive and that everybody would be comfortable with, which is something that I would have to discuss with ministerial colleagues and seek their support for, then I think that would certainly be worthy of consideration.

**Mr McCarthy:** I thank the deputy First Minister for his report this morning. I note, as Colum Eastwood mentioned, the commitment to the city of Derry as City of Culture. The deputy First

Minister will no doubt be aware of the excellent contribution made by the chief executive of the Culture Company, who is none other than Shona McCarthy. Anything coming from a McCarthy will always have success, I have to say —

**Mr Speaker:** I encourage the Member to come to his question.

**Mr McCarthy:** The £70 million commitment to the hospital at Altnagelvin is very welcome, but there are other health aspects that could be dealt with on a cross-border basis. Will the First Minister and deputy First Minister give a commitment that that will be carried on where and if necessary and possible?

**Mr M McGuinness:** I am sure that the culture people will be very heartened by the reference to the role played by Shona McCarthy. Far be it from me to draw any relationship between the Member who just asked the question and the work that Shona is doing, but I think she is doing a fantastic job, and I think that the Culture Company, in conjunction with Derry City Council and Ilex and working in co-operation with all of our Departments, has a very exciting year ahead in 2013.

The opportunities are incredible; it really is a launch pad for the whole city. I took great heart from the way in which the whole city came together — all of the political representatives and the entire voluntary and community sector — to make the bid in the first place. Having secured the bid, we recognise now that huge benefits can be brought to the city, to the east and west banks, and we will continue to show that type of leadership and move forward in a way that clearly shows that we are moving forward to better times, and, most important of all, providing important economic prospects for our young people.

There was controversy over the radiotherapy centre prior to the last Assembly election, but that controversy has been put to bed. The radiotherapy centre will be built. Construction will begin in 2013 and will be completed by 2016. That will bring huge benefits to people in County Tyrone, Donegal, Derry and other parts of the north-west.

Our Health Minister, Edwin Poots, has, on a number of occasions, recognised that mutual benefit can be gained. For example, the new South West Acute Hospital will be utilised for the benefit of people in south Donegal, Cavan

and Monaghan as well as people in County Fermanagh and parts of County Tyrone. Our Health Minister is taking a very broad-minded view on how we deal with those matters.

**Mrs Hale:** I thank the deputy First Minister for his statement. Will he inform the House what discussions took place on the attitude of the National Asset Management Agency (NAMA) to the assets that it holds in Northern Ireland?

**Mr M McGuinness:** That is a very important matter that has come up at every meeting that we have been involved in because it presents huge economic issues for us and, indeed, for those people who are directly involved in some of NAMA's decisions.

During the meeting, we discussed how our interests could be better reflected in NAMA's decision-making, and we welcomed the Irish Government's appointment of Denis Rooney to NAMA's advisory panel. We restated our concerns that, in some cases, the advisory panel is asked for advice after decisions are taken, and we again pressed for a full representative on the NAMA board. Eamon Gilmore advised us that that is still under consideration. We understand that Minister Noonan is to discuss that with our Finance Minister, Sammy Wilson. He also reaffirmed his Government's previous commitment that there would not be a fire sale of our assets in NAMA, and we have raised that issue repeatedly over the past couple of years since NAMA came on board. Our big concern was that it could be a major destabilising factor in our economic recovery, and as we have placed the development of our economy at the front and centre of our Programme for Government, we have great concern about that issue, and that is why we have argued for a full member on the board. We will continue to press that case.

**Ms J McCann:** Go raibh maith agat, a Cheann Comhairle. I welcome the Minister's statement. The north-west gateway initiative's social and economic benefits to the north-west have been very clearly set out, but could the Minister expand on the benefits to the economy as a whole?

**Mr M McGuinness:** During the discussions, we noted the range of initiatives that have been delivered or planned that will bring benefits to the people of the north-west. We noted that officials from both jurisdictions met to discuss the north-west gateway initiative on 3 February 2012. There has been significant investment in

the region in the areas of economic development; health; education and skills; tourism; connectivity; economic infrastructure; EU programmes; and agriculture and rural development. At the meeting, we all agreed that it will be important to monitor developments in the north-west, and the Irish Government proposed that, to give that work greater political impetus, it might be helpful for relevant Ministers to meet. So, we agreed to have a discussion about that with our Ministers.

**Mr Clarke:** A few moments ago, my colleague asked about NAMA, and I will follow on the economic theme. Given the number of local banks that operate on a cross-border basis, has any representation been made to the Irish Government to encourage them to lend more money, particularly in Northern Ireland?

**Mr M McGuinness:** That issue has come up repeatedly in recent times. During discussions at the meeting, we expressed our concerns about the issue of bank lending, and the Irish Government share those concerns. We said that there is a strong perception that the banks are not lending, particularly to our small and medium-sized enterprises (SMEs) and through mortgages, and that we had met the banks about that. The First Minister and I have had all sorts of meetings with the banks over the past while, and the Irish Government have also had meetings with the banks.

As part of the conditions for recapitalising the banks, the Irish Government set lending targets, and we were advised that it is difficult to determine how much new lending there has been but that the Irish Government are looking very closely at that. We asked whether the North was included in the lending targets, and the Tánaiste advised that it was included in the overall target but did not have a specific target. We said that the Executive have stepped in to try to make up some of the shortfall caused by the banks not lending, and there was general agreement that it is difficult to get to the bottom of the issue. We will have to persevere with that.

**Mr Kinahan:** I thank the deputy First Minister for his statement and welcome the great support that seems to be going to the north-west and Londonderry. Were any discussions held with the Irish Government and the tourist board there about plans to include unionists worldwide? You have hinted at it, but it is not just about Ulster Scots. There is a bigger body to consider,

including the Church of Ireland. What plans are being made for that?

**Mr M McGuinness:** I am very favourably disposed to the point that you make. Consistently, people in the Irish Government and other agencies have recognised the importance of becoming increasingly involved in more inclusive approaches, and it will be to the detriment of us all if we do not become involved in more inclusive approaches to all sorts of projects. With the opportunities that will be presented to us over the next couple of years, it is hugely important that we do everything in our power to include as many interest groups as possible, all of which are making powerful and positive contributions to the ongoing success of the work that we are involved in to progress the political process. How we can utilise that for economic advantage represents a challenge. However, from speaking to people in many of the groups that are interested in how we move forward, it is clear to me that many are searching for ways to play their part. It is up to the Government in Dublin and us to work together in ways that will make it possible for people to continue to make powerful, positive and constructive contributions.

**Mr McMullan:** Go raibh maith agat, a Cheann Comhairle. I thank the deputy First Minister for his statement. Will he give us an update on the A5?

**Mr M McGuinness:** We discussed the A5 upgrade at the meeting. It has been agreed that work will go ahead on two sections of the road: from Newbuildings to Strabane, and from Omagh to Ballygawley. We understand that the work on the section from Newbuildings to Strabane will begin in the autumn.

We welcome the fact that the Irish Government have signalled their ongoing commitment to the project and pressed them on a further financial commitment. We understand that the Irish Government remain committed to the completion of the co-funded project, which is of strategic importance to the north-west and the island as a whole. We also understand that when they are in a position to contribute financially, they will move on it. However, in advance of consideration of their next capital review framework, which is anticipated in 2015, they are not in a position to make funding commitments for the period post-2016.

**Mr McGlone:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a

fhreagraí. I thank the deputy First Minister for his earlier comments.

Mr Clarke spoke about support for small and medium-sized enterprises, and I note that the deputy First Minister said that he shares many of the sector's concerns. Given the input by the Irish Government, specifically to the Allied Irish Bank and the Bank of Ireland, and, in some cases, their lack of support for developing businesses —

**Mr Speaker:** Do we detect a question?

**Mr McGlone:** — what specific, agreed course of action have they developed on that issue?

**Mr M McGuinness:** Everyone, North and South, is very conscious of the trials and tribulations that small and medium-sized enterprises are going through. We also recognise that a huge difficulty in that is the attitude of the banks. The banks have argued that they are lending, but that has been contested by the SME sector, by the Government in Dublin and certainly by us. We have to continue to keep the situation under review and keep the pressure on the banks so that, during this difficult economic time, we can see what more assistance can be given to SMEs.

We all know that there is considerable volatility in Europe at present. We have seen that with the presidential elections in France and the apparent instability in Greece. Indeed, according to this morning's news, there has been a failure to put together a Government in Greece. Inevitably, that will mean that a new general election there, possibly in the next couple of weeks.

### 12.30 pm

All of this creates considerable financial instability and impacts on the euro. The Dublin Government, we and other Governments throughout Europe are wondering where all of this will lead. In such circumstances, and given the volatility and uncertainty that there is, it is difficult to deal with these situations short of getting a political agreement on how we move forward. That is missing in Greece at the moment. There will also be negotiation between the new president of France and the leader of the German Republic. The outcome of all of these decisions will, in all probability, affect economic progress for good or better in the course of the next weeks, months and years.

**Mr Campbell:** In his statement, the deputy First Minister referred several times to Londonderry's

City of Culture status. Is he aware that there is concern among senior security forces and police personnel regarding possible threats by dissident republicans to events to be held under the auspices of Londonderry being the first UK City of Culture, and how emphatic can he be in his rejection of the failed policies of violence?

**Mr M McGuinness:** As someone who was very much part of the bid and who went to Liverpool with others to show all-party support; who, against all odds, achieved what is seen by the vast majority of its citizens as a huge success for the city — but, more importantly, as a huge opportunity for economic progress through the 2013 events that appear, at this early stage, to be exciting — I think that we all have to speak with one voice. From the time of the killing of the two soldiers at Massereene, through to the killing of Stephen Carroll and Ronan Kerr, our consistent approach in the Assembly has been that we have to speak with one voice in our utter and total condemnation of those who would try to drag us back to the past.

Unfortunately, tiny and unrepresentative groups are still out there, which believe that it is a good idea to try to destabilise not just the peace process but these institutions. What they to come to terms with is that there is no prospect of destabilising the peace process, and there is no prospect whatsoever of breaking up the unity of these institutions. Some considerable time ago, the First Minister and I committed ourselves to the principle that, no matter what happens, we are going to remain firm, solid and united, and we are going to consistently express our unreserved condemnation of those who would try to disrupt the lives of our people and the prospects for economic progress in the future.

Whether you call it Derry or Londonderry, the city will have a wonderful opportunity in 2013. All of our people have come together in a great spirit of unity to use that opportunity to build a better future for themselves and their children. It ill-behoves anybody, whether they call themselves RAAD, Continuity IRA, the Real IRA or some other name, to try to disrupt what will be an exciting and important year for the city. That poses a huge responsibility on citizens who are among the tiny number of people who may give some sort of vocal or other support to such groups. They need to think again and to recognise the damage that they will do to themselves and to their children. They also need to recognise that the activities of these groups

are totally and absolutely futile. They need to understand that we are moving forward, and in a way that will ultimately ensure that we are the people who will prevail.

So, there is a responsibility on citizens all over this island, North and South — wherever they see groups or organisations that are committed to the destruction of the peace process or the political institutions that the people of Ireland voted for in 1998 — to help the Garda and the PSNI in whatever way that they can, so that we can undermine the activities of those people. I am absolutely confident about the future, and I am very confident about our ability to withstand some of the nonsense that is taking place at the moment at the behest of these groups.

**Mr B McCrea:** The deputy First Minister rightly drew attention to the investment in the Titanic project and in Derry/Londonderry. He also talked about enhancing “The Gathering” and such like to do with Ulster Scots. Will he agree that there are few bigger brands in the world than that of St Patrick and that St Patrick was, perhaps, the first Ulster Scot? When we are investing in other parts of the area, might we invest in St Patrick, particularly given the lessons that he might bring to us about reconciliation? Perhaps we should look to invest in Downpatrick as well.

**Mr M McGuinness:** I unreservedly agree with everything that the Member has said. I think that the St Patrick brand is important, and I know that, recently, difficulties have been experienced by the Saint Patrick Centre in Downpatrick. I passionately hope that those will be resolved. Recently, the First Minister and I attended a dinner in County Down, which was also attended by President Higgins, who came from Dublin. From looking around the room, it was quite clear to see that there was cross-party representation. Everyone recognised that St Patrick was someone who we could all see as a unifying figure for all of us. At the meeting, Ian Paisley Jnr made a very supportive statement on behalf of his father, Ian Paisley Snr. All of that shows that there are opportunities in County Down to be utilised and capitalised on for the benefit of not only County Down but the whole island of Ireland.

I am a huge supporter of the whole concept of St Patrick being a unifying force for all of us, and there are lessons to be learnt. For example, when we go to the United States of America or

hear reports from Australia, Canada, India and many other parts of the world, we see the way in which St Patrick is celebrated and that we have a lot of catching up to do here. I am really encouraged by the recognition in the political process and the acceptance in the business community and among others that we could do more. I encourage everyone and I certainly would want to be part of a group of people who were trying to promote St Patrick as someone who is a unifying figure for all of us.

**Mr P Ramsey:** I welcome the statement to the House from the deputy First Minister, particularly his mention of the north-west gateway initiative and all of the elements that are involved in that. The Executive’s Programme for Government contains a commitment to the development of the One Plan. Given that the main priority and economic driver for the One Plan is the regeneration and expansion of the Magee campus in Derry city, can the deputy First Minister outline to the House the commitment to the delivery of that economic driver?

**Mr M McGuinness:** We pointed out that we have included in the Programme for Government a commitment to deliver the One Plan, which will shape the regeneration of the city and the surrounding areas. We have also committed to other major initiatives in the Programme for Government, which will have a positive impact on the north-west region, for example the City of Culture and the upgrading of the Derry-Coleraine railway line.

*(Mr Principal Deputy Speaker [Mr Molloy]  
in the Chair)*

The issue of Magee is important. The case has been made very powerfully by people in the city about how important the continuing build-up of student numbers at Magee will be in assisting the regeneration of the city. Through the Department for Employment and Learning, Minister Stephen Farry is looking very closely at how the numbers involved in science, technology, engineering and mathematics (STEM) subjects at Magee can be increased. Given the challenges that lie ahead and the real opportunities that are presented by the prospect of further investment from the United States of America, many of the companies that have been coming here recently in increasing numbers are placing a great emphasis on the need for young people who graduate with qualifications in STEM

subjects. It represents a huge challenge, and Stephen Farry is addressing that challenge.

**Mr Dallat:** I welcome the statement from the deputy First Minister as well. He just made reference to the railway between Derry and Coleraine. Earlier, he made reference to the upgrade of the A5 road between Dublin and Derry. Will he give the House an undertaking to give the same priority to establishing the rail link between Derry and Dublin as an essential part of an all-island rail network that was fractured at the time of partition and needs to be put back together again?

**Mr M McGuinness:** Obviously, there have been all sorts of discussions in recent times, although I am not sure how intensive they have been. My colleague Pat Doherty, who represents West Tyrone, has been a huge supporter of such a project and has articulated his view, both publicly and in private, on the need for us to consider it. It would obviously be a major infrastructural project. Such things need to be dealt with in a way that recognises the opportunities that might be presented rather than in a political way. It would need considerable work in terms of an economic appraisal.

At this stage, it is a matter for the Minister for Regional Development, but there is no doubt in my mind that, if a comprehensive case could be made that the establishment of such a line would bring mutual benefit to the Southern Administration and our Administration, we would give it serious consideration. As always, a big challenge for us, in what are very difficult economic circumstances, is the cost associated with such a project. Of course, the whole investigation into the viability of the project is something that would also need to be tested and interrogated. It is certainly my view that, in principle, there would be no opposition to the rail link, but it would have to be viable and its costs would have to be able to be met.

**Mr Allister:** I revert to paragraph 10 of the statement, relating to the financial mismanagement of the North/South bodies. All the North/South bodies embarked on both their 2011 and 2012 expenditure without having their business plans approved, which the Comptroller and Auditor General has described as “poor governance” and “poor financial management”. Given that and the fact that the language body’s accounts are languishing years behind schedule, what

real steps are being taken to tackle the rampant financial laxity afflicting the North/South bodies?

**Mr M McGuinness:** In 2011, the agreed budgets for North/South implementation bodies and Tourism Ireland were approximately £124 million in total. The Executive contributed approximately £34.4 million to the bodies in 2011. The bodies employ around 798 people. North/South implementation bodies and Tourism Ireland are jointly funded by the Executive and the Irish Government. Budgets for the bodies are determined annually, based on agreed business plans that are approved by the sponsor Departments’ Ministers and Finance Ministers from both jurisdictions and by the NSMC. Expenditure is monitored throughout the year, and each body, including Tourism Ireland Ltd, is required to submit annually a statement of accounts to the Comptroller and Auditor General for Northern Ireland and the Irish Comptroller and Auditor General, who, in co-operation, examine and certify the accounts. Copies of audited accounts are laid in the Assembly and the Oireachtas.

**Mr G Robinson:** What benefits can be derived for Northern Ireland from the Irish Government holding the EU presidency in 2013?

**Mr M McGuinness:** Obviously, that is a very important situation. The main priorities for the Irish Government during that period will be the decisions that in all probability will be taken on the CAP and the whole issue of structural funds. At the institutional meeting, the Tánaiste outlined the challenges and opportunities associated with their presidency of the EU in 2013. We noted that it is likely that several key decisions will be taken in relation to the CAP and future structural funds.

#### 12.45 pm

It was recognised that it will be helpful for officials to keep in touch to discuss issues relating to the presidency. We have already put additional staffing resources into EU-related work, including secondees in both the UK and Irish permanent representation, and our Brussels office. I see their presidency in 2013 as a real opportunity for us to further develop our relationship with Europe and, hopefully, through their good offices, to try to influence key decisions that will be taken in relation to the CAP and the whole issue of structural funds during a very important year for Europe.

## Health and Social Care: Shared Services

**Mr Poots (The Minister of Health, Social Services and Public Safety):** With your permission, Mr Principal Deputy Speaker, I wish to make a statement about the location of centres of expertise for shared corporate services in Health and Social Care (HSC).

On 7 December, I issued for public consultation a document entitled 'Consultation on the Model of Shared Services for Implementation in Health and Social Care in Northern Ireland'. The proposals that it contains were designed to increase value for money in the health and social care budget, with the money saved being taken out of administration and put into front line treatment and care. The proposals covered the location of a range of support services such as finance, payroll, recruitment and selection. The consultation ended on 29 February. Since then, I have been considering the responses received. I have held discussions with MLAs and trade union representatives, and my officials have briefed the Committee for Health, Social Services and Public Safety. I come here today to announce my decisions.

I remain convinced that we need to do all that we can to reduce administration costs in Health and Social Care. The new financial and HR systems being implemented across HSC are broadly welcomed by trade unions and staff and will provide the up-to-date technology needed to increase our administrative efficiency.

While there is not the same consensus on the proposed model of shared corporate services, I am of the view that the model provided by centres of expertise is sound and that the reasoning behind the proposed locations of those centres remains valid. Accordingly, I have decided that the locations of the four shared service offices are as follows: the payroll function will be administered from College Street in Belfast; payment transactions will be undertaken from the Braid Valley Hospital site in Ballymena; income transactions will be located in Omagh at the Tyrone and Fermanagh Hospital site; and Armagh will be the centre for recruitment and selection.

The new model, along with the implementation of the new systems, will support a consistently high standard of modern corporate services. More importantly, systems implementation and shared services together will generate savings of almost £120 million over a 10-year period, with annual savings rising to £17 million. It is

vital for the welfare of patients that we free up that money, as it will be redeployed to the front line of Health and Social Care.

So far in this statement, I have confirmed the proposals published in the consultation document in December. However, there was a significant response to the consultation. Many views were expressed about the impact on staff who are currently based at sites that were not proposed as a centre of expertise. The staff most affected are concentrated in Downpatrick and Londonderry. Many are women in the lower pay bandings, often those who work part time and have family or other caring commitments. While each person has the right to follow their job to one of the new centres of expertise, distance may rule that option out for some staff. Equally, the low turnover rates currently experienced in HSC mean that staff cannot be guaranteed that a vacant post will become available with their existing employer in their current location.

I expect HSC staff to be treated with consideration and respect, in addition to the obligations under section 75 of the Northern Ireland Act 1998. Therefore, I have decided to make two key changes to the original proposals. First, I have decided, as part of the transition to the four shared service centres of expertise, to create a temporary accounts payable satellite office of 25 to 30 staff in Downpatrick and a temporary recruitment and selection satellite office with around 15 staff in Londonderry. I believe that those arrangements, which would last for a maximum of two years, will considerably reduce the displacement difficulties for the affected staff and provide additional time for employees and employers to come to a mutually acceptable arrangement, taking into account the personal circumstances of staff as far as possible.

Secondly, I now intend that the transition of support services to the new centres of expertise will begin slightly later than previously scheduled; it will start in March 2013, rather than the later part of 2012. That will bring a twofold advantage. It will mean that priority can be given to the implementation of the new systems, which was requested by many consultees, and it will give us slightly longer to manage the staffing implications and allow the personal circumstances of staff to be as fully catered for as possible.

The detailed thinking behind those changes is set out in my Department's formal response to the public consultation, which, together with the updated equality impact assessment (EQIA), is to be published later today on the departmental website.

