

# Official Report (Hansard)

Tuesday 19 June 2012  
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# Northern Ireland Assembly

Tuesday 19 June 2012

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

*Members observed two minutes' silence.*

## Assembly Business

**Mr Allister:** On a point of order, Mr Speaker. Are you in a position to assure us that, next Wednesday, on the momentous occasion of Her Majesty's visit to the Stormont estate, the royal standard will fly from the flagpoles of this Building, or failing that, the Union Jack?

**Mr Speaker:** Order. This is not a point of order, and I know that the Member knows that it is not a point of order. This is — *[Interruption.]* Order. It is not a point of order for this House, and we should move on. *[Interruption.]* Order. It is not a point of order, so let us move on.

**Mr Allister:** Further to that point of order —

**Mr Speaker:** No; it is not a point of order for this House. Let us move on.

**Mr Allister:** Well let us see what happens on the day.

**Mr Speaker:** Order.

## Ministerial Statements

### North/South Ministerial Council: Plenary

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

**Mr M McGuinness (The deputy First Minister):** Thank you, Mr Speaker. In compliance with section 52C(2) of the Northern Ireland Act 1998, we wish to make the following statement on the 14th meeting of the North/South Ministerial Council (NSMC) in plenary format, which was held in Dublin on Friday 15 June 2012. The Executive Ministers who attended the meeting approved this report, and we make it on their behalf.

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

The Irish Government delegation was led by the Taoiseach, Enda Kenny, TD, who chaired the meeting. The following Irish Government Ministers were also in attendance: Tánaiste and Minister for Foreign Affairs and Trade, Eamon Gilmore; Minister Bruton; Minister Burton; Minister Coveney; Minister Deenihan; Minister Fitzgerald; Minister Hogan; Minister Noonan; Minister Quinn; Minister Reilly; and Minister Shatter.

We had a useful discussion with the Irish Government on economic developments, including the impact of the euro zone crisis, fiscal challenges, bank restructuring and lending, and the National Asset Management Agency (NAMA). We reiterated our commitment to continue practical co-operation on those issues and to explore areas where cost savings

may be achieved. The potential benefits of developing markets for both jurisdictions were recognised. Ministers discussed opportunities for co-operation in that area and to maximise the potential from tourism events.

The Council welcomed continuing collaboration on innovation in the European Union and noted a successful and well-attended Collaborate to Innovate conference on European research and innovation funding for small and medium-sized enterprises (SMEs) on 7 June 2012, which was addressed by EU commissioner Máire Geoghegan-Quinn, Minister Arlene Foster and Minister of State Lucinda Creighton.

The Council noted a progress report prepared by the NSMC joint secretaries on the work of the North/South bodies and in the other NSMC areas for co-operation and welcomed the following key developments: Tourism Ireland's successful campaign in 2011 and its major initiatives in 2012 and 2013 including 2012: Our time, Our place, Derry City of Culture, the World Police and Fire Games and "The Gathering 2013"; InterTradeIreland's activities to promote collaboration to maximise drawdown of funding under the EU research, technological development and innovation (RTDI) framework programme and to improve accessibility to procurement markets for SMEs; the Special EU Programmes Body's (SEUPB) successful open call for INTERREG IVa applications, which closed in February 2012, with 91 applications worth £189.2 million, of which 13 applications, valued at £42 million, are being considered further; and the commencement of programme development on a future Peace programme and a future INTERREG cross-border programme;

The Council welcomed the Food Safety Promotion Board's successful collaborative Safefood knowledge networks, which will assist knowledge-sharing by those involved in the food chain; the Loughs Agency's success as lead partners with the University of Glasgow and Queen's University Belfast in securing funding of £8 million through INTERREG IVa for the integrated aquatic resource management project between Ireland, the North and Scotland; the completion by Foras na Gaeilge of public consultation on the introduction of new funding arrangements for core-funded bodies, with interim funding arrangements extended to 30 June 2013; the success of the Ulster-Scots Agency 2012 Burns Night gala, which was attended by 950 people in the Ulster Hall in

Belfast, and its development of a programme of activities to mark the centenary of the Titanic, the centenary of the Ulster covenant and the 400th anniversary of the plantation charters.

The Council also welcomed preparation by Waterways Ireland of options for advancing the Ulster canal project; discussions between the Agriculture Departments on the proposed reforms to common agricultural policy (CAP) post-2013 and meetings between the two Chief Veterinary Officers and the EU Commission, during which the case was set out for the all-island animal health and welfare strategy; and the undertaking of a joint survey to inform cross-border pupil movement and school planning. The results from the survey and proposals on the way forward are to be considered no later than at the first NSMC education meeting of 2013.