This subject is complex and, as my postbag can testify, a subject of some controversy. I trust that the response I have outlined to the consultation will go a long way towards allaying the fears and concerns expressed. Members have frequently pressed for administration costs to be reduced in health and social care, and I am committed to ensuring that patients and other service users will ultimately benefit from the move to shared service centres in health and social care.

**Ms S Ramsey (The Chairperson of the Committee for Health, Social Services and Public Safety):** Go raibh maith agat, a LeasCheann Comhairle. On behalf of the Committee, I thank the Minister for making a statement on this very important issue and for the briefing he gave earlier. The Minister indicated that this is an issue that concerns a lot of people. All Committee members have been inundated with letters and e-mails about the issue.

I note the Minister's reference to the EQIA and the fact that the results of the EQIA were fundamental in changing the original plan. It is thanks to the EQIA that the people of Derry and Downpatrick, of whom, as the Minister pointed out, the majority are women with caring responsibilities, will have an extra two years at their current location. Minister, when the unions briefed the Committee a number of weeks ago on this, they pointed out that there had been serious problems with shared services in England. Can the Minister inform us if lessons have been learned from the English model and whether he is convinced that shared services in our health trusts will deliver the savings that are promised and outlined in the statement?

**Mr Poots:** The EQIA was initially published to take account of the issues raised during the consultation. It also took on board suggestions and observations received from the Equality Commission. The revised EQIA has been absolutely integral to the shared services outcome, and that has played a significant role in having the satellite offices for the two-year period.

I move now to the criticism from trade unions, in particular, on how this transpired in England, for

example, and what lessons can be learned. We have looked at the processes that have taken place in England. Our processes are somewhat different in that they are going to be standardised right across the HSC, and participation will be mandatory. Therefore, there will be no opt-out. Consolidation of the corporate functions into centres of expertise will enable us to make the savings. Obviously, I am as anxious as anyone to ensure that the transition to centres of expertise goes smoothly. The implementation timetable was already scheduled to extend over several months, but we have refined that to make doubly sure that we allow for the operational changes to take place and the staff requirements to be met, to give priority to the implementation of the new systems.

**Mr Dunne:** I thank the Minister for his statement. What was the outcome from the extra time you granted to trade unions to come up with alternative arrangements?

**Mr Poots:** I met the trade unions, and a senior director from the Department briefed them earlier this afternoon as well. We offered them extra time. One composite response received cast some doubt on the capacity of centres of expertise to achieve the savings and drew quite a lot of its information from the work of the National Audit Office. My officials were aware of the deficiencies that had been identified by the Audit Office and have acted to avoid them in the HSC shared services proposal. In brief, the basic systems that have been procured have already been proven to work. HSC staff were directly involved in the specification and procurement. The issue about standardisation will not be a feature of the HSC arrangements. We will have processes for finance, procurement and logistics, and those have already been signed off. Also, the involvement of HSC shared services is mandatory rather than voluntary.

However, the issue of extending the offices in Downpatrick and Londonderry as satellite offices for the two-year period is a demonstration that we want to give due cognisance to the issues that were raised by MLAs, trade unions and staff, and, hopefully, give people a greater amount of time. Let me be absolutely clear: there is no doubt that it will cause inconvenience and disruption to individuals. However, we want to minimise that. We do not want to cause hardship to individuals; I think that will be very exceptional.

**Mr Kinahan:** I thank the Minister for his statement and for what he said about taking care of the staff. Will the Minister detail how many staff overall have been affected? How many have been offered the option of relocation, and what resources are available to help them?

**Mr Poots:** It is actually over 100 jobs, but we have a number of vacancies at the minute, so there will probably only be a reduction of around 70 over what is currently being employed. It will be over 100 in terms of what would be employed, but because we have been anticipating this, jobs have not been replaced. However, it will cause inconvenience on a number of levels. In the first instance, people in the Belfast, Ballymena and Omagh areas will have little inconvenience other than the fact that some will probably have to retrain from having carried out one particular line of work to a different kind of work than they have previously been experienced in. Nonetheless, they will have specific skills that they will have developed over the years, and we are confident that that will deliver good results for us.

The people who will be inconvenienced most will be in Downpatrick, and, to a lesser extent, Londonderry. There are greater opportunities for alternative jobs in Londonderry, so the people in Downpatrick will be most impacted. We understand the problems that they will face as a consequence. Those who have to drive to Belfast or Dundonald to work will receive mileage allowance payment and so forth for the first three years, and, over time, a small number of jobs will become available in the Downpatrick area as well.

**Mr McDevitt:** I am sure the Minister will agree that when inefficiency arises in a system, it tends to be a failure of leadership, not a failure of the workers, and I am sure that the Minister shares my deep concern that the people who are being asked to pay for that inefficiency in their jobs are low-paid working mothers. As we seek further efficiencies from the health service in the years ahead, can the Minister assure the House that we will not continue to ask low-paid working mothers to bear the burden for those efficiencies but that we will actually look to those who were responsible for the inefficiency in the first place?

**Mr Poots:** In the first instance, I should say that we are not looking at compulsory redundancies. People will remain in the employment of the health system. For example, 50 positions in the

Belfast Trust have been held open, and they will be made available first to people who are working in the current services. Therefore, in that respect, people will not bear the brunt of this in that they will not lose their jobs. However, I fully appreciate that it will cause a significant and serious inconvenience for many people, and I particularly recognise that, in the case of Downpatrick, those people will have some distance to travel.

It affects people in my constituency, and I have met them. They currently work in Belfast, and some of them would naturally transfer to Armagh because that is where their job is transferring to, but there are not particularly good public transportation routes to Armagh. That creates a problem as well. Nonetheless, we have sought to ensure that there are jobs in the north, south, east and west of the Province, and we have sought to be fair in that respect, as opposed to concentrating jobs in and around the city of Belfast exclusively.

I think that that goes very much with the ethos that the Assembly proposed a number of years ago.

#### 1.00 pm

**Mr McCarthy:** I am deeply disappointed with this afternoon's announcement. Despite the huge opposition from people at all the public meetings and almost 2,500 responses by people who opposed this move, including officials from some of the trusts, questions still remain on the cost-benefit analysis, equality proofing and the human aspect of low-paid staff losing their jobs. The Minister spoke about Downpatrick and Londonderry. Of course —

**Mr Principal Deputy Speaker:** Question.

**Mr McCarthy:** Of course, we were in sympathy. However, he has not mentioned Ards or Bangor. Are staff going to travel to Armagh, Ballymena or Omagh? I do not think so. Can the Minister justify the fact that each trust area, except the South Eastern Health and Social Care Trust, will have a centre of excellence, given the fact that that trust was given a commendation last week for being one of the best trusts in Northern Ireland and the UK?

**Mr Poots:** There are four specialisms and there are five trusts. I was not going to make a specialism for a trust. I suggest that travelling from Ards to Dundonald is not particularly

onerous; I have done it on a few occasions myself. Alternative employment will be offered to people. They have the right to follow their job but they will also be offered alternative positions at their current pay grade. I am not surprised that the Member is disappointed that we are saving £120 million. I am not surprised that the Member is disappointed that, when this is concluded, we will be saving £17 million per annum, which can be put into front line services such as A&E, cancer services and mental health. If he would prefer to spend it on administration, that is his call, but it does not surprise me.

**Ms P Bradley:** I thank the Minister for his statement. My question follows on from what he said about the savings of £120 million. Will the Minister provide a more detailed breakdown of the anticipated savings from those proposals?

**Mr Poots:** The projections of the savings are over the 10-year period, and we hope to reach savings of £17 million per annum by the end of that period. They have been verified in so far as such estimates can be verified in the planning stage. We had them questioned by the trade unions, albeit we did not have the type of detail that would have allowed us to challenge the savings that we projected because we believe that they are quite robust. We will be making investments, for example, to deliver those savings. There will be a £26 million investment in IT systems and a £4 million investment in accommodation. That will deliver us the savings. Essentially, we will save on employment, in the first instance, because we will be employing 100 fewer staff than we do currently. We will make significant savings in procurement because we will have a much better system for carrying out that procurement, and, in general, we will have a much more efficient computerised system, and we will make full use of modern facilities that are available to us. We are very confident that we can deliver substantial savings to the HSC over the period, which can then be translated into front line services.

**Mr Brady:** Go raibh maith agat, a LeasCheann Comhairle. I, too, thank the Minister for his statement. He said that there would be no compulsory redundancy. At one of the meetings that I attended in Armagh about this, people were being asked to make decisions about voluntary redundancy and voluntary retirement without the details being available. They were given the date of 31 March this year, and they were expected

to make that decision very quickly. Obviously, there is a two-year extension where people can opt for voluntary redundancy or voluntary retirement. Will the proper details of their particular case be given to them in adequate time for them to make an informed decision?

**Mr Poots:** In the monitoring rounds last year, we bid for and received additional money to offer voluntary redundancy to people across the HSC. Certainly, some of the money was used in that area. The availability of that money allowed people to take up the opportunity of voluntary redundancy if it suited them. Over the next two years, I suspect that a relatively small number will wish to take voluntary redundancy, so I will bid again for voluntary redundancy in the next monitoring rounds to ensure that we can facilitate as many people as possible.

**Ms Brown:** I thank the Minister for this afternoon's statement on shared services. Is a draft timeline available for implementation at the particular sites?

**Mr Poots:** The timeline is this: we are hoping to move ahead with payroll transactions from College Street, Belfast in the first quarter of 2013; we are looking at September 2013 for payment transactions from the Braid Valley site; income transactions, which will largely be administered from the Tyrone and Fermanagh hospital site, will begin in June 2013; and recruitment and selection will also begin in June 2013. The satellite offices will run for two years from now. Although there are 10 or more people in those offices, that is something that we can maintain.

**Mr Durkan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for his statement but, like Mr McCarthy, I am very disappointed in its content. Although there is a temporary reprieve for some recruitment staff in Derry, the majority of them will now have to travel as far afield as Belfast and Armagh to work. That will be totally unfeasible for the majority of those people, who are on lower pay bands and often have home care commitments.

Following on from Mr Brady's question on the availability of money for further voluntary redundancies and early retirement, can the Minister perhaps ring-fence money from the savings generated by the implementation of the new IT system, given that he is postponing the shared services move?

**Mr Poots:** The two-year run-in will allow the Armagh centre of expertise to build up to full strength

and give the Western Trust a considerable amount of time to find employment for staff in the area that the Member represents. I think that that is important. We will seek to do that for as many staff as possible and to ensure that as many as possible are accommodated in their locality.

I know that some staff who work in Londonderry, for example, actually live closer to Omagh, so travelling to Omagh may suit them better. Nevertheless, a significant number of people in Londonderry will be affected as a consequence of this. The Western Trust has given me its word that it will work very hard to ensure that it accommodates as many of those staff as possible. That was the case with the previous RPA: the Western Trust made nobody redundant, and it managed to accommodate people at that time. We are confident that it will be able to do that this time, if not in all instances, in the vast majority of cases. We believe that that will be the case.

In respect of ring-fencing money, we will seek to ensure that we have enough resources available to meet the needs of staff, whether they wish to travel, retrain or take redundancy. A large number of staff will be largely unaffected by this. However, significant numbers will be affected in some way.

**Mr S Anderson:** I, too, thank the Minister for his statement. What is the Equality Commission's view of the process conducted by the Department for the equality impact assessment?

**Mr Poots:** The Equality Commission gave its views and, as a consequence, we substantially updated the EQIA to address the significant equality issues raised in the course of the consultation. I found it helpful to have the Equality Commission's views. It was reassuring to find that we could accommodate the suggestions it offered. At a recent meeting, the commission indicated that it was satisfied with the EQIA process we were following and that we were able to address the issues during the consultation.

The EQIA has been amended to include an options appraisal to draw comparisons between proposed shared service sites to determine potential adverse equality impacts; additional data resources to support the conclusions reached; the expansion of the mitigating measures; greater integration of socio-economic profiling data; further information on local economies and labour markets; and a more detailed approach to tackling the transportation difficulties.

**Mr D McIlveen:** I also thank the Minister for his statement. I am sure that he will forgive me for my shameless parochialism when I ask him to outline what work will be carried out at the Ballymena site.

**Mr Poots:** Some work will need to be done and some amendments will need to be made at the Braid Valley Hospital site. We indicated the timescale for when we anticipate the office being up and running to a previous questioner. We are confident that we have the money set aside and the timescale to deliver the required work. The office will then be operating in a very comprehensive way, employing a significant number of people who will be working very closely together. The significant advantage in bringing people who specialise in those services to one particular site is that it maximises their skills and enables them to work to their fullest capacity, and with people who are skilled in the same arena. It will make a significant difference in delivering high-quality services for the HSC sector by bringing all those skill bases under one roof.

**Mr Rogers:** I thank the Minister for his statement. However, like some of my colleagues, I am extremely disappointed by it. When there is bad news to be delivered for South Down, it seems that the SDLP is the only party present to listen to it. I notice the absence of your party colleague Jim Wells.

Does the Minister accept that it would be impractical for the majority of staff in Downpatrick to follow their job to Ballymena? It will mean that, in two years' time, they will have no job.

**Mr Poots:** Mr Wells is a very good attender in the House, and if he is not here, there is a very good reason for him not being here. Unlike the Member opposite, Mr Wells has attended not just one but a number of meetings, making representations for the Downpatrick staff. I am sure that he is quite able to defend his workload to Johnny-come-lately on the issue. *[Interruption.]* I cannot help myself.

The Downpatrick situation is a serious issue, and the staff will have their concerns. I indicated from the outset of my statement that Downpatrick is the area on which this will have the greatest impact. I recognise that. I was in the difficult position of having to make a decision between Downpatrick and Armagh, but there was a much stronger case for Armagh. Members can study that decision and look at all the documentation

on it, and they will see that if I was to make a fair choice, that was the choice that I had to arrive at.

Nonetheless, I recognise that it will cause significant inconvenience and difficulties for the staff in Downpatrick. That is why we are seeking to accommodate them, and we will work closely with the South Eastern Trust to provide alternative employment for the staff who are based in Downpatrick. Although we cannot guarantee that the jobs will be in Downpatrick, we will seek to ensure that as many people as possible can be redeployed within the system as close to their homes as possible. Unfortunately, I cannot go any further than that, although I appreciate the difficulties that the staff are facing.

**Mr Irwin:** I thank the Minister for his statement. I welcome the fact that Armagh will be one of the locations for shared services. Will he detail what work will be carried out in Armagh?

**Mr Poots:** Again, there will be a reasonable amount of work to be carried out, but not a huge amount, and we are quite confident that we will be able to have everything up and running in an appropriate time at the Armagh site. I know that Craigavon was looked at as a possibility as well, but because of its scale and ability to be developed for that particular service, the Armagh site was better suited as a choice and came out ahead.

### 1.15 pm

**Ms Gildernew:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for his statement today. As a very strong advocate of the decentralisation and sharing around of public sector jobs, I accept that there are winners and losers today. The Minister said in his statement that the arrangements would last for a maximum of two years. Could he give further clarification on that? If they are to last for less than two years, that will bring another raft of anxieties for the staff affected.

I accept what other Members have said in the House this morning, and I accept that there is a difficulty in Downpatrick. Times are very difficult in that part of the world for the fishing industry and other sectors where there has been quite a reduction in the numbers employed. I am sympathetic today to the needs of the people of Downpatrick. Given that people have caring responsibilities and that there are very few

public sector jobs, could the Minister raise the issue at an Executive meeting and try to persuade Executive colleagues to move jobs out of Belfast and closer to people's homes?

**Mr Poots:** Although we have included the caveat that the arrangements for satellite offices will last for a maximum of two years, it is certainly planned that it will be two years. However, should the number of employees fall below 10 in those offices, they would no longer be viable. That is less likely to happen in Downpatrick, where we are looking at having a satellite office of 25 to 30 people, whereas, on the Gransha site, there will be around 15 members of staff. I am very confident that the arrangements in Downpatrick will run for the full two years, and, hopefully, over that period, quite a number of the 25 people in that office will find suitable alternative employment close to home and within the HSC system. However, that is the caveat.

Other Ministers have to make decisions on where their staff are located. We sought to include Ballymena in the north, Omagh in the west, Armagh in the south and Belfast in the east. I think that we have covered Northern Ireland quite well. I recognise that a lot of the staff involved are paid under £20,000, so travelling long distances is not really an option for them, particularly for those who have young families and who have to pay for childcare as well. Those are all things that we took cognisance of when we pulled this together.

## Committee Business

### Judicial Appointments

**Mr Principal Deputy 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 in which to make a winding-up speech. All other Members who wish to speak will have five minutes.

**Mr Givan (The Chairperson of the Committee for Justice):** I beg to move

*That this Assembly approves the report of the Committee for Justice on its review of judicial appointments and the recommendation that there should be no changes to the current process for judicial appointments and removals in Northern Ireland at this time; and endorses the intention of the Committee to undertake a further review of the judicial appointments and removals processes.*

The Justice Committee undertook the review of judicial appointments in accordance with Standing Order 49A, and I thank Committee members for their constructive approach and contributions to the review.

Members will be aware that the Northern Ireland Act 2009 made amendments to the process of judicial appointments and removals as set out in the Judicature (Northern Ireland) Act 1978 and the Justice (Northern Ireland) Act 2002 as amended by the Justice (Northern Ireland) Act 2004. The 2009 Act also stated that Standing Orders should require one of the Assembly Committees to review the operation of the amendments made to the judicial appointments and removals processes by schedules 2 to 5 to the Act and to report on the review, including any recommendations for change to way in which judicial office holders are appointed and removed, by 30 April this year.

Initially, the review was to be undertaken by the Assembly and Executive Review Committee. However, following the devolution of policing and justice powers, an agreement was reached that responsibility for the review should pass to the Committee for Justice, and Standing Orders were subsequently amended on 28 November 2011.

Given the limited time available in which to complete the review, the Committee agreed to undertake a targeted consultation with a range of key stakeholders, including the Northern

Ireland Judicial Appointments Commission (NIJAC), the Lord Chief Justice, the Northern Ireland Judicial Appointments Ombudsman, the Attorney General for Northern Ireland, the First Minister and deputy First Minister, the Minister of Justice, the Law Society, the Bar Council, and the political parties and independent Members in the Assembly. The Committee received eight written submissions and held three oral evidence sessions. I place on record the Committee's appreciation to all those who contributed written and oral evidence to the review.

The oral evidence sessions were with the Attorney General, the Lord Chief Justice in his capacity as chairman of the Northern Ireland Judicial Appointments Commission and other representatives of NIJAC, and the Northern Ireland Judicial Appointments Ombudsman. Those sessions raised some interesting issues and provoked some lively discussion.

The Committee was also aware that the House of Lords Constitution Committee was undertaking an inquiry into the judicial appointments process for the courts and tribunals of England and Wales and Northern Ireland and for the UK Supreme Court, and that the Ministry of Justice had just completed a consultation on appointments and diversity relating to the judiciary in England and Wales. The Committee kept an eye on the developments around those.

To meet the 30 April deadline for the completion of the review, the Committee confined its deliberations to a small number of issues, some of which I will now address. One issue that arose was the involvement of Ministers or this legislature in the Northern Ireland judicial appointments and removals process. The Committee considered whether the balance of power in relation to the processes has moved too far towards the judiciary and non-elected bodies and away from politicians. Although mindful of the reasons for the current position, the Committee noted that full responsibility now sits with NIJAC and elected representatives play no part in the process.

NIJAC also plays a key role in deciding on the maximum number of persons who may hold a listed judicial office at any one time. Although NIJAC must agree the maximum number with the Department of Justice, the Committee's view is that that is an unusual responsibility for such a body to have.

Given that there appears to be some perception, which was reflected in evidence received by the Committee but refuted by the chairman of NIJAC, the Lord Chief Justice, that NIJAC is dominated by its judicial members, it raised some questions that were discussed with the Attorney General, who said:

*“One can speak of it as a constitutional issue of a hermetically sealed circularity of judges largely appointing judges.”*

The Committee also highlighted the fact that, in any other consideration of where power should reside in relation to judicial appointments and to what extent, if any, political representatives should have a role, a distinction should be made between involvement in the selection process and involvement in the appointment process. The Committee is also of the view that NIJAC should reflect on the challenge of addressing any perceptions that might exist.

One of the criticisms levelled about the appointment process for appeal judges was that appointments have been based on seniority. The 2009 Act introduced a change in the appointment process for appeal judges. However, the new process has not yet been used and no new appointments have been made.

The Committee believes that all judicial appointments should be based on merit and is strongly of the view that the merit principle must apply to any appointment process for appeal judges or the post of Lord Chief Justice. In that respect, the Committee supports NIJAC's position, as articulated by its chairman, the Lord Chief Justice, who indicated that when consulted by the Prime Minister on the appointment process, NIJAC will inevitably recommend that the appointments should be made on merit and that there should be a process to ensure that appropriate candidates can apply.

An area that the Committee is very concerned about — I know that other Committee members will wish to address it in the debate — is the fact that, despite the requirement that NIJAC must engage in a programme of action to ensure that, so far as it is reasonably practicable, judicial appointments are reflective of the community in Northern Ireland, that has not been achieved in the higher court tiers with regard to female representation. Although the current Lord Chief Justice and his predecessor, Lord Kerr, expressed their disappointment regarding that situation and NIJAC recognises

that it is an issue that needs to be addressed, the Committee is disappointed that no progress appears to have been made in tackling that long-standing issue.

The Committee has recommended that NIJAC must take forward the programme of work that it outlined in its evidence to this review as a matter of urgency and that it must give appropriate priority to this matter. We have highlighted several areas worthy of further consideration and intend to review what progress is made in this area in the future.

Another issue that arose during the review was the delivery of the functions of the Judicial Appointments Ombudsman. The Department of Justice is considering alternative options for the delivery of the functions of the Northern Ireland Judicial Appointments Ombudsman, so that is an area that the Committee will return to in due course. The Committee has recommended that, when considering other options, the Department of Justice should take account of the views expressed by the Judicial Appointments Ombudsman in his oral evidence to the Committee and, in particular, if consideration is being given to having one justice ombudsman, the current legislative requirements that stipulate that the Judicial Appointments Ombudsman appointee should not be a lawyer nor have sat in a judicial capacity.

The Committee noted that the Northern Ireland Judicial Appointments Ombudsman's role is relatively narrow, allowing him to look only at complaints from individuals who have participated in the selection process and preventing him from investigating thematic complaints, looking at wider issues or dealing with complaints from individuals on behalf of someone else. That is an issue that the Committee may return to in the future.

In conclusion, having considered the evidence received — taking account of the fact that the Department of Justice and NIJAC are of the view that the arrangements created by the 2009 Act, although in place for only a relatively short period of time, appear to be working satisfactorily — the Committee has recommended that there should be no changes to the current process for judicial appointments and removals in Northern Ireland at this time. However, the Committee is of the view that there are a number of issues, some of which I have highlighted today, that may merit further

consideration. Therefore, we intend to undertake a further review of the judicial appointments and removals process.

At this point, Mr Principal Deputy Speaker, I thank our Committee staff for their work on behalf of the Committee. The Justice Committee is a very busy Committee. We took on this work from the Assembly and Executive Review Committee, and we were able to put it through the Committee in the time that had been stipulated. I thank the staff for the work that they carried out under Christine Darrah in her role as Clerk of the Committee.

Taking off my hat as Chairman of the Committee, I will speak now in my capacity as a DUP Member. The reasons why the changes in the 2009 Act took place were evident at the time. The party gave the reasons why those changes were necessary at the time. Very clearly, it was because of our concerns in respect of the role that Sinn Féin may have in the appointment and removal of the judiciary. One does not need to go too far into our past to remember when the IRA targeted members of the judiciary; one example being Lord Justice Gibson and the attack that led to his death. Obviously, we had very clear concerns, and changes were then included in the 2009 Act as a result of those. Clearly, the political context in Northern Ireland has led to the changes that have happened. That makes it very difficult for changes to the current system to take place. That having been said, this has given the judiciary a very insulated, protected and privileged position from the political process. That is not an ideal position in a normal democracy. Given the lack of accountability to the people through their politicians, it requires the judiciary to exercise its functions with great care, particularly when making decisions that challenge the Executive.

A number of submissions were made to the Committee that highlighted the movement of the judiciary away from politicians that has occurred across the United Kingdom. That has been flagged up. In 2001, Sir Thomas Legg QC, former permanent secretary to the Lord Chancellor, said:

*“appointing judges is not merely a technical and professional exercise ... It is a political act in the broad sense and it should be the responsibility of a political authority. In our constitution that means accountable Ministers.”*

That was written prior to the establishment of judicial appointments commissions in England and Northern Ireland. In 2011, with regard to the 2005 Act, Sir Thomas Legg said that it:

*“strikes the balance of roles and powers too far towards the judges and too far away from the Executive”.*

### 1.30 pm

It begs the question of what the role is for politicians. It is my view, and the view articulated before the Committee by the Attorney General, that it is the politicians who create the law that governs and seeks to protect our society. The judiciary implements that law. There is a view amongst some that the judiciary is superior to the politicians in respect of this constitutional position. However, in evidence, the Attorney General said:

*“There has been a shift — in some ways, an understandable shift — and emphasis put on the role of the judiciary. Members of Parliament and legislatures are, as Sir William Blackstone said, ‘guardians of the constitution’ and have a vital role in that regard. We downplay that role as a community, ultimately, at our peril.”*

Sir Declan Morgan, the Lord Chief Justice, in his role as chairman of NIJAC, asked:

*“what will politicians bring to selection on merit in a better way than experienced human resources people?”*

Very clearly, the answer is accountability. I agree with Lord Justice Etherton, who said in evidence to the Select Committee on the Constitution:

*“At some point and in some way the executive or Parliament, or both, must be involved, if only, and at the very least, in the appointment of people other than judges who themselves undertake the selection.”*

The pendulum of the political accountability of our judicial appointments process is at the extreme end: it is divorced from the Executive and the legislature. I have made it clear why that reason is the case, and I support that reason as to how it has come about, given the past of Sinn Féin in our troubled times. However, in other western democracies — for example, the United States — politicians have a very direct role, and in many states, judges are directly elected by the people, giving them the strongest authority from the people to act. It is necessary, and indeed a duty, for politicians in Northern Ireland

to have a close scrutiny of our judicial system to ensure that the people can have confidence in the judiciary.

Having said that, I support the motion. I have outlined clearly the context as to why the changes took place in the 2009 Act. That context has not changed and, therefore, we will not be supporting changes to that Act. Nevertheless, in a normal democracy, there are issues that a normal democratic institution would be able to consider, but, sadly, in Northern Ireland, we do not have that.

**Mr Elliott:** I thank the Chair of the Justice Committee, Mr Givan, for bringing this forward.

Clearly, this is something that came about at reasonably short notice and had to be carried through on a reasonably short and sharp timescale. Obviously, some of the issues that have been raised by Mr Givan are relevant to the process. I do not say that we were amused by it, but one thing that heightened the interest of many of us was the difference of opinion between the Attorney General and the Lord Chief Justice.

I note the issues around the Attorney General's point about the interview process. He was indicating that it may not necessarily be the best way of making appointments. You could say that even about the Civil Service, if you wanted to, or about any public appointment. You do not always get the best person just because you have what is termed a "competency interview process". There is quite often much more to the individual than will be brought out at the interview process. Though I accept that, you must have a means and mechanism for carrying out the process. Obviously, I have some degree of sympathy with that, but if it is going to be for the judicial system, it needs to be on a much wider base as well. I respect and accept the independence of appointments for the judiciary because if you bring that into the political domain, it will become political, and I have significant concerns about that. Obviously, independence is very important.

I would be concerned if there were any indication that NIJAC operated some sort of two-tier system, whereby the judiciary and the lay people in NIJAC were of completely different opinions. However, I do not believe that that is right. I believe that the system co-operates reasonably well together and that it is a good mechanism for taking the process forward. The Ulster Unionist Party supports the current process. That is not to say

that we are not open to continual review and looking at it again in the future — we are quite happy to do that — but, as it stands, it needs to be clear that we want the independence of the process to remain. We do not want any indication of there being two-tier system.

It is important that we continue to hear the opinions of the Lord Chief Justice and the Attorney General. We should try to find a mechanism to bring their thought process closer together or to streamline it to some degree. I hope that the Committee can play a role in that. Irrespective of where the responsibilities ultimately lie, the Department of Justice has a clear role and responsibility. I hope that that will continue.

**Mr A Maginness:** I pay tribute to the Chair of the Committee, who did an excellent job in guiding us through fairly difficult subjects in a very balanced manner. He promised us double pay and rations at the end of it, but that did not appear. However —

**Mr Weir:** It must have been money for two counsel. *[Laughter.]*

**Mr A Maginness:** You know where that would get you. In any event, it was good work that was well done in proper time. The House should note that, at the same time, we were conducting another inquiry into witnesses and victims. It was an enormous amount of work. I echo the Chair's congratulations and thanks to the Committee staff for their very hard work throughout the inquiry.

The Chair very usefully highlighted most of the pertinent issues. He referred to the pendulum in relation to judicial appointments swinging away from political involvement and towards a very neutral situation. That was done for very understandable historical reasons. I am not at one with him on the reasons that he quoted. Nonetheless, for historical reasons, the appointment of judges has been moved to an independent body, and I think that all of us are supportive of that. The question is whether, in the future, there should be any change. I do not see any change in the immediate future, but we should not rule that out absolutely. The stripping away of even the most vestigial involvement of the First Minister and deputy First Minister and the Assembly in the appointment — as opposed to the selection — of judges may or may not be a good thing; I just do not know. Certainly, however, in the criminal justice review of 2000, it was suggested that the Office of the First Minister

and deputy First Minister (OFMDFM) would have at least a symbolic role in appointments. If we are to become a mature democracy, it may well be that we move to such a situation. There may well be more political involvement, as there is in other healthy political jurisdictions.

Mr Larkin, the Attorney General, raised a number of interesting points. When talking about NIJAC, he said:

*“there is at least a danger of the creation of a self-perpetuating mandarin class of judges appointing themselves. Appointing very clever people, bright people, very accomplished lawyers, but doing so in a way that is, to all intents and purposes, immune from broader constitutional scrutiny.”*

He also said:

*“There is absolutely no impairment of judicial independence or impartiality caused by the appointment being made by the executive and that appointment by the executive being accountable to the legislature.”*

It is interesting that he unilaterally raises that issue. The Lord Chief Justice had an opportunity to respond to that and to questions put by the Chair and me. Sir Declan Morgan did not rule out some legislative involvement. On page 52 of the report, he said:

*“Having some legislative involvement is not necessarily contrary to the fundamental principles of judicial independence. However, I wonder what the legislature would bring.”*

The Chair has answered that point; he said that it would bring an element of accountability to the appointment process.

These are interesting arguments, some of which remain unanswered. We will return to this as a Committee, as will the Assembly, but I think it has been a useful exercise. We came to the conclusion that —

**Mr Givan:** I thank the Member for giving way. Will he comment on the difference of views held by Lord Kerr and Lord Etherton in regards to political involvement?

**Mr A Maginness:** I thought that Lord Etherton’s remarks were very interesting; he was on the side of having some greater political involvement. Lord Kerr took a more extreme position by saying that we do not really want politicians next to or near the judicial appointments process. Perhaps that

is understandable coming from a senior judge who probably sees political involvement as a threat. Is it a threat or is it a challenge that the judiciary will just have to deal with, and does it add something materially to the appointments process? That question remains unanswered, as the Chair of the Committee has said, and most of the Committee were of that mind. It has to be said that the —

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

**Mr A Maginness:** I will indeed, Mr Principal Deputy Speaker. In conclusion, it has to be said that the arrangements are working satisfactorily, and I think that this is a good report to make to this Assembly.

**Mr Dickson:** I thank the Chair of the Committee for the way in which the business was conducted, and the staff and others who supported us and came to the Committee with evidence. As the Chair highlighted, the Committee is generally satisfied with the current situation. I genuinely believe that Northern Ireland Judicial Appointments Commission is doing a good job, and that it is producing the right judicial appointments in Northern Ireland.

However, there is one area that raised a matter of concern. Others have referred to the level of future political involvement, but the current issue is the lack of representation of females, particularly in senior appointments. It is an area that, I believe, needs to be addressed to give the appropriate balance in the judicial process.

The argument that we were given was that it was difficult for females gain the appropriate length of experience in court time as many of them will take a break for family and maternity reasons. However, I genuinely believe that we must break away from what is perceived as, if not an old boy’s network, then certainly a very male-dominated profession and area in respect of those who hold those judicial appointments.

Greater efforts need to be made to ensure that there is appropriate female representation in judicial appointments in Northern Ireland. We should not have an area that is exclusively or predominantly male in that respect. Appointments should be made on merit, and I believe that there are as many women as men in the judicial system capable of holding those positions. Although I support the report, I want to flag up that area of concern and

would particularly encourage NIJAC and those in the profession to see what can be done to encourage appropriate female representation.

As for the future, I think that the Committee agrees that it needs to re-examine what level of political involvement there should be, whether it is the token involvement that Mr Maginness made reference to in that the appointment is simply ratified by the First Minister and the deputy First Minister, or whether there should be some form of hands-on involvement in that process. That remains to be seen. That is a debate for another day, but, at this point, I am satisfied to support the report.

#### 1.45 pm

**Mr Weir:** I join others in welcoming the report and in thanking the Chairperson and the Committee staff for the examination. As has been indicated, time was limited. However, in going through the evidence and reaching conclusions, I was struck by the lack of a convincing case for very fundamental changes. A number of issues were raised across the spectrum, nuances arose and changes were suggested for the future, but there was no overriding desire either outside or inside the Committee for something fundamentally different to what had been arrived at. The lack of proposed changes is perhaps a salutary lesson for some who, two or three years ago when the devolution of justice was proposed, predicted, particularly on the judicial front, that the sky would fall in. It seems that we have not seen a radical change, and, indeed, some of the fears that at the time were raised — “manufactured” may be a better word — clearly have not materialised.

I will touch on a few aspects of the report. The role of elected representatives has been concentrated on, and I agree with Alban Maginness when he says that it is fairly clear that no one can envisage a fundamental change on that side in the foreseeable future. On the longer-term debate on whether the pendulum should swing, I tend to be on the reasonably sceptical wing and much closer in position to that of the Lord Chief Justice than that of the Attorney General. I have to be careful at this stage not to be too critical of the Attorney General, as I do not want to end up on any criminal charges because of my speech. However, we need to tread very carefully. The Attorney General mentioned the situation in

America and Germany, and political involvement there has not been an unalloyed success. We have to be careful about the danger of getting political appointees or, indeed, judges looking with one eye to satisfy political masters. When we decide precisely where that pendulum will be, we need, at all costs, to ensure that the —

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

**Mr Weir:** In a second. We need to make sure that that form of judicial independence is protected.

**Mr A Maginness:** Does the Member accept that NIJAC has a lot of functions, not just on the appointment of judges but on the complement of judges? That is a most unusual function for such a body to have.

**Mr Weir:** I agree, and that issue is tackled in the report. I am concentrating particularly on paragraphs 107 to 109, which are on the role of elected representatives.

Mr Dickson raised the issue of female representation, and the overall balance is a problem. However, when looking at how we solve that, I was struck by the statistics that showed a vast differentiation between the number of females who enter the legal profession and those who are still in it at 30 or 35. We need to look at the mechanism and at whether there are any barriers that mean that females, in some way, feel forced out. That seems to be the key point in tackling that. Nobody came forward with any evidence to suggest that there was direct discrimination or that people were not being selected on merit. However, over the past 20, 30 or 40 years, the profession has become a lot closer to being gender-balanced. In time, we need to reflect that in the overall process.

There has been some criticism that the composition of NIJAC is too judge-heavy. It is important that judges be appointed fully on merit, and I am struck by the need to have that level of professional input. I have met the representatives of NIJAC who were there as lay members, and they are very impressive individuals. They may not have the judicial or legal background, but they are experts in HR and in a range of other activities, and they can and do make a very valuable contribution to NIJAC.

It is also important to note that when the issue of sponsoring Departments was raised, nobody from NIJAC or the Department of Justice seemed

to want to shift that position. From a practical point of view, there is a feeling that the oversight function in the sponsoring Department works well, and I think that that needs to be maintained. There has been mention of the suggestion that the functions of the Judicial Appointments Ombudsman be merged with those of other ombudsmen and that those offices should, effectively, be rolled into one. However, given that the Judicial Appointments Ombudsman needs to be seen as completely independent from the judiciary, that would not be appropriate.

We are missing at least one voice today: Mr Wells, a member of the Committee, is not here to give his unique perspective on the legal profession. Had Mr Wells been here, a strong argument may have been made for politicians not having involvement in judicial appointments.

Broadly speaking, the report shows that the current system is largely correct. We will need to return to this and, given the limited amount of time the Committee had to undertake its review, it flags up the need for a much deeper examination of the system in the future. I welcome the report and believe that it points to a positive way of protecting judicial independence, at least for the time being.

**Mr S Anderson:** As a member of the Justice Committee, I support the motion and encourage all Members to approve the Committee's report on its review of judicial appointments. At the outset, I express my thanks to the Chair and the Committee staff for their work on the review.

I am aware that in a debate such as this, there is a high risk of repetition. I do not intend to go over too many points; I could perhaps be classed as a repeat offender if I did. Therefore, I will keep my remarks to a minimum.

In the short time that was available to the Committee, we took stock of the operation of the judicial appointments process, as amended by the Northern Ireland Act 2009. As Members will be aware, the Assembly and Executive Review Committee was initially asked to undertake the review. However, after the devolution of justice powers, it was agreed that the Justice Committee should take over that work. Members will also be aware of the tight deadline. We agreed our terms of reference a short time ago and had to complete our work by 30 April. In light of that timescale, we decided to engage in a targeted consultation with the

key players and to publicise our work on the Assembly website.

The process of judicial appointments has undergone fairly radical change across the United Kingdom in the past decade or so, and we are aware of the review by the House of Lords. One of the key aims of any judicial reform must be to ensure that the public can have the utmost confidence that the judiciary is completely independent and free from any outside interference. That is fundamental to the preservation and promotion of our constitutional liberties.

The main driver for change in Northern Ireland was the report 'Review of the Criminal Justice System in Northern Ireland' in 2000, which recommended the establishment of an independent commission to oversee appointments from the level of High Court judge downward. The result was the creation of the Northern Ireland Judicial Appointments Commission in 2005. NIJAC has a vital role, as it is required to ensure that judicial appointments are based solely on merit. We all aim for that. The Northern Ireland Act 2009 extended NIJAC's remit, and it is now a recommending body for Crown and non-Crown appointments. As I said, the judiciary must be totally independent of any interference and must be seen as such. Therefore, the Committee supports the 2009 provisions, which require that judicial appointments and removals should be the responsibility of NIJAC, and not OFMDFM as was envisaged in 2002.

The current arrangements are not perfect by any means. They arose from the particular experiences of Northern Ireland and the problems that would arise from political input. However, there may be a cheaper, more efficient and accountable mechanism that could and must be considered at some stage in the future.

The Committee was also concerned that the judiciary is still very much a male preserve. That has been mentioned today. The Committee agreed that we should look at that issue in the future and perhaps make some progress on it.

The Committee is grateful to all those who took the time and effort to meet us and to those who made written submissions during our targeted consultation. In view of the overall responses to our review and the limited timescale, we felt that the best way to proceed would be to recommend no change to the current arrangements at this time. That is not to say that we have parked

the issue; that is far from being the case. As the motion makes clear, more work needs to be done, and I imagine that it will be done in the coming months and years. Meanwhile, I ask the House to support the motion.

**Mr Allister:** I broadly support the motion because it holds to the present position, which is not perfect — I will say more about that in a moment. However, it is certainly a huge advance on where the legislation stood when, outside the House, I began to raise issues about the content of the Justice (Northern Ireland) Act 2002 and the Justice (Northern Ireland) Act 2004, which would have seen an IRA commander as deputy First Minister with the facility to help in the appointment and removal of judges and in the recommendation of who would become a judge.

Of course, there are those in the House today who cannot admit or ever concede that I had any influence whatsoever when I first raised such issues, and who, when I first broached the subject in their party, were more interested in filling out their sudoku than in looking at the content of the 2002 Act. It is because I am making these points that, although not originally down to contribute, Mr Poots will speak in the debate.

Expert at sudoku as he was, he well knows that he was far more interested in those puzzles than in listening to what the 2002 Act and the 2004 Act meant for the Office of the First Minister and deputy First Minister. I take some credit that, ultimately, the Northern Ireland Act 2009 was amended to remove the bulk of those parts. It did not remove the power that allows OFMDFM to nominate people to the body that appoints judges — the Judicial Appointments Commission. It ought to have done that, because there is no nexus between OFMDFM and the judicial process, nor should there be. Where there is one, the nexus is with the Department of Justice. Therefore, it is the Department of Justice and not OFMDFM that should have the power to appoint people to the Judicial Appointments Commission.

I want to comment on where we are perhaps going in the future. I have listened carefully to those who are obviously itching and anxious to get more political involvement; they call it “accountability”, but it is really a creeping politicisation. They refer to the fact that, in America, judges are elected: preserve us from such a politicisation of the judiciary. Yes, it is

not perfect that judges appoint judges through the Northern Ireland Judicial Appointments Commission. However, that is by far the best arrangement attainable, because you need to know what the job of a judge entails from experience before you appoint others.

I shudder at the thought of OFMDFM or the Department of Justice having the power to make such appointments. That would be a very retrograde step indeed; it would result in a corrupting of the judiciary. We would be in the same situation as the Irish Republic, where Fine Gael judges and Fianna Fáil judges were appointed when their respective parties were in government. The judiciary is now, more and more, dealing with issues that touch on government policy and decisions. If we are to maintain the independence of the judiciary, we must expunge from the Executive any political involvement in the appointment of judges. If we create the situation where judicial review after judicial review is examining the rights and wrongs of an Executive decision, the process would be corrupted, or would have the appearance of being corrupted, if those making judicial review decisions are appointed by the Executive or subject to removal by the Executive. So, in the interests of the independence of the judiciary, it is very important that we maintain as great a distance as possible between the Executive and the judiciary.

I certainly do not want to see any terrorist-inclusive Executive ever having that role in respect of our judiciary.

## 2.00 pm

I will comment on the support in the report for the application of the merit principle to the Court of Appeal. I agree with that, but in the context that there is another principle about judicial appointments, which is that they must be reflective of the community. We are already in the position where the three key legal posts of Lord Chief Justice, Attorney General and Director of Public Prosecutions all come from the one community. We need a counterbalance, as well as appointing on merit, to ensure that our Court of Appeal, the highest court in the land, is reflective of the community.

**Mr Principal Deputy Speaker:** Bring your remarks to an end.

**Mr Allister:** Let us not forget that. It would be a backward step if we were to end up with a Court

of Appeal that is not reflective of the community that it serves.

**Mr Poots:** I have a document from the Traditional Unionist Voice. I know that we are not allowed to display documents in the House, but, the document, which, I assume, Mr Allister had some role in writing, identifies how Martin McGuinness would have control over the judiciary. I suggest to Mr Allister that, if he ever chooses to do something else in life, he does not take up the role of Mystic Meg, because he does not very often get it right, and I suspect that he would not get much business on that front. Perhaps people do not always give as much attention to Mr Allister as he would like because he does not often get it right in the first instance. He has not got it right today either when he talks about the judiciary in Northern Ireland.

Clearly, we have decided to go down the route that we have because of the past in Northern Ireland. We have a system where we do not appoint judges through the political process, and that is different from the rest of the kingdom. I note that Mr Allister wants a degree of separation from the rest of the kingdom in that he wishes to have judges appointing judges in Northern Ireland but not in the rest of the United Kingdom.

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

**Mr Poots:** Yes, I certainly will.

**Mr Allister:** I am very happy that the Prime Minister makes the recommendations after consultation with our Lord Chief Justice and our other senior judges. I am very happy that we maintain the unity of the United Kingdom.

**Mr Poots:** That is not what Mr Allister was saying earlier. He was very critical of the role of politicians in the appointment of judges, yet he is just after saying that it is all right. If one goes back to Hansard, one will identify that Mr Allister, throughout his speech, did not indicate that that was the case at all.

As part of the checks and balances and democratic accountability throughout the process, a strong judiciary is very important for a strong democracy and vice versa. In the checks and balances that we have now, the scales are tipped very heavily in favour of the judiciary vis-à-vis the democratic system. That places a greater incumbency on the judiciary to carefully exercise its very significant powers. It

is not the judiciary's role to overturn decisions that it does not like; it is the judiciary's role to ensure that the law is upheld. Nor is it appropriate for the judiciary to be striking down decisions that have been arrived at rationally and, indeed, reasonably on the basis of some technicalities. The judiciary needs to reflect upon that and respect that.

Being a Minister does not make one perfect, and nor does going into a studio as a journalist or a broadcaster make those individuals perfect. Indeed, when a very able Queen's Counsel dons a wig and sits on the bench, that does not make them perfect. We reserve the right to criticise the decision of judges. Judges can be very wise, but that does not make them infallible. They can be very knowledgeable, but that does not make them omniscient. They can be very powerful, but that does not make them omnipotent. Those powers all lie with another judge, whom we will all face one day. We reserve the right to challenge decisions that we do not believe to be good decisions. Last week, indeed, our Director of Public Prosecutions was in conflict with the courts over a decision that was made. On balance, from what I have heard thus far, I am with the Director of Public Prosecutions on the issue that was involved. The law was not fully and, possibly, properly observed in that particular decision-making process.

The Executive have been elected, through the Assembly, to govern. Judicial authority that diminishes the ability of the Executive or, indeed, the Assembly to carry out their role of governance is something that should be exercised with extreme caution. For example, the Executive's number one priority in the last mandate was the economy. That was tested through the Programme for Government. We had all of the consultations, and the commitment was made. However, when Ministers, Departments and arm's-length bodies went about delivering on that commitment, they were, on occasions, undermined by judicial decisions. That was undermining the will of the people of Northern Ireland. That is something, therefore, that we need to be very careful about in the future.

We will have to continue with the system that we have, because of the nature of politics in Northern Ireland. Nonetheless, we need to make it very clear today that, in the delivery of judicial powers, full and proper respect must be given to the politicians and elected Government of Northern Ireland so that they can carry out their

duties in a very open, honest and frank way on behalf of the people of Northern Ireland, with as little judicial interference as possible.

**Ms J McCann:** Go raibh maith agat, Mr Principal Deputy Speaker. First, I thank the Committee, as the Chairperson did, particularly the Clerks, for putting the report together.

The report represents the fulfilment of the requirement under Standing Order 49A for the Committee for Justice to complete a review of the operation of the amendments made to the judicial appointments and removals processes. As indicated by the Chairman, the Committee, having considered the evidence received, has recommended that there should be no changes to the current process for judicial appointments and removals at this time.

However, the Committee is of the view that there are a number of issues, some of which have been highlighted in Members' contributions, that may merit further consideration. Therefore, the Committee intends to undertake a further review of the judicial appointments and removals processes.

I turn first to some of the comments by Members before I make some comments from my perspective and that of my party. The Chairman outlined the key issues considered by the Committee. He also set out the context for the current position and highlighted the way that the appointment process has swung towards giving the power to the judiciary, citing the evidence of that that was given to the House of Lords Constitution Committee's inquiry. He said the political role would introduce accountability.

Tom Elliott noted with interest the difference in opinion between the Attorney General and the Lord Chief Justice. He also highlighted some concerns about the likely impact of political involvement.

Alban Maginness did not see any need for immediate change to the process, and outlined the fact that the appointment of judges has been moved to an independent body for historical reasons, which is an important point.

Stewart Dickson also noted the general satisfaction with the current system but acknowledged the benefit of having a debate on the future. He highlighted the lack of female representation at the higher tiers and the need for NIJAC to address that.

Peter Weir highlighted the fact that there is general satisfaction with the current system, according to the submissions made to the Committee, and the fact that there is no overriding desire for change. He also referred to the lack of female representation at the higher court tiers. He indicated that he did not feel that there was discrimination there but said that the issue needed to be explained and explored.

Jim Allister, although broadly supportive of the motion, again used it to show his impartiality, in that he did not object to political interference as long as it was British political interference; he did not want any political interference from elected representatives in the North. Edwin Poots noted that the checks and balances are tipped in favour of the judiciary and that a strong judiciary is important. However, he wants to reserve the right to criticise judges. Those were the comments of individual Members. It was a good debate in which Members gave their opinions.

I will speak now as a Sinn Féin member of the Justice Committee. NIJAC is currently responsible for judicial appointments. It is chaired by the Lord Chief Justice and has a mix of judicial, legal and lay members. The Committee heard from some of those lay members during its inquiry. It is basically — *[Interruption]*

**Mr Givan:** Was that Brussels calling?

**Ms J McCann:** Sorry?

**Mr Givan:** Was that Brussels calling? *[Laughter]*

**Ms J McCann:** It is a statutory duty to engage in the programme for action to ensure that the judiciary in the North of Ireland is reflective of society. What is really important is that the judiciary is not only independent and transparent but reflective of all society.

I will touch on some of the issues raised, particularly the lack of female representation in the higher tiers of the judiciary. Approximately 43% of the judiciary are women. Although women make up over half of lay magistrates and district civil judges, which are in the lower tier of the judiciary, none are High Court judges. Women County Court and District Magistrates' Court judges do not make up even one quarter of the quota. The under-representation of women is a very serious issue. It may not be discrimination, but NIJAC and other training organisations need

to take it on board because gender inequality is a real problem.

**Mr Weir:** I thank the Member for giving way. Does the Member agree with me that one concern arose when, on a separate issue, the Committee got the list of the main recipients of legal aid and found that only one of the top 50 on the Bar side was female?

**Ms J McCann:** We listened to the people who came before the Committee. Although we are not saying that there is any discrimination, we are saying that the issue has to be resolved and that there has to be equality. Women make up 52% of the population, yet there is not one woman High Court judge. That is a real indictment of the judiciary as a whole.

There is also a glaring gap in respect of people from ethnic minorities. Only 1.35% of the judiciary are non-white. If we are really to have a true reflection of society, we need to get women and people from all community and ethnic backgrounds into those positions in the judiciary. The key issue is how we get an independent judiciary that is reflective of society. People can have different views on how that is achieved, but that is the important thing.

I thank Members for their contributions. I ask the Assembly to approve the recommendation of the Committee for Justice that there be no changes to the current process for judicial appointments and removals in the North and to endorse the intention of the Committee to undertake a further review of the judicial appointments and removal process. The key elements, which were highlighted in Committee, are the glaring gaps that I outlined. The judiciary is still not totally representative of all the community. It is very important that that changes.

*Question put and agreed to.*

*Resolved:*

*That this Assembly approves the report of the Committee for Justice on its review of judicial appointments and the recommendation that there should be no changes to the current process for judicial appointments and removals in Northern Ireland at this time; and endorses the intention of the Committee to undertake a further review of the judicial appointments and removals processes.*

**2.15 pm**

## **Superannuation Bill: Extension of Committee Stage**

**Mr D Bradley (The Deputy Chairperson of the Committee for Finance and Personnel):** I beg to move

*That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 28 September 2012, in relation to the Committee Stage of the Superannuation Bill (NIA Bill 6/11-15).*

Go raibh míle maith agat, a Phríomh-LeasCheann Comhairle. Éirím leis an rún a mholadh. Is é an aidhm atá leis an rún síneadh a chur le Céim an Choiste den Bhille a fhéachann le deireadh a chur leis an riachtanas atá ann faoi láthair toil na gceardchumann a bheith le hathruithe aimhleasacha ar bith a dhéantar le scéim chúitimh na státseirbhíse. The Superannuation Bill, as you know, completed its Second Stage on 26 March 2012 and was referred to the Committee for Finance and Personnel for the Committee Stage.

The Bill has four clauses, and its purpose is to amend the Superannuation (Northern Ireland) Order 1972 to remove the requirement whereby the Department of Finance and Personnel (DFP) must secure the consent of the trade unions to introduce detrimental changes to the current terms of the civil service compensation scheme; and to introduce new requirements for the Department to consult the trade unions, with the aim of having reached agreement on detrimental changes.

Initially, the Committee heard from the Department on the proposed Bill in June 2011 following the introduction of the Superannuation Act 2010 in Westminster. The Committee then received a pre-introductory stage briefing from the Department on 7 March 2012. By removing the requirement for trade union consent, the Superannuation Bill will allow the Department to amend the Civil Service compensation scheme for Northern Ireland to align the amount of compensation payable to Northern Ireland Civil Service staff and other members of the scheme with that payable to civil servants in Britain. It should be noted that under the current Superannuation (Northern Ireland) Order 1972, such amendments to the compensation scheme can be made by subordinate legislation, which is not subject to the usual Assembly control procedures.

The Committee heard evidence from a panel of trade union representatives on 27 March 2012. During that session, members were informed that even though the trade unions had been provided with information and were aware that the Department intended to proceed with the Bill, negotiations had not yet taken place. The Committee subsequently wrote to the Minister to urge the Department to engage with the trade unions on the matter proactively and expeditiously, especially given that the outcome of any negotiations could help to inform the Committee's deliberations during the Bill's Committee Stage. The Department has indicated that it intends to proceed with formal consultation. The dialogue between the Department and the trade unions, as well as the overall outcome, will be directly relevant to the Committee's consideration of the Bill.

On 9 May 2012, the Committee heard evidence from the Equality Commission and the Northern Ireland Human Rights Commission. During that evidence, equality and human rights issues that will require clarification and careful consideration by the Committee were identified.

The Minister has indicated that the pensions forum will be reconstituted on a more formal basis, specific to consultation on pension and compensation scheme reforms. He also stated that the next meetings of the forum have been scheduled for 15 May and 19 June and that, at the next meeting, departmental officials will propose that a further meeting is dedicated to consultation on the clauses of the Bill.

The Minister also gave an assurance that his officials will provide a further update on the outcome of the consultations in due course. That update is scheduled to take place at the Committee meeting on 4 July 2012. As the outcome of the planned dialogue between DFP and the trade unions could inform the Committee deliberations on the provisions of the Bill, it will be important that the proposed date for extending the Committee Stage provides for that, particularly if the deliberations affect any provisions within or arising from the Bill.

The Committee also invited written submissions in relation to the Bill, which closed on Friday 11 May, and those may lead to further oral evidence sessions. In view of those considerations, the Committee believes that the proposed extension to the Committee Stage of the Bill is necessary to enable it to fulfil its legislative scrutiny functions.

I therefore ask the House to support the motion and to extend the Committee Stage of the Superannuation Bill. Go raibh míle maith agat.

*Question put and agreed to.*

*Resolved:*

*That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 28 September 2012, in relation to the Committee Stage of the Superannuation Bill (NIA Bill 6/11-15).*

## Assembly Business

**Mr Weir:** On a point of order, Mr Principal Deputy Speaker. I wish to raise a point of order in relation to Question Time. I am raising it before Question Time because, although there are a number of, shall we say, culprits in today's Question Time, it is a wider issue, and I do not want to be seen to be having a go at individuals today. The issue relates to the number of particularly late withdrawals of questions from Question Time, which not only is discourteous to the House but has an impact on a number of Departments when they are preparing answers and material for Question Time, which then leads to a waste of effort. I wonder if the matter could be referred to the Speaker's Office to see what action he can take to try to curb the problem through some level of punitive action against those who could be described as repeat offenders. If that is not possible, the Speaker might consider referring the issue to the Committee on Procedures to see what way we can tackle the problem.

**Mr Principal Deputy Speaker:** In the past, the Speaker has taken a very dim view of the waste of time that occurs when questions are withdrawn and of the amount of work that went into putting the questions together. It is a matter of a number of different procedures. The Procedures Committee may have to look at that again, but the Whips and the parties also have a responsibility to ensure that Members at least look in advance to see whether they will be here. I know that that is not always possible, but it is certainly recommended. However, I will refer back to the Speaker again to see what further action can be taken.

**Mr Weir:** I appreciate that the nature of the issue is quite complex in terms of solutions, and I do not expect an instantaneous answer in that regard. Thank you for referring that back.

**Lord Morrow:** Further to that point of order, Mr Principal Deputy Speaker. Since you have given an undertaking to the House to have a look at this issue, will you also look at the number of questions that have been withdrawn and those withdrawn just before Question Time in particular?

**Mr Principal Deputy Speaker:** That will all be part of the review. We do not have enough time to begin the next item of business before Question Time.

*The sitting was suspended at 2.23 pm.*

*On resuming (Mr Speaker in the Chair)—*

**2.30 pm**

## Oral Answers to Questions

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

**Mr Speaker:** Questions 1, 3, 4, 5 and 10 have been withdrawn and require written answers. I know that the issue was raised in a point of order before this afternoon's Question Time by, I think, Peter Weir and Lord Morrow. I have to say that I have been concerned about it for some time. There are Members who just come to the Table and withdraw questions for whatever reason — sometimes they give no reason — not realising the huge resources that Departments use in formulating answers to questions. It is something that I am going to raise with the Business Committee and have already raised with the Committee on Procedures. It is an issue that I intend to deal with sooner rather than later.

### OFMDFM: Outward Investment

2. **Mr I McCrea** asked the First Minister and deputy First Minister to outline the importance of their Department's involvement in helping companies in the development of outward investment and growth. (AQO 1928/11-15)

**Mr P Robinson (The First Minister):** The Northern Ireland Executive are committed to expanding their reach into the global export market and to ensuring that our local private sector can compete on a global scale. In March this year, we published our Programme for Government and economic strategy, both of which set out a clear framework for rebuilding and rebalancing our economy. Competing in the global economy is a key element of that framework. We have set ourselves ambitious growth targets, including a 20% increase in manufacturing exports and a 60% increase in exports to emerging economies such as India, China and Brazil.

At our request, Invest Northern Ireland has engaged in a comprehensive range of market visits to assist Northern Ireland companies in growing and developing export markets. It

is clear, however, that our business base has for too long relied on the Republic of Ireland and Great Britain markets. As a result, the Northern Ireland Executive are determined to do all they can to provide the assistance that our businesses need in establishing a presence in overseas markets. These are instances, particularly in high-value sales propositions, where our personal participation can open doors, especially at a political level. It is important that our Government be seen as fully accessible not just to overseas stakeholders but to Northern Ireland businesses. Ministerial involvement reinforces the message that we are pro-business and are committed to growing the economy.

Invest Northern Ireland will continue to seek to maximise the effective use of Ministers in overseas markets and will combine trade and foreign direct investment elements, where possible. As we go forward, developing our international relations can only help to drive forward our export sales. The Executive are fully committed to proactively supporting Northern Ireland businesses in their efforts to succeed on the international stage.

Later this year, the deputy First Minister and I will lead a trade delegation to China. China is one of the most important emerging markets in the world today and represents a significant opportunity for local business to expand into a rapidly developing market. Invest Northern Ireland has already undertaken significant work in China, and we are beginning to build significant relations that, I believe, will have a positive effect on our economy.

**Mr I McCrea:** I am delighted to be here to put forward my question. The First Minister referred to the need to move away from our dependency on the Irish Republic and Great Britain alone for exports. Can the First Minister detail what incentives Invest NI has to help support companies that wish to export?

**Mr P Robinson:** I think that everybody recognises that the Republic of Ireland is going through a fairly difficult time at present. There has been a drop of, I think, about 19% in exports to the Republic in the past recorded year. Thankfully, trade with Great Britain — it is not described as “exports” because we are all part of the United Kingdom — has increased to take up a lot of that slack. We have had very significant increases in exports, albeit from a lower base, to some emerging economies.

We have a population of 1.7 million people to 1.8 million people. If we really want to grow our economy, we need export-driven growth, by looking at a larger sales market. We should not just concentrate on those markets where we have been fairly successful in the past but should look at emerging economies such as China, the Middle East, the Far East and Brazil, where there is real potential for growth.

In that context, Invest Northern Ireland in the first instance will have seminars in Northern Ireland to encourage local companies to look towards exports. It will do that by having seminars that will indicate locations where there is a potential export market.

It will also then look at sectors where there is a potential for increasing exports and, at the same time, it will obviously look at subject matters, like, for instance, the Olympics, and the potential there is for companies to be able to buy into some of the markets that may emerge, whether it is from the Olympics or other specific subjects. It will then provide companies with research facilities and help with funding to bring companies into emerging markets. It will have trade delegations and exhibition stands at international markets. All of those are substantially funded by Invest Northern Ireland, and we are very interested to hear from companies if there is further assistance that we can give to them, whether on translations or legal fees.

**Mr McKay:** Go raibh maith agat, a Cheann Comhairle. I welcome the work that the Office of the First Minister and deputy First Minister (OFMDFM) is doing on taking advantage of the economic opportunities in all of the BRIC (Brazil, Russia, India and China) countries. Will the First Minister outline the potential growth opportunities for local companies in the Indian and Chinese marketplace in particular, and perhaps outline the scale of those opportunities?

**Mr P Robinson:** You only need to look at the size of those countries and the number of people who are living there to know the potential. India has a population of about 1.1 billion people, and China a population of about 1.3 billion people. The size and scale of being able to export into those countries, for a community of 1.7 million or 1.8 million people, are vast. In China, for instance, there is a very considerable need for food to be going into that country, as it can only supply about 80% of the

food that is required in China. For a country of our size, which has very significant potential in the agrifood industry, 20% of a market of 1.3 billion people shows just how much we could gain from it. That is why the deputy First Minister and I have been looking at those kinds of markets and trying to encourage companies here to look at them.

I accept that, for companies here, it can often be a bit off-putting trying to get into a market, particularly where there are language barriers, different cultures, different legal requirements and compliance issues that have to be resolved. Invest Northern Ireland is very keen to support local companies to ensure that we get our share of those emerging markets.

**Mrs Overend:** I thank the First Minister for his answers so far. It is very interesting to hear all that is going on there. Does the First Minister agree that the most easily accessible market is actually the Executive's public sector procurement? Will he outline what he is doing to open up that £2 billion-a-year market to our own microbusinesses and small and medium-sized enterprises?

**Mr P Robinson:** In terms of our own procurement, we have to recognise that the central procurement unit has to operate within the legal constraints of European regulations. However, there are ways of putting out contracts for procurement that can make it more attractive to local companies. Some of that may be by reducing the size and breaking up some of the contracts so that it is easier for local companies to buy into them. Also, the way that various products are specified can make it more beneficial for local companies to do that. We have been encouraging that.

We have also been encouraging the use of social clauses in procurement, so that there is on-the-ground benefit to people, whether it is through apprenticeships or through taking on long-term unemployed people as part of those contracts. We are looking at that issue and trying to make changes that will make it more beneficial for local companies and give them a better opportunity to be part of the procurement sales.

**Mr A Maginness:** I thank the First Minister for his detailed answer. I agree with him that the emphasis needs to be on exports for our companies.

What more could the Executive do to assist in the research and development that is necessary

for our companies to develop the sort of export goods and services that he is talking about?

**Mr P Robinson:** I am satisfied that Invest Northern Ireland is doing what is required. What we need to do is ensure that companies know what is available to them. In the first instance, Invest Northern Ireland will have at its headquarters its own database and information on what can be done and what companies they can match people up with. Research is available at Invest Northern Ireland's local headquarters, and there is also the ability for research projects and programmes to be undertaken. Invest Northern Ireland will give very substantial grants for that and allow elements of those reports to be taken back by the companies. It is also prepared to help to fund companies that want to go into emerging markets to see what can be done. So, a range of assistance can be given.

One factor is that there are companies that are doing enough to be able to sustain the level of labour, maybe just family labour, within their own company, but there is still massive potential for those companies to grow beyond the comfortable level they are at presently. As things get tighter locally, you will find that a lot of companies will start to think that it is beneficial for them to look at a marketplace that is wider than the home market, and by home market I mean the Northern Ireland market plus the surrounding market. If we have a 20% drop in exports to the Republic of Ireland, you can see how attractive it will be for some companies to start looking beyond even the European market to see where they can make sales.

There is, of course, the further role that Invest Northern Ireland can have in bringing various sectors to Northern Ireland and introducing them to companies here that they can do business with. However, when speaking to companies, the big issue always seems to be the same: their lack of confidence in going in for the first time to markets where there are different languages, cultural approaches and legal constraints.

**Mr Speaker:** Questions 3, 4 and 5 have been withdrawn.

## Welfare Reform: Child Poverty

6. **Mr Ó hOisín** asked the First Minister and deputy First Minister for their assessment of the impact of welfare reform on child poverty levels.

(AQO 1932/11-15)

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

**Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister):** The Minister for Social Development has indicated that work is still ongoing to develop a more accurate estimate of the combined impact of the proposed welfare reforms. The Department for Social Development's early estimates are based on the application of the calculations of the Department for Work and Pensions to the situation here. Those early estimates suggest that over 10,000 children will be lifted out of poverty as a result of the introduction of universal credit. That would be a real benefit in our fight against child poverty. The Executive recently established a subcommittee to consider the implications of welfare reform. It is considering how to optimise the delivery of welfare reform in Northern within the financial and legislative constraints under which we operate. To date, the subcommittee has met on four occasions since the start of the year, with the next meeting scheduled to take place later today, 14 May.

**Mr Ó hÓisín:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. I thank the junior Minister for his answer. Does the Minister not agree that the estimate of 10,000 is entirely dependent on people taking up employment? Indeed, given the high levels of unemployment and the lack of jobs, is it not the case that we will see an increase in child poverty because of welfare reform?

**Mr Bell:** That is a question that we have to tackle. Obviously, welfare reform is primarily within the purview of the Department for Social Development, and it has raised the issue of parity. We know what the problem is in Northern Ireland. We know that somewhere between 120,000 and 130,000 young people live in households with an income that is less than 60% of the UK median income. So, we know what the problem is, but we need to know what we are going to do about it.

## 2.45 pm

We are concentrating on looking at the things that we know will change. For example, the earnings disregard programme, which is a pilot scheme that has just been cleared and is now set to go out to tender, will look at how we can allow more families to retain the money that

comes into their household. We know that we need to lift our young people's educational achievement — the number of young people gaining five good GCSEs. We know that the support offered for young families through the family nurse partnership programme, particularly where there is vulnerability in a family, helps. We know that we need to develop an effective childcare strategy. That is why we set aside £12 million during this mandate for the childcare strategy.

The point that was made is correct. We know that we need to co-ordinate our economic and social policies. We are doing that through the Delivering Social Change framework. We also have an advisory group on alleviating hardship, which is helping us to create the link between the economic strategy and our own social policy. We are committed to pushing through a successful economy that will have benefits across all the community.

The areas in which we will do our best to tackle child poverty are finance, services to children, improving neighbourhoods and environments, and improving parents' employability.

**Mr Hamilton:** Although we are right to be wary of many of the aspects of welfare reform, some of the impacts are speculative at this stage. Does the junior Minister agree that one thing that is certain is that, if we in Northern Ireland were to breach parity, it would come at an unaffordable cost to Northern Ireland and, consequently, would do more damage to the vulnerable people whom we want to protect?

**Mr Bell:** My colleague makes his point very well. Obviously, the money that we receive comes centrally. It would be a grave mistake to break parity, because it would leave us having to find considerable sums of money from within our Budget. However, that is not to say that we should be complacent about what we can do. Through the social investment fund and the social protection fund, we have looked at what we can do to ensure that our children get the best opportunities that we can give them. Junior Minister Anderson and I have been chairing bilateral meetings with each Minister to see how we can lift our young people out of poverty, particularly where there are synergies, such as between health and education, and how we can maximise those.

Our main strategy will be Delivering Social Change, which we hope will deliver a sustained

reduction in poverty. We have a twin goal. The first one is just to reduce the number of children in poverty. Secondly, we want to break inter-generational poverty. Therefore, Delivering Social Change will be key. We have taken key officials from every Department, and we are chairing those meetings. We want to support the mainstreaming of education, health, employment and justice programmes to get a co-ordinated effort to tackle the long-term problems of deprivation, particularly where there are geographical clusters of deprivation that prevent progress in each of the programmes and that damage communities, exacerbate social tensions and impact on the economy and the wider population. It will be about improving employability, ensuring that parents and children's caregivers have better access to higher-value jobs, and seeing where we can allow parents and families to keep more money in their home.

**Mr Agnew:** I thank the junior Minister for his answers. I know that this is an area that he has a keen interest in.

Will he give an assurance that the figures of 120,000 to 130,000 children who live in households that are below the 60% median UK income will not simply be reduced by changing how we measure and define child poverty as some way of trying to improve how the figures look?

**Mr Bell:** The absolute determination is to do what we can to reduce child poverty. We can debate child poverty through a statistical analysis. We can start with a relative low-income target. We can then talk about an absolute income target. We can talk about a persistent poverty target. We can also talk about an amalgamation of each of those targets.

The target used in the Child Poverty Act 2010 is 60% of the UK median average. There will be no attempt to manipulate that figure. That is the figure set down in the Act.

Although statistics are important and inform what we are doing, what we do know is that getting our children to achieve five good GCSEs is absolutely critical to their employability. That is why, at a bilateral meeting with the Education Minister, junior Minister Anderson and I focused particularly on what we know and on the evidence base of what works. How do we get those children to achieve five good GCSEs? We know that provision between the ages of eight and six is absolutely critical. Therefore,

health programmes, Sure Start and Home-Start schemes, family nurse partnerships or the scheme in Londonderry that looks at a family hub to provide social support directly to a family in need are key to laying the foundations in early years to getting five good GCSEs. We will target our energies at ensuring that, where possible, families can retain more of their income and that children have the right foundation and building blocks in life to get the five good GCSEs that will allow them to raise themselves out of poverty, which is, in many cases, inter-generational.

## Summer Intervention Fund

7. **Mr Easton** asked the First Minister and deputy First Minister whether they intend to provide summer intervention funding this year.  
(AQO 1933/11-15)

**Mr P Robinson:** We are committed to working with all young people to build a united community in which everyone can play a positive role in shaping a brighter, better future. Young people will play a critical role as we continue to move forward in building a shared future in Northern Ireland.

Unfortunately, every year, a small minority of young people are at risk of being caught up in tensions, and some get involved in antisocial behaviour. Every year, we provide a total of £0.5 million for distribution across the education and library boards and by Belfast City Council to address those issues. The projects involve work with young people to reduce and eliminate the risks involved, including taking young people off the streets and away from tensions, along with programmes designed to encourage greater understanding and relationship-building across the community. The initiatives are rolled out in partnership with the local community and are targeted at key areas and groups at particular sensitive times of the year. We know that the work is welcomed by local communities and helps alleviate a range of local problems. The deputy First Minister and I recognise that interventions need to be longer term and strategic. That will form part of our approach to young people in the good relations strategy and action plan.

**Mr Easton:** I thank the First Minister for his answer. Does he agree that bonfire management schemes are to be welcomed and that the Community Relations Council and local councils should continue to use OFMDFM for good relations funding to support them, especially in

communities such as Kilcooley, Whitehill and Rathgael? Does he agree that that should be included in the cohesion, sharing and integration (CSI) strategy?

**Mr P Robinson:** I have personal experience, from a local government standpoint, of supporting the schemes. They are valuable in ensuring that the bonfire season — if I can call it that — is turned into a wider festivity, that keeping estates as clean as possible during that time is encouraged and that health and safety issues are paramount. I therefore encourage the scheme. Some councils will not involve themselves, or have not involved themselves thus far. I encourage them to do so. I am glad to hear that Kilcooley is getting support from, I think, North Down Borough Council and the Community Relations Council. That is good to see. I can see many benefits in that, and I hope that it is encouraged.

As far as the CSI strategy is concerned, I think it unfortunate that some people are trying to posture and party-politicise on the issues. It is sadly the case that some of those who publicly make the most noise are making the least contribution. Perhaps the Alliance Party in particular will try to focus more on getting an agreed result instead of going out and trying to indicate that it is somehow leading the way, when, in fact, it is dragging its feet on the issue. Perhaps its Members can get their head out of the sand, start attending more meetings, stop trying to delay meetings from taking place and make more of a contribution at the meetings.

**Ms Ruane:** An féidir leis an Chéad-Aire eolas a thabhairt dúinn faoin straitéis CSI? Will the First Minister provide us with an update on the CSI strategy?

**Mr P Robinson:** During the time of the Labour Administration, we had the ‘A Shared Future’ document. It was recognised by many that it fell short in a number of respects. We particularly need an action plan of specific interventions that can be made and for how progress can be made.

Of course, we have an Executive of five parties and there is a need to ensure that we have a programme that everyone can buy into. Of necessity, that means that we must recognise that not everything that every party wants will be in the final document. Any one party might say, “Here is our strategy; take it or leave it; there are red lines all around this, and unless you do exactly what we want, we will not buy into it

and we will rubbish the overall strategy when it comes out.” Not only is that a childish attitude to adopt, it does little service to the future of good relations in Northern Ireland. There are many areas where I would like to see more in the strategy than will ultimately be agreed. Many other parties will feel the same. However, I believe that we are making real progress in that Committee in respect of getting an overall document. It will be a document that everyone would like to be slightly different, but, at least at the end of it, we should have a document that will have the widest degree of acceptance, not just in the Executive and Assembly, but in our society as a whole.

**Mr Dallat:** I welcome the Minister’s response on the summer intervention scheme, which is what the original question was about. Will the Minister, in his usual spirit of goodwill, tell us how much money will be available for it? Are the outward bound trips organised on a cross-community basis, and is the PSNI involved?

**Mr P Robinson:** At the moment, we are putting about £500,000 a year into the schemes. However, in good relations overall, we spend about £10 million or £11 million a year. I think it better that a lot of that money is put through local government, where there is grassroots recognition of what can be done. In some cases, that will mean having activities in a local area, and in others it will take people from one area away from that vicinity for a period. That is best addressed by people in the local area, and that is why councils are the best vehicles for it. If there are specific requirements from any of the councils around Northern Ireland for more funding for specific purposes, we will consider that and attempt to address those needs.

**Mr Nesbitt:** I am sure that the First Minister is aware that there are those who feel that intervention funding of this nature is tantamount to a reward for bad behaviour. Does he accept that that is a valid perception?

**Mr P Robinson:** Yes. There are those who feel that, and there is always a difficulty, should there be violence in an area, in going in to see what has caused the violence and what contribution can be made to prevent it from happening again. That, for many decades, has been the case.

At the same time, if there are social problems or problems that have arisen because of interface difficulties, it seems to me that those have

to be addressed. Simply to ignore them and allow them to be repeated does not seem to be a sensible course for government to take. However, we need to be mindful that we should not be doing anything that encourages more violence in that or in other areas. It is a conundrum that we all have to face, and we have to be careful to address those issues in such a way that no groups are funded but that interventions in the area are funded. That is the best way for it to be done. It is about how it is delivered to make change.

### **European Year For Active Ageing And Solidarity between Generations**

8. **Mr Weir** asked the First Minister and deputy First Minister what action their Department is taking to progress the European year of active ageing and intergenerational solidarity.

(AQO 1934/11-15)

**Mr P Robinson:** With your permission, Mr Speaker, I will ask my colleague junior Minister Jonathan Bell to answer that question.

### **3.00 pm**

**Mr Bell:** To progress the European Year for Active Ageing and Solidarity between Generations, we are driving forward a range of measures, including a small grant scheme, proposals for legislation to help to tackle age discrimination, and, of course, the revised older people's strategy. That will improve older people's quality of life and help to tackle the inequalities that they face. We have committed £100,000 to a small grant scheme for projects to promote active ageing and solidarity between the generations. Our legislation and revised older people's strategy will be progressed in the Delivering Social Change framework.

In the autumn, we will consult on our revised older people's strategy. At the same time, we will consult on proposals for legislation to outlaw unfair discrimination on the grounds of age in the provision of goods, facilities and services. We will continue to take account of the views of the Commissioner for Older People and the older people's advisory panel as we finalise our proposals. We are also taking their advice to ensure that our consultations are appropriately timed and targeted and are designed to facilitate the participation of our older people, who play such a valuable role in our society.

Third sector organisations, the Equality Commission, the Commissioner for Older People and the older people's advisory panel are all involved in developing a programme of events that will showcase the principles of the year. Those will include an event to mark Older People's Day in October. The calendar for those events is on the OFMDFM website. It will be regularly updated with information from our stakeholder organisations.

## **Education**

### **Nursery Schools: North Down**

1. **Mr Easton** asked the Minister of Education what plans he has to address the lack of nursery school places in the North Down area.

(AQO 1942/11-15)

**Mr O'Dowd (The Minister of Education):** Funded preschool places are available in statutory nursery schools and units and in voluntary and private settings that participate in the preschool education expansion programme. The process for placing children in preschool settings from September 2012 is not yet complete. However, the South Eastern Education and Library Board has advised that, at the conclusion of stage 1 of the open enrolment admissions process, 72 children who live in BT19 and BT20 did not secure a preschool place. A total of 56 of those parents nominated further preferences from the list of settings that had vacancies. Those parents will be advised of the outcome of their further applications when stage 2 of the process concludes on 1 June. The 16 children whose parents chose not to nominate further preferences remain unplaced. Their applications will remain on the list of those settings that were unable to offer them a place. If a vacancy occurs, their application will be reconsidered.

There have been 22,800 applications for places across the North. Of those, 94% in their final preschool year have already secured a place, and 84% secured a place in their first preference setting. As I stated in the recent debate on preschool admissions, education and library boards have taken steps to address the need for additional places and have brought in new providers from the voluntary and private sectors. Existing providers have also made further places available. The education and library boards are working to ensure that as

many children as possible, including those in the North Down area, are placed.

**Mr Easton:** I thank the Minister for his answer. I know of several parents whose children do not yet have a preschool place. Every year, we seem to have exactly the same problem. Will the Minister tell us what plans he has for future years so that we do not have the same problem, with many children left without preschool places?

**Mr O'Dowd:** As I emphasised, 94%, or thereabouts, have already been placed. The process is still under way, and ends on 1 June. My officials and board officials have had a number of meetings. There have been ongoing engagements with the boards to see how and where we need to put in further resources. I have made available £1.2 million this year for preschool places.

I have some anecdotal evidence that a number of parents put only one preference on their form. If those children do not get that preference, they will remain unplaced, which is regrettable. In some circumstances, parents may mistakenly believe that if they put down more than one preference, their first preference is somewhat disregarded because they have put down more than one and have less opportunity to get the first preference. That is not the case at all. There are lessons to be learned from last year and this year. The system is improving all the time, and I want to see further improvements.

I believe that the investment of time and finances in this year will pay dividends over coming years. I am at an advanced stage of preparing legislation for the July/August birthday criteria, which will be presented to the Education Committee within the next number of weeks.

**Mrs Cochrane:** I thank the Minister for the work that he is doing to try to address the situation. Will he update the House on whether he has explored the flexibility in the statutory sector to see whether it could have a temporary ratio of 14:1 for this year?

**Mr O'Dowd:** I have examined all matters pertaining to this. I work in a highly legislated Department. Legislation covers every move I make and every move my officials make; rightly so in some circumstances, particularly in health and safety matters. Where leeway in the legislation allows providers to take in greater numbers while ensuring a child's safety, we will allow that, but there may be health and safety concerns about stretching the ratio of adults to children.

However, we will judge each provider on its circumstances.

**Mrs Dobson:** Has the Minister's Department carried out any work to identify black spots of nursery-school provision, where there are no available nursery places for 10, 20 or 30 miles?

**Mr O'Dowd:** Yes, that work regularly takes place through the preschool education advisory groups, which are attached to each education board. My Department and board officials have, as I said in my original answer, engaged regularly over the past weeks, and we have asked boards to identify hotspots with limited or no access to preschool places for young people. We have asked the boards what proposals they have to correct that. That work is ongoing, and I will meet my officials again in the morning to discuss those plans.

I do not think that we are working on scales of 10, 20 or 30 miles, but we are working in some areas where pupils must travel a significant distance, which I want to be reduced. We will put new providers in place where we can. As I said to the previous questioner, where there is flexibility in the legislation, I can assure you that we will use it.

**Mr McDevitt:** Further to the commitment that the Minister made on the issue in the Programme for Government, will he outline specifically how many development proposals for the creation of new or additional preschool places in areas of high demand are on his desk?

**Mr O'Dowd:** I do not have the exact figures in front of me. I regularly judge and assess development proposals for preschool places. I judge and make decisions on each case on its merits as it comes before me. It is not up to the Department of Education to produce development proposals for preschool settings; it is up to individual settings and boards. When they do so, those proposals are acted on as effectively and efficiently as possible.

## Schools: Admissions

2. **Mr Frew** asked the Minister of Education what support or appeals mechanism is in place for schools which are oversubscribed but could possibly take in more pupils. (AQO 1943/11-15)

**Mr O'Dowd:** My statement to the Assembly on 26 September 2011 made clear my intention that popular schools should be allowed to grow

in the context of the area plan. This process will shape the future pattern of education delivery by identifying the projected need and proposals to meet that need. If the planning process points to the need for the growth of a particular school in an area, a development proposal is currently required. However, I will keep this under review.

Until the area plans are approved, all admissions and enrolment numbers will continue to be administered in the usual way, which means that schools must use the mechanisms already in place to manage their numbers. If a school is oversubscribed, it can make an application to the Department for a temporary variation of its approved numbers to accommodate extra pupils. If there is pressure for places in a given area, the Department will ensure that every family gets a place in their preferred category of school. However, the Department cannot guarantee that a pupil will get a place in one particular school.

There is no mechanism for schools to appeal the Department's statutory responsibility to determine admissions and enrolment numbers. However, before setting the numbers, the Department consults with the board of governors, the relevant education and library board and, where appropriate, the Council for Catholic Maintained Schools (CCMS).

**Mr Frew:** I thank the Minister for his answers so far. At times, schools — unfortunately or fortunately depending on how you view the school and its popularity — have to apply distance to their criteria to have future pupils qualify. That will always discriminate against rural dwellers. Does the Minister realise and accept that that will discriminate against rural dwellers even though a school could be the closest one to those people?

**Mr O'Dowd:** I certainly do not want to have any policies on our statutes that discriminate against rural dwellers, and if the Member wants to bring cases to my attention, I am more than happy to look at them in more detail.

It is the statutory obligation of each board of governors to set entry criteria. That is a matter for those boards. They have to take credence of a number of legislative matters when they do that, and, if they do, the entrance criteria are legal.

It is always difficult at this time of year, and I understand that Members are being lobbied by parents who are disappointed that children

have not gotten into schools. However, by and large, we want to ensure that we have a sustainable schools estate and that schools have adequate numbers attending to make them sustainable. I have brought forward area planning, and we are looking at the area plans of the boards to ensure that the current make-up of our schools estate meets the needs of the broader community. Those area plans are now being looked at by my Department, and they will then go back to the boards and out to public consultation. At that stage, there will be ample opportunity for all those issues to be fully debated and corrected through area planning.

**Mr Swann:** What action is taken against schools that allow themselves to become oversubscribed without receiving temporary variation either from an education and library board or the Department?

**Mr O'Dowd:** It depends on the level and on how often a school is involved in that practice. A school may receive a warning letter in the first year. Following that, it can have finances deducted for any pupils that it has taken in over and above its allocated quota. We do not want to be in confrontational position with the schools on that, and my officials regularly engage with schools that are in that position and try to work through those matters. However, when schools breach the rules that govern this, there are measures that the Department can take. It has taken those in the past and, if need be, will continue to take them in the future.

**Ms Gildernew:** Go raibh míle maith agat, a Cheann Comhairle. The Minister has outlined the position on schools, as institutions, that are seeking additional numbers, but what appeals mechanism is in place for individual parents whose child has not gained a place at an oversubscribed school?

**Mr O'Dowd:** For applications to primary and post-primary school, parents can apply to the independent appeal tribunal convened by the local education and library board. That tribunal will test whether the admissions criteria of the schools were applied correctly. If it finds that the criteria have not been correctly applied, it can direct the school in question to admit the pupil. There is also the exceptional circumstances body that looks at exceptional circumstances for pupils in that case. So, there are a number of appeal mechanisms in place for parents.

## Teachers: Employment

3. **Mr Buchanan** asked the Minister of Education how many teachers in the Western Education and Library Board area took a retirement package and are now back teaching on a full-time or part-time basis. (AQO 1944/11-15)

**Mr O'Dowd:** There are 11 teachers employed on a permanent basis who were prematurely retired from schools in the Western Education and Library Board area. Those teachers are employed on a part-time basis on contracts ranging from 10 to 20 hours a week. A further 128 teachers who were prematurely retired from schools in the Western Board area have been employed on a temporary basis between September 2011 and March 2012.

I should point out, however, that the decision on whom to appoint to a particular post rests entirely with the board of governors of an individual school. However, my Department has, over the years, encouraged employers to maximise the employment opportunity for newly qualified and experienced non-retired teachers. From 1 September 2011, prematurely retired teachers seeking re-employment are now paid a flat rate of pay equivalent to that of a newly qualified teacher. That is intended to act as a disincentive to such teachers in seeking re-employment on a substitute basis. In addition, changes have been made to the common funding scheme to incentivise schools to employ newly qualified and experienced non-retired teachers.

**Mr Buchanan:** I thank the Minister for his response, and he has more or less answered part of my supplementary question. What mechanism will he put in place to ensure that newly qualified teachers at least get priority over those who have been in the teaching profession for many years, have retired and have then taken up posts again?

**3.15 pm**

**Mr O'Dowd:** As the Member acknowledged, I have responded to those points. We have made it less favourable for newly retired teachers to return to the teaching profession. They are now paid at the flat rate, when they were previously paid at the rate they received when they retired, which, due to their length of service, would have been higher in many instances. My Department and the employing authorities also challenge boards of governors. We receive regular feedback and reports from boards of

governors on employment matters and the use of substitute teachers, and when it is found that retired teachers have been used, the boards and schools are asked why that is the case. However, the power lies with the boards of governors. The issue has been raised time and again by me and other Members, and I again appeal to boards of governors to give newly qualified teachers the opportunity to enter the workforce and to gain the much-needed experience they require to fulfil their careers as teachers.

**Mr Kinahan:** What discussions has the Minister had with the Minister for Employment and Learning on the numbers of graduate teachers who are struggling to find suitable employment through no fault of their own? What is the Department doing to match vacancies and places in the future?

**Mr O'Dowd:** As is my duty, I have had discussions with the Employment and Learning Minister about the teacher-training numbers for this year. Those numbers will be announced in due course.

Many young people leave our universities, etc, and are unable to find employment in their given fields. The question that I and other Members have to ask is to what degree we should cut back on our teacher-training numbers. In the past six years, there has been a reduction of almost 25% in teacher-training numbers, and if we continue to reduce the number of teacher trainees, the future viability of our teacher-training colleges will be brought into question. That is a matter for the Employment and Learning Minister. The Assembly will have to decide whether it wants to remove our teacher-training colleges and whether it wants our young people to travel to England and elsewhere to be trained as teachers.

Despite all the negative publicity about the employment opportunities for newly qualified teachers, I can assure you that, this year, teacher training courses will again be heavily oversubscribed by young people wishing to become teachers. That is the reality that we face. I ask those who are choosing careers to have long discussions with their careers teachers and to think carefully about what direction their careers will take. There is no guarantee of employment in any field today, but I would caution anyone who plans to go into teacher training to think about it carefully. There is no doubt that teaching is a rewarding career, but they should think carefully before they enter that career.

**Mr McKay:** Go raibh maith agat, a Cheann Comhairle. The Minister has outlined the measures the Department is taking to limit the re-employment of prematurely retired teachers. How successful have those measures, including the changes to the common funding scheme, proved to be? What limitations does he face in what he can do on that issue?

**Mr O'Dowd:** We have seen a year-on-year reduction in the employment of prematurely retired teachers in our schools; there is a continuing downward trend. We are limited in what we can do by employment legislation, and we would be in breach of that legislation if we were to bar qualified teachers who had recently retired from returning to the service. That is just the reality of the situation. However, we are looking at all measures under the legislation and are having a positive impact on that matter.

**Mr Storey:** Number 5, Mr Speaker.

**Mr Speaker:** Four?

**Mr Storey:** Four, even.

## Educational Underachievement

4. **Mr Storey** asked the Minister of Education, in the light of the success of the Achieving Belfast initiative, what plans he has to extend this type of programme to other areas to address the issue of underachievement. (AQO 1945/11-15)

**Mr O'Dowd:** The aim of Achieving Belfast was to raise standards in schools that serve disadvantaged areas. I have no plans to introduce similar programmes elsewhere. However, I have asked for a major review of the common funding scheme, as I do not believe it adequately takes account of targeting social need. That work will take on board the lessons learned from Achieving Belfast and the similar Achieving Derry.

The inspectorate published 'An Evaluation of the Early Progress of the Achieving Belfast and Achieving Derry/Bright Futures Programmes' in May 2010. That evaluation report highlighted strengths in both programmes. Those included the work undertaken by the Belfast Board and the Western Board in supporting and challenging schools to improve their work with other statutory and community partners in raising standards. Areas for improvement were also identified, and they included the needs to develop more effective school development planning processes and to disseminate more

effectively and widely best practice across participating schools.

**Mr Storey:** I am disappointed that the Minister has no plans to roll out the template given in the Belfast initiative, given that the gap reduced under the Belfast initiative. *[Interruption]*

That sound in the background is like a boat coming into harbour.

**A Member:** It is the Titanic.

**Mr Storey:** I hope not. *[Laughter]*

Given that the gap between schools reduced from 13% to 2%, why is he discounting the fact that this programme was successful and what —

**Mr Speaker:** I urge the Member to finish his question.

**Mr Storey:** — has he to say to those 10 teachers who lost their job at the end of March as a result of his Department's failure to secure the funding to keep this project alive?

**Mr O'Dowd:** There may be a danger of the Member's new adviser looking at the past through rose-tinted glasses. The Belfast Board has made inroads in tackling underachievement in socially deprived areas, but much more work is required before we can say that we have had a success story. We will learn the lessons from Achieving Belfast, and there are some good lessons.

As with any project, we want to ensure that we learn from mistakes made, opportunities missed, or issues thrown up that were not envisaged before the project was put in place. However, let us be sure of this: my Department is not simply interested in planting initiatives to tackle a specific geographical area. My Department's policies are in place to tackle educational underachievement across the board; to have in place a coherent set of policies that will ensure that all young people out there, regardless of their socio-economic background, have an opportunity to succeed in education. In that regard, I believe that we are going in the right direction. As I said, looking to the past through rose-tinted glass is not always the best way to look forward.

**Mr A Maginness:** The Minister referred to lessons to be learned from the Achieving Belfast initiative. Will he outline what lessons he believes have been learned that can be applied to this and other schemes?

**Mr O'Dowd:** Whether the lessons are from Achieving Belfast or elsewhere, it has been shown that strong leadership in the classroom, school and community ensures that educational achievement rises. Communities left behind due to whatever reason, whether through generations of discrimination or generations of deprivation, are also left behind educationally. However, there are also fine examples in socially deprived areas of schools that are shining lights of educational attainment. When we examine those schools, we find strong leadership in the principal's office and in the classroom and a connection with the community, which shows that that community wants to take on the challenges of education.

Those are the lessons to be learned from Achieving Belfast and the project in Derry or anywhere else. I believe that the policies that we now have in place will allow us to move forward in that mindset. Strong leadership — in the principal's office, the classroom or the community — will assist young people to move away from educational under-attainment.

**Mr McGimpsey:** In areas of disadvantage in south Belfast, such as the Village, Donegall Road, Sandy Row, Donegall Pass, the Markets and lower Ormeau, schools are attaining rates of truancy of over 30%. Is that not an example of Achieving Belfast underachieving, and could the Department and the Minister not take a major step in addressing that by lifting the current blockage on the process to provide the new consolidated primary school on the Donegall Road?

**Mr O'Dowd:** I will take the latter part of your question first. There is no blockage to providing a new school for south Belfast. The blockage is that no site has been identified or is in the ownership of the board or the Department. Truancy in areas such as south Belfast, particularly where there is deprivation, is a matter of deep concern, but education alone will not tackle that. I talked about strong links with the community, and there are also strong interagency links and links between Departments that work together.

When young people do not attend school, other elements are found to be at play in the family home, and those issues need to be tackled. In some cases, families need intervention and support to ensure that young people have an opportunity to be everything that they can be.

In other instances, deprivation, young people feeling divorced from education and a lack of understanding of the need for education prevail throughout a community. There is a need for strong leadership on education from the community sector, the business sector and politicians. There are challenges, but there is an opportunity in our education system for all young people to succeed. We must grasp again the gift of education and ensure that everyone understands the need for education and the opportunities that it can provide.

## Area Learning Communities

5. **Mr McMullan** asked the Minister of Education whether he intends to make any additional resources available to area learning communities following the cessation of entitlement framework support. (AQO 1946/11-15)

**Mr O'Dowd:** I acknowledge the role of all 29 area learning communities and have observed for myself in a number of them the valuable joint working, good relationships and quality engagement that has developed, all of which benefit all young people in an area. An area learning community is the forum in which schools can plan a coherent curricular offer for that area. It can be the locus for the sharing of good practice and expertise, and it can ensure the avoidance of courses running with small class sizes or duplication of provision. I am keen that this model continues to be supported and am pleased to have recently agreed that funding of £500,000 is set aside in each of the next three years to ensure the development of a new, more strategic role for area learning communities in the context of area planning.

**Mr McMullan:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his answer, and I welcome his confirmation of the funding package for area learning communities. Will he also outline the role that they play in collaboration and in delivering the entitlement framework?

**Mr O'Dowd:** The area learning communities have been in place for several years. Although some got off to a shaky start, it has been proven to me that they are very effective in building up relationships between schools and communities. By and large, I have been very impressed by the professionalism and drive of the area learning communities that I have met and by the co-operation between schools.

They are putting in place the much sought-after shared education. A lot can be learned from the area learning communities. They set an example for how schools can share resources, teachers, coursework and best practice, and that has to be commended. Their ultimate objective is to work towards the entitlement framework, with which all schools must be compliant by 2014-15. That, too, has been a driving force behind the area learning communities. A lot more work can be done in them, and that is why I have set aside £1.5 million to support that work over the next three years.

**Mr Campbell:** In light of the Wolf report, will the Minister give an assurance that consideration will be given to the review of the demand in the entitlement framework for access to 24 courses followed by access to 27 courses?

**Mr O'Dowd:** I missed the first part of your question, sorry.

**Mr Campbell:** Will the Minister give serious consideration to a review of the demand in the entitlement framework for access to 24 courses followed by access to 27 courses?

**Mr O'Dowd:** No is the simple answer. The entitlement framework will come into place in 2014-15. I have taken into account the current budgetary circumstances that schools face, and I have delayed full implementation by a year, but the entitlement framework is the only show in town, and that is what we are working towards. As I said in response to the Member previously, area learning communities have allowed schools to work towards that.

Schools have been working individually towards compliance with the entitlement framework. The entitlement framework is now in legislation: the commencement order was signed off in December last year, and it will be in force by 2014-15.

### 3.30 pm

**Mr D Bradley:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his answer. It is obvious that there are many schools that, despite their best efforts, will not be able to deliver the minimum requirements of the entitlement framework. How does the Minister intend to help and support those schools so that they meet the requirements of the framework?

**Mr O'Dowd:** Schools have had since 2006 to prepare for the introduction of the entitlement framework. It could be argued that that was

too long a run-in period, because there was a scenario where people were asking whether it would happen or not. It is happening. The legislation has been signed off and the framework will become reality in 2014-15.

The majority of our schools are working actively towards compliance, and I have no doubt that they will reach compliance with the entitlement framework. In the small minority of cases in which schools do not reach compliance with the curriculum, they will be audited to establish why they were not able to reach the curriculum, and then decisions will be made on the future of the school. That may lead to future support for the school and more interventions in the school.

However, if a school is not able to deliver the curriculum by 2014-15, it is not the school that is important; it is the young people who attend the school. What do we do about their education? That will be the deciding factor in the future of any school. What will happen to the quality of the education given to the young people attending that school?

## Private Members' Business

### Crime: Farming Community

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

**Mr D McIlveen:** I beg to move

*That this Assembly notes with concern the impact of agricide on our farming community; calls on the Minister of Justice to ensure that the perpetrators of such crimes receive the maximum possible sentences; and further calls on the Minister to ensure that clear advice is provided by the Department on the extent to which landowners are permitted to defend their property, and that this is reflected in the forthcoming Justice Bill.*

I thank the Business Committee and the Business Office for facilitating this debate. In some ways, I am very pleased to be able to table this motion, although I do so with an element of regret, because this is an issue that does not bring any pleasure.

I will start by defining "agricrime". In the motion, we have deliberately not used the term "rural crime". The reason for that is very simple. Rural crime, as far as the PSNI is concerned, is any crime that takes place outside the greater Belfast area. So, although we criticise without question shoplifting from shopping centres in Newry, Ballymena or wherever it happens to be, that is not the type of crime that we want to focus on today. We are talking specifically about thefts that, on the whole, target our farming community and involve plant and machinery, materials and livestock. Such crime is zapping the lifeblood from many of our farming communities at the moment. So, as a point of clarity, it is important that we get that across. We cannot underestimate the impact of agricide.

I represent a constituency that has farming and rural life at its very heart. Indeed, the biggest towns in my constituency, Ballymena and Ballymoney, began as farming market communities. I am sure that Members will agree that I could be talking about almost any constituency in Northern Ireland. Farming and the agricultural sector is a vital part of life in Northern Ireland and its economy. We are heavily reliant on the work of our farmers

and what they produce. Some of us, including me, are over-reliant on what they produce. It is important that we send out a very strong message of support to our farming community because it has supported the economy through thick and thin over very many years.

Some farmers from my constituency plan to be here to listen to part of the debate. Each of them has been a victim of agricide. Each of them wants to know what we, as an Assembly, intends to do about it. For that reason, I ask the Assembly to unite in expressing its deep concern about the impact of increasing agricide on our farming community. In many ways, the figures speak for themselves. The NFU estimates that the cost of theft to farmers was £3.8 million in 2010, which is up 28% from 2009.

Notwithstanding the huge loss to our farmers, what I find most concerning is how isolated and disengaged our farming community feels as a result of agricide. Unfortunately, a huge issue is the feeling that the police response is completely inadequate. I and a number of my Policing Board colleagues are trying to address that directly with the PSNI. I have heard numerous reports from across the country of farmers who have caught thieves in the act and, on phoning the police, are often told that the on-duty officers are too busy to make a rapid response. I recently heard evidence from one farmer in my constituency who, in one instance, was given the sterling advice that he should take the name of the criminal and let him go. That is not exactly an ideal response.

The PSNI response is a huge issue. I am not going to miss this opportunity to say in public that I do not believe that now is the time to consider the closure of rural police stations. Crime is on the up, and it is vital that there is a focus and a visible police presence in particular areas.

**Mr Dickson:** Does the Member agree with me that the physical presence of a police building is of less benefit to those who suffer crime than the availability of police officers in vehicles who are able to conduct pursuits and that if a police officer is inside a police building, it is virtually impossible for him or her to leave it?

**Mr D McIlveen:** I thank the Member for his intervention. No, I do not agree. The presence of a police station in a village is proof that the police care about that village. That is the way that our constituents look at it at the minute,

and I do not think that that will change in the foreseeable future.

I also want to touch on sentencing. It is always slightly contentious to talk in the Assembly about any sort of meddling with the judiciary, but that is not really what I propose. I can assure you that the confidence of our farming community is being affected by agrcrime. I am encouraging the Minister of Justice, in the interests of community confidence, to advise the judiciary to impose maximum sentences where possible when the perpetrators of these crimes are caught. At the moment, farmers see the people involved in these crimes arrested, brought before the courts, but out on bail and back in the community within a couple of days. In fact, in one instance, a person was back at a farmers' market two nights after he was arrested. That sends out a very damaging message to our farming communities. We have to be very aware of that and be seen to be doing something about it.

The other part of the motion is about advice to landowners. I believe that the Department of Justice must take action to help rural communities counter this trend. In the course of the debate, I am quite sure that we will hear about such schemes as Farmwatch, the community safety strategy, trailer-marking schemes and other initiatives. All those initiatives are to be welcomed, but, quite frankly, the feeling from local farmers is that it is not good enough. Overall, farmers are fed up; they feel let down. If we do not address the problem now, I fear that some farmers will start to take matters into their own hands. It may shock the Minister to hear that some farmers have come to me saying that they have to patrol their own land at night in an effort to protect livestock and machinery. That is not good enough.

Recently, I have been researching how best the Department could address the problem. There are initiatives happening in other parts of the United Kingdom to which I feel we should give consideration today. One initiative is helping farmers provide their land for the training of specialist police units and putting up large signs to show that the police are there. That shows potential criminals and thieves that the police are in the area. In another part of England, there is a ride-along scheme in which farmers accompany local police on night patrols. The farmers can show the police the back routes and byways used by criminals. That may also

help response rates. In other parts of the United Kingdom, trespass warning signs and technology, such as night vision goggles for police personnel, are funded. I encourage the Minister to give some thought to those measures.

Those simple measures are some examples of how I believe the Department can guide farmers on sensible and safe ways to protect their land. However, I call on the Minister to ensure that any forthcoming Justice Bill adequately reflects the growing incidence of rural crime. I ask also that he ensures that landowners are clear on how best to legally and safely protect their land. I have serious concerns that a type of vigilante justice could be emerging.

The reality is that the current advice of, "Lock up your tractor", which is coming from the Department, is simply not enough. I truly believe that people have a moral right to defend their land and home and that the law should be a reflection of that. I know that the law of self-defence has been debated extensively at Westminster, and I agree with Paul Mendelle QC who said that the law should always encourage people to be reasonable, not unreasonable, and to be proportionate, not disproportionate. I know that there have been calls for the law on self-defence to be changed from the current standard of reasonable force to a different standard of grossly disproportionate force. Although it may be tempting to consider that course of action, I am not advocating vigilante justice or encouraging people to arm themselves to protect their property. However, as I said, the issue has been extensively covered in Westminster, and I believe that the current standard is acceptable.

Minister, I have laid out some of the issues that are before us —

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

**Mr D McIlveen:** I think the Assembly will unite behind the seriousness of the issue. As the debate widens out, I would encourage a response to the points that have been raised.

**Mr McMullan:** Go raibh maith agat, a Cheann Comhairle. I thank those who brought the motion today. The agriculture industry here employs over 48,000 people and has a turnover of billions, but we still do not have a proper process of looking at agriculture crime. I agree with what the Member who has just spoken

said about the PSNI's current system, and it is something I would like the Minister to think about. At present, the PSNI puts everything together under the category "rural crime". That could be break-ins, antisocial behaviour or car crime, etc. I would like to see a specific category of agriculture crime, and I ask the Minister to look at that. However, I will come back to that in a minute.

There are livestock thefts every year; that is nothing new. Also the same every year are the suspects we hear about and the types of thefts. The NFU Mutual estimated that 6,000 sheep and cattle could have been stolen last year. Exact figures are not known. One of the reasons for that is the fact that, due to the current economic climate, farmers cannot afford to pay their high insurance premiums.

That is possibly one of the reasons why we do not have an exact figure. However, the figure of 6,000 sheep and cattle does not take into account pigs or game birds, or, believe it or not, the theft of dogs, which are a vital part of any farm. Those animals are not stolen to be pets or to be given away. There is a clear and defined reason why they are stolen. The majority of the animals go back into the food chain. Once stolen, they go straight to the meat plants or the abattoirs. The people who steal the animals know who to go to and who to sell to, and, in turn, those people know where to go to get the animals slaughtered.

### 3.45 pm

Nobody is stealing 20 cows or sheep and keeping them for days. They are being stolen to order. If they are stolen tonight, they will most likely be slaughtered in the morning. Therefore, somebody must know exactly what is going on. That is where the Minister comes in. If we are really serious about tackling stock theft, which I believe the House is, we should not start when the theft takes place. We need to go to where the animals end up; that is, meat plants, abattoirs, and so forth. Somebody there must be turning a blind eye. You cannot have a lorry load of animals come in and go straight to slaughter without somebody knowing something about them.

Sheep are electronically tagged. Are the tags not working? Are the sheep going in there with one ear missing or with no ears at all? People can come out with all the excuses that they want, but people are turning their back on an industry that

is costing what I call the proper farmer millions, because that is what it evolves into.

People must be getting paid to turn a blind eye. Nobody is doing this for nothing. There is a gamut of things going on. People know what is going on, and I appeal to them to come forward. It is only when we have the information that we can break down the system of theft.

The previous Agriculture Minister, Michelle Gildernew, and the present Minister have had meetings with the Justice Minister and the Chief Constable, but the PSNI still does not treat rural crime seriously enough. Up until last year, information that was gathered by the PSNI was lumped together. It is time for the police to make inexpensive changes.

In 2011, the Minister's officials wrote to the PSNI regarding crime recording and statistics. The response was that it did not have specific stats on rural crime. It is all recorded nationally. At the minute, the police use closing codes. I plead to the Minister to get that changed. If that were done, it would allow elected representatives to go into a police station and ask for the stats.

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

**Mr McMullan:** At the minute, the PSNI's one excuse is that it has to work with closing codes.

**Mrs Dobson:** I also welcome the opportunity to speak to the motion. The timing is expedient, given that this week marks what many people in the agriculture industry regard as the highlight of the year — the Balmoral show. However, as visitor numbers to that wonderful event continue to exceed 70,000, the issue of rural crime and security of property and possessions is a growing concern for many in rural society.

Rural crime, especially agrcrime, to which the motion specifically refers, has been steadily increasing in Northern Ireland over the past decade, particularly in the past three to four years. There is still no widely agreed definition of what constitutes "rural" in crime statistics, and, unfortunately, that has led to the exact level of the problem across Northern Ireland remaining unclear. Nevertheless, the increasing trend was confirmed last year, with the publication of the NFU Mutual rural crime survey, which revealed that there had been a staggering 28% rise in thefts from farms in Northern Ireland over the previous two years.

Indeed, where there are figures for recorded thefts of livestock and farm machinery, they have more than doubled from 66 in 2007-08 to 137 in 2010-11. Thefts of agricultural machinery alone cost the industry millions of pounds annually, with recent years witnessing a large hike in the number of tractors being stolen to order, often for immediate export.

In recent months, my constituency of Upper Bann has witnessed farm thefts in Donacloney and Waringstown and in rural areas outside Banbridge. I am sure that Members can and will give countless further examples of rural crime in other areas. Those incidents highlight the magnitude of the issue and, therefore, the importance that the Executive should attach to tackling rural crime.

All too often, farmers are seen as soft targets by criminals because of their dependency on costly machinery. Farm quads and tractors prove particularly lucrative for rural criminals, and, therefore, the Department of Agriculture and Rural Development (DARD) and the PSNI must urgently review the current protections. Marking trailers and other machinery is all fine and well, but unless they are recovered, those markings are worth little.

Livestock rustling is a growing problem in certain areas of Northern Ireland. It is unfortunate for farmers, rural dwellers and businesses that there is not yet an effective deterrent in place to stem the tide in rural crime. Stolen equipment is rarely recovered, and few people, as touched on in the motion, are ever brought to book. There is certainly an impression that many involved in criminal activity in rural areas often get off scot-free, with little effort made to track them down, and I would appreciate the Justice Minister shining some light on that in his comments later.

Although the motion calls on perpetrators to be given the maximum possible sentences, the priority should be catching them in the first place. From talking to farmers and many people involved in farm security across Northern Ireland, the same old problems keep coming up again and again. If the PSNI were to review how it records crimes committed in agricultural and rural areas, it might be possible to identify hotspots in which specific crimes occur. Therefore, resources could be better targeted. Rural crime, whether it is the theft of machinery or livestock, can have a devastating impact on the livelihoods of the farmers affected.

It is totally unfair to expect farmers to pay increased costs, including higher insurance premiums, just because criminals regard the countryside as some sort of play area where they can operate with immunity. Many neighbouring farmers have told me that they feel socially isolated and are suspicious of strangers who arrive on their farms. That was not the case in the past, and it is sad to say that an atmosphere of openness and hospitality has gradually changed to one of caution and hostility. The Executive have a duty to restore people's faith in human nature by bringing to book those involved in rural crime. Successful convictions are the best security mechanism that rural communities can have. Clear action is needed: the industry needs to be reassured that agrcrime is being adequately tackled by the PSNI.

**Mr Speaker:** Will the Member draw her remarks to a close?

**Mrs Dobson:** Thank you.

**Mr Rogers:** I welcome the opportunity to speak on the motion. In recent weeks, thieves have removed lead from schools in Downpatrick and the safety buffers from the historic railway line. Road signs and manhole covers have been stolen throughout the country. Car batteries, farm machinery, 4x4s and scrap metal are being taken out of farmyards daily. There is an increase in the theft of copper pipes, cylinders and radiators from homes and clubs. The nature of agrcrime has changed from being largely opportunistic to a highly organised activity, and it is not all committed by strangers. Farmers' sheds are entered when farmers are out in the fields during the day; the 4x4s are taken away and stripped down; tractors, quads and livestock trailers are stolen and hidden in remote locations and left for a few days to see whether the PSNI will come looking for them — in other words, to check whether they have hidden tracker devices.

A very sinister type of agrcrime happened in January 2010 when a brucellosis-infected carcass was dumped in Lislea in south Armagh and infected another farmer's livestock. I just wonder what progress has been made on that.

I acknowledge the good work done by the PSNI in association with farming organisations. However, there is a greater need for PSNI visibility in rural areas to deter thieves. In addition, farmers should consider installing tracking devices. Above all, I believe that the real action required is a joint

strategy from the Department of Justice (DOJ), the Department of the Environment (DOE), the Department for Regional Development (DRD), and the Department of Agriculture and Rural Development which recognises the problem and establishes measures to prevent this type of crime.

**Mr Dickson:** I begin by saying that all of us stand with Northern Ireland's farming community against any form of criminality. There is no doubt that so-called agricrime is a problem in Northern Ireland. Evidence shows that there has been an increase in the amount claimed in insurance for stolen livestock and expensive farming machinery, some of which has, indeed, been tracked down in Europe, Africa and even as far away as Australia. It is, indeed, a topical point at this time as it is currently a storyline in 'The Archers'; those who listen to 'The Archers' will be aware of that. We know that the effects go far beyond the loss of property. We cannot claim to fully understand the feelings of isolation and fear experienced by those in our farming community who have been the victims of this sort of criminality. Only they know its full extent and impact. The stress and anxiety caused, the financial detriment to those affected, and the simple violation of one's right to live free from harm and intrusion should, indeed, be a cause of concern for us all. In that respect, I can find something in the DUP motion to support.

The second part of the motion calls on the Minister to ensure that perpetrators receive the maximum possible sentence. I am beginning to lose count of the number of times that I have spoken in the Chamber about motions that call on the Minister of Justice to do things that are neither appropriate nor, indeed, within his remit. Either the Member who brought this forward needs to make much more effort to understand the roles and responsibilities of the Minister or, if he already knows that, he is potentially playing politics.

Crimes against our farming community must be met with sentences that appropriately reflect their severity and the disgust felt by our community. With that in mind, we should recognise that such decisions must remain a matter for the judiciary, which looks at all the circumstances of each case within the context of the legal framework and the sentencing guidelines. Indeed, the judiciary's independence was reaffirmed in an earlier debate in the House today. We have already had a discussion in the Assembly about mandatory sentences and have heard from a number of Members about why such a course is problematic. We must let the judiciary exercise

the appropriate discretion. For those reasons, I cannot support the second part of the motion.

I think that we have to be very careful with the motion's concluding section, as the issue of defence of property is very sensitive. Reasonable force can be used when defending one's self and property. It is my understanding that the question of whether force is reasonable is looked at on the basis of the householder's perception of the danger and circumstances he or she faced, even if it is deemed that he or she was mistaken, and latitude may be given in such circumstances. I cannot think of any circumstance where there has been a major problem with how the current system works, and so I cannot see any grounds for changing the law. If it is deemed that more clarity is needed, perhaps we should consider remedying that by providing more information directly to the public.

It is important that the Assembly is not polarised on the issue. We must focus on finding more effective ways of dealing with rural crime and agricrime appropriately. The motion is, therefore, problematic because it misses the point that we should be focused on encouraging Departments and agencies to work together to prevent rural crime. The Alliance Party has consistently argued that Departments need to collaborate to solve problems and deliver effective governance and government. I am pleased that DOJ and DARD are co-operating on those issues. I am also encouraged by the rural crime prevention events that have taken place across Northern Ireland, including one recent initiative launched in March in Carnlough in my constituency of East Antrim.

In conclusion, although I agree with the first part of the motion and express my concern at the effect of agricrime on rural communities, I think that we are on the right track and are taking the right steps. We must not forget that crime, in general, is on the decrease in Northern Ireland.

Once again, Members of the Assembly are asking the Minister of Justice to do something that he cannot do and are asking that we take away the ability of the judiciary to exercise its discretion and common sense. For those reasons, my party is not in a position to support the motion.

#### 4.00 pm

**Mr Frew:** I welcome the chance to debate this very serious issue, and I applaud my colleagues for bringing it forward in the manner in which

they have. It is certainly a very topical issue. It is something that I have been abreast of for many years. Rural crime has increased and got worse. First of all, it is vital that I emphasise the impact that rural theft/agricrime has on individual farmers, their families, their workforce and even their communities. It is very clear that criminals target the countryside because it is not as heavily populated; it is more sparse; they think they can get away with so many crimes; they feel invisible; crime is harder to detect; they can get away quicker; there are not as many police about; and, even if there are police about, they will not know the area as well. Those are all reasons why criminals feel that they can get away with much more in the countryside.

Of course, a lot of crimes are committed at night. It is clear in my mind that that sort of criminal activity has increased. It has become even more organised. That is the point that should be emphasised. There is absolutely no doubt that members of the farming community are at a level that can only be described as palpable anger. They are so frustrated, because they see the same thing happening again to their own farm holdings or to their neighbours' that happened to them a few weeks before, and they feel in their heart of hearts that it could be the same individual or criminal gang but that nothing is being done to really tackle the issue.

If someone is arrested for that alleged crime, it is very clear that they get out on bail or are walking about the markets and even walking about the very farms that they have been accused of stealing from. That is a frustration that I do not think any of us could quantify. A farmer could actually contemplate someone who has been arrested previously, maybe even a few nights before, for a suspected crime on their farm, and then see the suspect on their land again.

It is very clear that the farming community needs something to happen. It sees the police force retreating from the countryside. That is the only way that I can describe the closure of some of those rural police stations. There is no doubt that there are rural police stations that need to close. They are not doing anything. They are empty shells. They are only open for so many hours, and the police have made it very clear over a number of years that they just do not want that part of their estate. However, there are so many rural police stations on the list for closure that are vital, or should be vital, and should be used more by the police in so many

ways — some new ways — in order to tackle agricroime or rural theft and general crime in our countryside.

There is absolutely no doubt in my mind that there is a retreat from our countryside by the PSNI. That is felt no more so than in my constituency of North Antrim, and, in particular, in Ballymena. It is vital that the two remaining rural police stations in the Ballymena borough should remain open, because they are serving the communities in some very isolated areas in the east and the west. It is clear, because it has been raised here, that rural stations are sometimes shells or bricks and mortar, but they can be hubs for the police that serve a certain area. If all of the police are withdrawn into our towns, we will get other police officers who do not know the area and cannot serve the people to the best of their ability.

I would like a task force to be set up to tackle this type of crime. So many millions of pounds — £11 million, I think, in the past three years — have been taken out of agriculture and the economy of our country.

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

**Mr Frew:** I believe that a task force, similar to the one set up to deal with carjacking in Belfast, could be set up to tackle rural crime and agricroime. That would serve the people in the countryside well.

**Mr Elliott:** I thank Mr McIlveen and his colleagues for bringing the motion to the House today. We have heard figures quoted in the Chamber, and it is quite clear that, while the police are indicating that some crime in Northern Ireland is decreasing, rural crime is on the increase.

It is interesting to note how some of the perpetrators carry out their crimes. They come and target the homes, premises and farms of the farmer while the farmer is actually there. At times, they even speak to the farmer when they are targeting his buildings and equipment, and they then come back that night or perhaps a night in the near future to steal and thieve. That is an absolute shame.

So many of these criminals are known to the local community. They are known to the police and, as people say, to the dogs in the streets. However, there sometimes appears to be a lack of will to do anything about the crimes, and that is why people get so frustrated. Equipment,

tractors, and machinery are stolen from them, things of very high value, yet they believe that nothing of significance is being done about it. I know of one particular incident — others may know of it, too — where a farmer recovered his stolen tractor himself. Just a few nights later, it was stolen from him again. He wanted the police to put in place a surveillance operation to catch the criminals, but they refused to do it. That is why there is frustration in the community.

I and many others believe that the sentences do not fit the crimes. There needs to be tougher sentences, and the community needs to be given clear guidance on how they can deal with matters themselves if they feel that the law enforcement agencies are not doing it. I agree with Mr Dickson, my colleague from the Alliance Party, who said that things should be left to the law enforcement agencies and the judiciary. However, many people feel that they are not doing enough about it; often, people indicate that they are doing very little about it. That is the difficulty, and that is why there is frustration in the community.

I agree that there needs to be a joined-up approach from the entire community, not just between the Agriculture Department and the Department of Justice. There needs to be an overall community aspect. When people who have been victimised feel that they are not getting proper justice, they want to be able to do something about it, and they want people to do something about it for them.

**Mr D McIlveen:** Does the Member agree that one very good piece of joined-up government would be for the current policing plan to mention the words “rural crime” even once? Perhaps he could comment on that.

**Mr Elliott:** I think that every document, no matter what it is, should mention the word “rural” and that any document to do with justice should mention the words “rural crime”.

I hear talk of the closure of police stations and the significance that that has for the area and the community. Mr Frew may find the situation in the Ballymena area difficult, but if he lived in County Fermanagh and was over 20 miles from the nearest police station, he might find the situation even more difficult. People in rural areas who already feel isolated feel even more isolated when they do not have a police presence nearby. I would love to see more visible policing, and I have talked to the police

commanders regularly. If an area is not going to have a police station, the police need to make sure that they have a visible presence in that area. Landowners feel that, when they catch a criminal in the act of stealing something from their property, there should be some allowance for them to act on it themselves, without having to phone the police just to be told that they cannot come for a period of time.

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

I note that in Fermanagh quite recently — I am sure it also exists in other areas — we had the launch of the Farmwatch initiative. That will involve the police working in conjunction with the local communities, the Ulster Farmers' Union and farmers to put markers and tracking devices on machinery. That is fine, and I praise the big effort being made in the rural community to help protect property and, hopefully, in the end, solve crimes. I appeal to the wider rural community not to just leave it up to the police and the forces of law and order but to please look out for their neighbours. If people see anything suspicious, they should raise it with the police and the local community. That is very important. Those people are the eyes and ears of the entire community, and I think that they have a responsibility not only to themselves but to the wider area and the people who live in it.

**Mr Givan:** I commend my colleagues for tabling the motion and everyone who contributed to the debate so far. People mentioned that it is not just about an opportunistic-type thief but that crimes of an organised nature are taking place in rural communities where equipment is being dismantled and found in far-flung corners of the world. So, serious organised crime gangs are involved in that type of activity. The question then has to be this: why do they feel that rural communities are prime target areas? It is because they are very vulnerable target areas, and that people realise that the opportunity there is great and that police activity is not what it should be. Potentially, there is the need for greater protection by farm owners and landowners as well.

**Mr Elliott:** I thank the Member for giving way. Does he agree that, in some areas, the police still have difficulty taking action and being proactive simply because of the ongoing terrorist difficulties in some locations throughout Northern Ireland?

**Mr Givan:** Yes; I agree. It is a sad state of affairs that that is still the position in some parts of Northern Ireland. However, that should never be a reason why the police do not get into those communities. There should be no no-go areas in Northern Ireland, whether in urban or rural areas, where there is a republican-related threat. The police should get involved.

One of the issues that I want to touch on is about the need for more specifics around rural crime. The draft rural strategy mentions the need to deal with rural crime. I notice that the Agriculture Committee has expressed concern that it is not specific enough and that there should be more references to that issue. We relayed that to the Department on the Committee's behalf.

When it comes to the police and how they measure crime, we need specific measurements around agriculture-related crime. It is not sufficient to lump crimes of this nature under the heading "rural crime". There are large villages, and, if thefts take place on domestic properties, it will count as a rural crime. We need a specific target for agriculture-related crime and to have it broken down. What you find, certainly in Civil Service-related bureaucracy, is that unless there is a specific measurement, specific attention will not be paid to it. If the police could come forward with specific measurements on agriculture-related crime, and people were then able to point to the true extent of the problem, the police would have a much greater focus on it because they will want to drive down the number because people will be able to criticise or praise their activities. So, if we have specific measurements, it will go a long way. It would certainly build upon the different interventions that are taking place, including those by the community safety partnerships, which are spending money on the trailer-marking schemes. Such schemes are good. We also need to have the Farmwatch-type scheme that Mr Elliott touched on. I know that, in other areas of Northern Ireland, there are similar schemes where there are great networks within the farming community, and, if the police can properly harness those, we will get the information that would allow the police to respond much more quickly than is the case currently.

The farming community and farming union have said that they are very much up for this. They know that there is a problem affecting their people, and they want to be involved. The

police are knocking on an open door. However, the police need to be much more proactive in opening up the opportunities being presented to them and finding ways in which they can help to reduce this type of crime. We, in this Assembly, should do all that we can to support the farming community in tackling what is a very serious criminal activity that impacts upon it.

#### 4.15 pm

**Mr Irwin:** I commend my colleagues for bringing this issue before the House. Agricultural crime, or rural crime as it has been referred to, concerns a lot of people in the rural community. As a farmer who has experienced theft from his own farmyard, I know how it feels to have someone come onto your farm and take machinery that you heavily rely on for your everyday business. I had my Land Rover and trailer stolen two years ago, and, more recently, an attempt was made to steal the main tractor from the farm. However, a well-placed grass mower prevented the theft, as its blade sliced through the tyre and the thieves abandoned their attempt to take the machine.

The problem is rife in Northern Ireland. Rarely a week passes without some incident of farm theft, be it tractors, machinery or livestock. There is a very real cost to the farming industry. People may think that this is a victimless crime; however, the facts speak differently. It costs around £3.8 million a year to cover the insurance bill for stolen farm machinery. That has a direct effect on the industry and, indeed, insurance premiums. Machinery is being stolen and shipped across the world by criminals who are obviously making huge sums of money through the illegal practice of selling complete machines and in stripping tractors, to try to avoid detection, and selling the most valuable parts.

Farmers are taking on board the advice of the police. A number of events have been put in place to ensure that farmers are doing what they can to prevent theft. I believe that farmers are doing their utmost to try to make it as difficult as possible for machinery to be taken. However, such is the lucrative nature of the crime, criminals are getting more and more bold in their attempts to take it. Just a few weeks ago, I heard of a neighbouring farmer who had dismounted his quad bike as he went to check his sheep in the field. He went to the far end of the field and, as he came back, saw a young guy

driving his bike through the gate. It disappeared forenst his very eyes.

My colleagues rightly referred in the motion to the rights of the victim to defend their property. This, indeed, is a grey area. I would welcome Minister Ford's comments in this regard. I know of incidents in my constituency where farmers have been able to react to try to stop the theft of their property. I think particularly of the late Mr Stuart Whitcroft, a constituent of mine from Derrynoose who sadly passed away on 13 May last year after thieves stole his prized vintage tractor. Stuart's son was alerted to the theft as the thieves made off with the tractor, and he gave chase. Alarmed by the incident, Stuart also gave chase, but sadly suffered a heart attack and passed away in his vehicle a short distance from the farm. At the time, I said that those behind the theft were the lowest of the low. This was a shocking incident that stunned the whole local community. That theft was certainly not a victimless crime for the Whitcrofts, who lost a member of their family as a direct result of such criminality. To protect your property is a very natural reaction; a reaction that most people would have if placed in that situation. Therefore, it is vital that the Minister gives clear guidance on this important issue.

Rural crime continues to occur. With prices of metal rocketing recently, we now have the problem of metal theft, from not only farms but from all manner of buildings, including churches and community venues.

I cannot remember a period so rife with theft than the past couple of years in the rural farming community. I have met police locally. They have, in recent months, had a number of successes against those behind these types of crimes, especially in my own area. However, it continues to be a great worry for local farmers. Hopefully, the PSNI will continue to focus on this important issue and step up their efforts to combat agricultural crime. I support the motion.

**Mr Allister:** I regret that I have had to attend to another matter for some minutes, so I missed some of this debate. I heard most of the proposer's speech. Certainly, the issue has been causing rising tension and resentment among the farming community.

If you are a farmer, you are likely to have put indescribably long hours into building up what you have, expending any profit you make and ploughing it back into the business, and

upgrading your machinery, plant and equipment. To see it wilfully stolen by some who have probably never worked an honest day in their life or taken by those who are part of organised crime gangs, is truly a sickening experience and one which leaves a great trail of anger and resentment. That is frankly not helped by the manifestation of a police attitude that, on occasions, amounts to little more than a shrugging of shoulders. We need a lot more than the shrugging of shoulders to root out this crime. We need active police pursuit. We will not get that by closing police stations, that is for sure.

I heard Mr Dickson's pitiful intervention, suggesting that, as long as the police had a vehicle, they could get to you and it did not really matter whether they had a police station. That is absolute nonsense. A police station is a sign that builds confidence within the community. That, along with the proximity that it provides, indicates that, if you are up the Braid valley stealing, you are far more likely to be caught if the police are in Broughshane than if they are in Ballymena. It is basic common sense. So, catching the criminal —

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

**Mr Allister:** I will give way.

**Mr Dickson:** Does the Member not agree with me that it is not the building that catches the criminal but active policing and active police officers?

**Mr Allister:** The two go hand-in-hand. Having a police presence in the community is a priority and a prerequisite to having a police presence out in the community where the police operate. There is no point in sending a policeman from a distant police station who has to stop and ask, "Where is such-and-such a lane? Where is such-and-such a road?" The local policeman in Broughshane or Portglenone will know where it is. He will not be wasting time and he may also have a fair idea who is likely to be doing the pilfering and stealing. It really is pretty pitiful that, in support of the closure of police stations, which the Alliance Party seems more than happy with, we have that line of argument.

It is not just about catching the criminal; it is about punishing him. It is right that the sentence has to match the crime. It has to match it in terms of the scale of what is stolen, the circumstances in which it is stolen and, if it is an organised crime theft, we need to see follow-

up by the Serious Organised Crime Agency. We need to see that the assets of those who are profiting from organised crime — the transporting of tractors and other vehicles across the world as part of a network — are pursued as part of asset recovery. That can only happen if you have the detection in the first place, the conviction in the second and the sentence to go with it. Then, assets recovery can follow. Only if that sort of action is taken will we begin to restore confidence to the farming community, which has suffered far too much already.

The motion most certainly has my support and I recommend it to the House.

**Mr Givan:** I am grateful to the Member for giving way. Does he wish to comment on the need for the Minister to give much more clarity and guidance as to what force can be used by farmers when individuals come on to their property to steal?

**Mr Allister:** There is the common law and the statutory position on people being entitled to defend themselves with reasonable force; however, we need amplification on how that applies to the defence of property. Often, of course, the two dovetail: you may be defending your person when you are defending your property. The Minister needs to stiffen the law in that regard and give confidence to the rural community. Too often, the concern seems to be about the perpetrator and whether someone was over-vigorous with them, with little regard to the victim. That is wrong, and it needs to be tackled robustly in the law.

**Mr Dunne:** I welcome the opportunity to speak on today's debate, as it is a very important issue to many people across Northern Ireland. I commend my party colleagues for bringing the motion to the Assembly.

Unfortunately, rural crime is an ever-increasing problem across this country, and we must actively look to address it. Agricrime has been an increasing problem recently in my constituency of North Down. Many who live in the Holywood hills, rural parts of Bangor and the wider Donaghadee and Millisle areas have been targets of crime recently and have become much more worried about the potential for crime involving their machinery, livestock, property and fuel. Fuel, in particular, has become a big target area recently because of increased costs.

Gone are the days when you could leave machinery in the field or the remote farmyard. Unfortunately, trust and integrity have all but gone. Having spoken to farmers and rural dwellers recently, I know that agricrime has become the number-one issue of concern for them. Agricrime can be devastating; it affects the victims and has a crippling effect on the neighbourhood around the scene of the crime. It is often the elderly who are most affected by such crime. I spoke recently to one farmer who has a large dairy farm with valuable machinery and livestock; his biggest concern was for his vulnerable elderly parents who live on their own farm.

Attacks on our elderly and on our farming communities must stop; a strong message must be sent out to deter the organised criminals who are blighting our countryside communities. Good work has been done in many areas. The Farmwatch watch scheme, the rural text service, trailer marking projects and the Ulster Farmers' Union members' discount on security products are all examples of practical and effective measures that must be encouraged to help to reduce the risk and impact of agricrime across our countryside.

**Mr McIlveen:** I thank my colleague for giving way. I note with interest that the Minister has released a press statement that he will give further advice on reasonable force. Does the Member agree that it is important that the Minister spell out clearly what is meant by reasonable force? Does he also agree that that is definitely a sign that our farmers have a right to protect their property?

**Mr Dunne:** I thank the Member for that. We will be looking forward to the clarification from the Minister later on that issue.

Our rural economy is one of our growing and vibrant economic sectors; it must be fully supported and protected. Crime can have a devastating effect on the sector, and we must ensure that maximum sentences are given to the perpetrators of such crimes. Figures released by the National Farmers' Union show that the cost of agricrime was £4 million in 2010 and 2011, which was a rise from £2.9 million in 2009. That shows the serious nature of the crime and highlights the need for effective action to counter the problem. Clear advice must be provided by the Department of Justice to landowners on their rights to defend their

property. There is also room for improvement on cross-departmental action on improving public awareness on what measures can be taken to secure gates, barriers and farm property.

Unfortunately, there is no quick solution to the problem. However, we must ensure that the right support network is in place in our rural communities. A joined-up approach that involves the PSNI, local communities and organisations must be implemented across the country, not just in some areas.

The lack of a visible police presence in rural areas has continually been raised with me by farmers in my constituency. Unfortunately, our rural communities appear to have become easy targets for criminals, and we must do all we can to ensure that this worrying trend stops. I support the motion.

#### 4.30 pm

**Mr Ford (The Minister of Justice):** I welcome the Assembly's interest in this important issue. I congratulate David McIlveen and Lord Morrow for succeeding in securing the debate today.

Building safer rural communities is a key issue for my Department. I also recognise the importance for the Executive and Members who spoke today of addressing the key issues and challenges facing rural communities. We are all agreed that rural communities across Northern Ireland have specific needs and it is essential that those needs are addressed. There is no doubt that although all crime has a negative impact on victims, the impact of agricide on farming families goes beyond the loss of property. It can make rural farming communities feel even more isolated and lead to an increased fear of crime, particularly among older members of the community, as highlighted by a number of Members, notably Paul Frew, Stewart Dickson and Gordon Dunne.

In the current economic climate, agricide can also have significant financial implications for the income of farming families and the future sustainability of their businesses. Other issues that were raised such as metal theft, which was referred to by Sean Rogers, are being closely worked on by the PSNI in co-operation with other agencies, including the Department of the Environment, Crimestoppers and the Garda Síochána. However, I think they are beyond the precise remit of the debate today.

The visibility of policing in rural areas was noted by a number of Members. I fail to see how those who live in rural areas and who want a police response benefit from having police officers tied up behind the desks of police stations where very few people call and where they are unable to leave if there are issues of concern. I remember a shop directly across the street from the police station being burgled in one of our villages last year. That does not suggest that the station was much of a deterrent. A greater deterrent would have been to have the two or three officers who were manning the station out and about in a response car instead. They would have been able to provide the visible presence that was mentioned by a number of Members, including Sean Rogers and Tom Elliott. They would have been able to respond to concerns and provide the reassurance that comes from seeing police officers active on the ground rather than in buildings that are empty for many hours a week.

Today's motion calls for the perpetrators of agricides to receive the maximum possible sentences and further calls for clear advice on the extent to which landowners are permitted to defend their property. On the first issue of sentencing, Members have called for maximum possible sentences for those convicted of crimes. They actually called on me, as Minister, to ensure the maximum possible sentences. However, as Stewart Dickson pointed out, and as I thought had been reasonably well established in the Assembly, it is not my function to give sentences. Similarly, it is not my function to carry out many other operational parts of the justice system. However, I will treat that as an issue of goodwill rather than be picky on the detail. It is absolutely clear from what was said on all sides of the House that punishment has to reflect society's abhorrence of such crimes, which can cause fear and anxiety in rural communities, especially among older people, as well as having a financial impact on the victim.

Sentencing in individual cases is and must remain a matter for the independent judiciary, immune from partisan or political interest. In making sentencing decisions, judges have to take account of the relevant law, sentencing guidelines and the circumstances of each individual case. As has been pointed out in this Chamber before, sentencing guidelines indicate that the courts should treat the age and vulnerability of the victim as an aggravating

factor when determining an appropriate sentence. That is because the purpose of the sentence is not only to punish the particular perpetrator but to act as a deterrent to discourage other potential offenders from committing similar offences in the future.

Deterrence must be an underlying principle of all sentencing decisions. I know how seriously judges take their responsibilities, and it is important that their discretion is maintained consistent with the work that is being done and led at the moment by the Lord Chief Justice on sentencing guidelines. The key issue is the knowledge that offenders will be caught and given appropriate sentences; that is what helps to promote safer communities.

Members made a number of suggestions about potential police actions to improve the chance of offenders being caught. Indeed, those suggestions started with the proposer's speech. I have no doubt that David McIlveen, in his role as a member of the Policing Board, will be in a position to take those views to the Policing Board, which will take them to the Chief Constable, because they are issues for him and not for me as Minister.

I will turn to the second substantive part of the motion, which is the issue of how individuals can defend themselves. The motion calls for me to ensure that clear advice is provided by the Department on the extent to which landowners are permitted to defend their property and to ensure that that is reflected in a forthcoming Justice Bill. William Irwin described that as one of the grey areas, although I suspect that Jim Allister will think that he gave clear and coherent guidance, as a QC, on how the law is, and I notice that he did not charge us a fee for it.

It is not my role, as Minister, to provide legal advice to individuals, but I can give an interpretation of the general legal position. Along with the common law defence of self-defence, section 3(1) of the Criminal Law Act (Northern Ireland) 1967 provides:

*"A person may use such force as is reasonable in the circumstances in the prevention of crime, or in effecting or assisting in the lawful arrest of offenders or suspected offenders".*

The common law defence of property permits use of such force as is reasonable in the circumstances to ward off an unlawful or criminal act. The key word is "reasonable", and what is

reasonable is ultimately a matter for the courts to decide.

The current law does, however, offer principles to assist. First, the defence applies to the prevention of crime in domestic law, and that is property crime as well as crime against persons. However, what is reasonable force may well depend on the type of threat involved. I should make it clear that I find it very hard to imagine any circumstances in which the use of deadly force would be justified in the defence of property, but reasonable force could be used to prevent such crime. Secondly, a person could rely on self-defence if he or she honestly believed that it was necessary to use force and if the degree of force was proportionate to how the person viewed the circumstances. So even if an individual was wrong about the threat, and, for example, honestly thought that a replica gun was real, such an honest mistake would not be held against him or her. Thirdly, people are not expected to judge precisely what action is called for in the heat of the moment. A degree of latitude may be given to a person who did only what he or she honestly and instinctively thought was necessary.

So in looking at the potential need to change the criminal law, it is critical that any action taken should meet the actual concerns. We need to ensure that we do not legislate simply for legislation's sake. Indeed, in the previous mandate, the Justice Committee was very concerned about that. The Member who will make the winding-up speech on the motion chaired the Committee at that time and made it clear to the Minister and the Department that we needed to be careful. We need to look at the issue, and I am prepared to look at the possibility of a change, but I am not sure that we are necessarily at that stage yet. I have, however, noticed that, in England and Wales, the Government have provided guidance about the use of force against intruders, and that now appears on the Directgov website. I intend to consider the possibility of providing similar guidance here, and I will consult the Justice Committee on whether it thinks that that is a worthwhile action.

One of the key factors in addressing the needs of rural communities and the agricultural sector is partnership working. Rural crime has been the subject of ongoing engagement between my Department and the Department of Agriculture and Rural Development as it develops the

rural White Paper action plan. I had bilateral discussions with the Minister of Agriculture and Rural Development last year, and, since then, my Department has been represented on DARD's rural White Paper project board to ensure that rural crime issues are reflected in the action plan. Similarly, DARD is part of the steering group for the community safety strategy led by my Department.

A number of Members, notably Oliver McMullan and Jo-Anne Dobson, referred to the difficulty that was previously perceived with the statistics that show how rural crime is affected. Until last year, many of the statistics were simply presented as relating to the urban region or the rural region. The Police Service has now disaggregated crime and produced a specific figure for agricrime, as we have termed it this afternoon, which shows that it accounted for 4% of all crime in 2011. The fact that there are now specific statistics on that means that it is possible for the board and the Chief Constable to develop targets if that is their wish.

I will shortly launch the new community safety strategy, which will outline the importance of partnership working in supporting efforts to make rural communities safer through preventing and reducing rural crime. The Ulster Farmers' Union is represented on the delivery group that will be responsible for dealing with rural crime.

The strategy will encourage policing and community safety partnerships (PCSPs) to build on initiatives taken to date, to which a number of Members referred. Those include neighbourhood watch and rural watch schemes, trailer-marking schemes and CESAR tractor security marking. Initiatives have been introduced across a number of rural areas, and I want to highlight a couple for the benefit of those Members who proposed the motion. For David McIlveen's benefit, I want to highlight the fact that trailer-marking sessions have taken place across North Antrim, in Ballymoney, Moyle and Ballymena — he referred to those — and a series of CESAR tractor security-marking events in the area. There is also an initiative called Farm Gate, which involves the rural neighbourhood policing team in Ballymoney calling with as many farmers as possible to glean any useful information about who is involved in rural crime, as well as providing crime prevention advice and reassurance to the farming community. There are also individual

neighbourhood officers with responsibility for particular rural areas.

In Lord Morrow's constituency of Fermanagh and South Tyrone, trailer-marking schemes in Dungannon have significantly reduced the number of trailers stolen. Those schemes have been extended to other machinery and equipment, including quads and sit-on mowers. A crime prevention session is held each year in the local agricultural college, and the Fermanagh Business Watch programme provides crime prevention training and issues alerts by e-mail, text or voice message via the Business Watch ringmaster messaging system.

Paul Givan mentioned Farmwatch. Members should be aware that the Agriculture Minister recently launched that scheme in Fermanagh and South Tyrone and that it is an extension of the neighbourhood watch schemes. That scheme provides signage, retinal scanning of sheep, Business Watch messaging and property marking. Indeed, an event to promote Farmwatch was held in Clogher Mart just last weekend.

Those types of rural crime prevention initiatives, such as text alerts, are being rolled out across Northern Ireland. Much good work is ongoing at a local level, and the newly established PCSPs can build on that. They can work with the local rural community to support efforts to make rural communities safer and to prevent and reduce rural and agricultural crime.

I understand Members' concerns about the impact of agricrime on the farming community, and I appreciate the reasons for tabling the motion. I welcome the opportunity to address those important issues and to provide the clarity, which I hope that I have, on sentencing decisions, including judicial discretion; my proposals to consider developing guidance on the law on the use of reasonable force, on which I will consult with the Committee; the circumstances in which reasonable force may be used and the role of the courts in deciding what is reasonable; and the need for partnership working across government and locally through PCSPs to tackle rural crime. Finally, I want to express my thanks and appreciation to all Members who sought to show their interest in the debate and for the range of views expressed.

**Lord Morrow:** I listened carefully to what the Minister said, and I am still not sure whether he supports the motion or takes the same line as his party colleague Mr Dickson, who said

that he could not support it. That is regrettable. Aside from Mr Dickson and his colleague, there has been universal support for the motion around the House.

**Mr Ford:** I thank Lord Morrow for giving way. I thought that I made it clear that although I am not happy with the precise wording of the motion, in keeping with the spirit in which the debate was conducted, I will not oppose it.

**Lord Morrow:** I am still not sure whether he supports the motion. However, that is normally the way that the Alliance Party delivers. That party leaves it up to the person, who can then pick and choose and decide. At least Mr Dickson made it clear that he would not support the motion. When you hear the likes of what Mr Dickson trotted out today, is it any wonder that this country is in the state that it is? Mr Dickson feels that he can support about one third of a motion that deals with a real issue but that he cannot go the distance. There is nothing new there: the Alliance Party never goes the distance on anything.

The Minister spoke about the Justice Committee. I suspect that he thinks that this is payback time. I think that he referred to my time as the Chair of the Justice Committee, when I did not support one of his forlorn hopes. However, there was a really good reason why that did not happen, which he conveniently left in abeyance. It concerned the use of alcohol at sporting events.

The Minister did not say what was said to him loud and clear at that time, because I have the printed paper here in front of me that illustrates it very clearly, and I am glad that I brought it because I suspected that there would be a whack somewhere along the line. That is the way that he works. We have got to know him. We still have not got to like him.

#### 4.45 pm

Anyway, the paper that I have says:

*"we want to turn to three sports clauses that the Committee opposes".*

Those were clauses 41, 42 and 43, which related to the possession of alcohol. That is what the Minister was talking about. The Committee remained unconvinced of the necessity for those three provisions, and the Minister was told that in clear, unambiguous terms at the time, but he plodded on with his proposals, about which the Committee was not enthusiastic. I thought that

he was big enough to move past that, because, you know, Mr Ford, that was then and this is now. It is to be regretted that —

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

**Lord Morrow:** Right, come on, let us hear you.

**Mr Ford:** Sorry, Mr Deputy Speaker, I would like to apologise to the House that I made a joke.

**Lord Morrow:** No, I am not castigating you for making a joke. We treat you as a joke, full stop. The thing about it is that what I think you have to do, Minister, with no disrespect, is to clearly show on whose side you are when it comes down to crime, because, quite frankly, you have failed to do that on so many occasions. Here was a golden opportunity to do it here again today, but, alas, he failed.

Does the Minister, Deputy Speaker, accept or not accept that we have organised crime in this country and that the legislation in place seems to be totally inadequate to deal with it? I accept the point that he made about sentencing not being his function. We accept that. However, maybe he could have said to the House today that he too has some concerns, or otherwise, about sentencing. Again, he skirted and danced round that one and made no comment whatsoever. That, again, was to be regretted.

I had hoped that the Minister would stand up and play the man today, and say, "Look, we have a serious crime problem in rural communities". We have called it agrcrime; we do not mind what he calls it. He can call it whatever he pleases, and I suspect that he will not call it agrcrime now, because we have called it that. He is entitled to do that. Maybe he could have been a wee bit more precise and more exact and said, "Look, we do have a real issue here and we need to settle down and tackle it", because, frankly, that is not happening. Whether the Minister thinks it or not, it is right to say that.

I do not want this to be seen just as an attack on the Minister, because we could spend all day and tomorrow on the Minister. However, it has to be said that he thinks that the closure of rural police stations will play no part whatsoever — it does not impact, it has no influence, it means nothing. That could not be further from the truth. The presence of police stations is a factor and a confidence-building measure in this country. Maybe the Minister knows of another raft of police stations that are going to be closed,

so he has say what he has to say. There are police stations that I think should have been retained, but alas they were not.

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

**Lord Morrow:** This is the third one. Right, come on.

**Mr Elliott:** I thank the Member. It will be brief, given that what he has said about the Minister has taken up quite a bit of time. Is the member suggesting — because I am sure that it would get widespread support in the House — that he has no confidence in the Minister of Justice and that maybe we should look for another Member as Minister of Justice?

**Lord Morrow:** A change would just be the same old soup on a different plate, because we would be changing from one Alliance Party Member to another. I suspect that that would not do a lot of good. Therefore, we may just put up with what we have got in the meantime. However, if the Minister feels that he should resign on this issue, then I will say “well done” to him, and we will not be shedding any tears as he disappears into oblivion. Please, though, do not put Mr Dickson in, because that would just be infinitely worse.

The issue of agricide is far more than just crime in rural areas. It is not just a matter of products and goods being stolen from farmers, which of course is a big issue. The lack of confidence that is now throughout our community is palpable, and someone else used that word. Some good things are happening. We heard about the trailer-marking scheme, and such things are all good in their own right. However, they are not the answer. They are not the full solution, and if anyone thinks that that is the case, I ask them to rethink. Many farms are situated close to the border, which makes escape easier for metal and machinery theft. We are told continually that border security and co-operation between the gardaí and the police here is excellent. I am prepared to listen to that but I have my doubts about it when I see exactly what goes on. We have a long, porous border and we know what activities were carried out in the past. Now, it seems that another crime has started and that the border is also being used for that. There is also the deliberate polluting of farmland and waterways by dumping illegal, laundered fuel. I thought that the Minister might have commented on that, but he decided not to. Maybe he thinks that it is not very relevant.

We are told that the level of agricide in Northern Ireland is relatively low. That may be the case, but try telling that to the person who has had his tractor or machinery to the value of £50,000 or £60,000 stolen from his farm. It is very little comfort to him to know that, in fact, agricide is very low. I am aware of a farmer whose shed was broken into. Some valuable equipment was stolen, and when he contacted the insurance company, it visited the farm and advised him to make modifications to protect the property in future. The farmer carried out all the alterations at considerable cost, and the insurance company declared itself satisfied to reinsure him. Around three months later, the same farm was broken into again. His property was trashed and vital equipment was stolen. He described it almost as defiance on the part of those responsible to show that they would not be thwarted. Now, he cannot get insurance for his farm machinery. If, according to the Minister, agricide is not as bad as we seem to be making out, he needs to come down to the country and visit some of those farms —

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

**Lord Morrow:** I will draw my remarks to a close. He should come down and visit those farms and meet some of those farmers. We have even had experience from some of them in the Chamber during the debate.

*Question put and agreed to.*

*Resolved:*

*That this Assembly notes with concern the impact of agricide on our farming community; calls on the Minister of Justice to ensure that the perpetrators of such crimes receive the maximum possible sentences; and further calls on the Minister to ensure that clear advice is provided by the Department on the extent to which landowners are permitted to defend their property, and that this is reflected in the forthcoming Justice Bill.*

*Adjourned at 4.53 pm.*





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ISSN 1463-7162

Daily Editions: Single copies £5, Annual subscriptions £325

Bound Volumes of Debates are issued periodically during the session: Single copies: £90

Printed in Northern Ireland by The Stationery Office Limited

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ISBN 978-0-339-50548-3