The Council welcomed the fact that the Northern Ireland Environment Agency (NIEA) and the Environmental Protection Agency (EPA) are taking forward joint actions on research to support implementation of environmental policy and legislation and are co-operating in supporting researchers who are seeking European funding for priority environmental research under the EU FP7, INTERREG and LIFE+ programmes.

It also welcomed the continued progress on business planning for the establishment of the radiotherapy unit at Altnagelvin Hospital, which is planned to commence in 2013 and be operational by 2016; a successful North/South conference on alcohol misuse in Armagh on 26 January 2012, which was attended by over 130 delegates from many sectors and included informative presentations from local and international speakers; the launch of the inter-jurisdictional protocol in child protection for the transfer of childcare cases between the North and the South and work to develop a new cross-border work programme in child protection; collaboration on road safety, including sharing of knowledge and experience on the introduction of lower blood: alcohol concentration levels for drivers, improving new driver safety and the introduction of mutual recognition of penalty points for four lesser road traffic infringements; and improvements by Northern Ireland Railways and Irish Rail to the reliability and punctuality of the Enterprise service, alongside future plans to improve locomotive reliability, reduce fuel consumption and equip Enterprise trains with Wi-Fi.

The Council discussed the challenges and likely priorities for the upcoming Irish EU presidency in 2013. We explored the potential for co-operative actions during the presidency, including meetings of senior officials, the hosting of EU events in both jurisdictions and the discussion of EU matters as an agenda item at relevant NSMC meetings in sectoral format.

There was a discussion on the north-west gateway initiative. The Council welcomed the progress that has been made on a range of projects that have been delivered and planned that aim to deliver economic and social benefits in the north-west. Ministers will meet to reaffirm their commitment to maintaining progress to ensure that those measures are delivered effectively through the work of their Departments. A further progress report will be brought forward to the next NSMC institutional meeting.

The Council discussed progress to date on the A5 north-west gateway to Aghnacloy and the A8 Belfast to Larne projects. We noted that the Executive have announced an investment package, including two sections of the A5 and the A8 project. We also noted that the Irish Government remain committed to the completion of the co-funded A5 project.

There was a discussion on the importance of co-operation on third-level education. It took account of the likely increase in student mobility between both jurisdictions and the importance of continuing collaborative action among third-level institutions to assist with cost savings and on research and development.

The Council endorsed the following recommendations concerning the North/South bodies: sponsor Departments to consider options around the setting up of a board that would deliver the benefits of improved accountability and governance for Waterways Ireland but comprising fewer than 12 members, and to present proposals for consideration at a future NSMC inland waterways meeting; sponsor Departments to implement as appropriate, through changes to the legislation or other administrative means, a de minimis provision for dealing with Waterways Ireland disposal of a waterway or part of a waterway; sponsor Departments to review the current provisions in relation to Waterways Ireland's commercial activities to ensure that those are adequate, and to report to a future NSMC inland waterways meeting; and, taking account of the current

economic and fiscal circumstances, no further action to be taken at this time to extend the remit of Waterways Ireland.

No further action is required concerning the engagement between the boards of the language body, sharing of services and consolidation of accounts since work is already underway to address each of those issues. No further action is required concerning the remit of the Ulster-Scots Agency to undertake work that is associated with the promotion of Ulster-Scots language and culture outside the island of Ireland since legal advice has indicated that the existing legislation presents no difficulty. Sponsor Departments will continue to assist the Ulster-Scots Agency to achieve value for money within existing budgetary constraints. No action is required at present concerning an increase in the board membership of the Ulster-Scots Agency, but the issue will be kept under review, subject to consideration of the legislative and financial implications.

The Loughs Agency is to establish and provide services to producer organisations for the development of marine products. Any legislative obstacles identified by the agency will be addressed by the two sponsor Departments. An amendment is sought to the Magistrates' Courts (Costs in Criminal Cases) Rules 1988 to enable costs that are awarded to better reflect the cost of bringing prosecutions. The Department of Agriculture and Rural Development will keep under review the opportunity to amend the Foyle Fisheries Act 1952 to allow for a fixed-penalty regime.

Taking account of existing EU monitoring arrangements, the cost of a board to administer just 3% of the Special EU Programmes Body budget would be difficult to justify. The two sponsor Departments will examine the governance arrangements for the SEUPB that are currently in place and will report to the next NSMC SEUPB meeting in October 2012.

There should be no change in the status of the current board of the Food Safety Promotion Board (FSPB) from "advisory" to "executive". The FSPB may intervene in the event of a food scare situation if invited to do so by the lead authorities in both jurisdictions, provided that there is no legal impediment to doing so.

It was noted that work is progressing on a review of the financial memoranda of the North/South bodies, with the aim of having the review

completed by the end of December 2012. In relation to shared services, it was noted that work has commenced on exploring the potential for providing efficiency savings within the North/South bodies, with a view to a report to the NSMC in the autumn of this year.

The Council noted that we, the Taoiseach and the Tánaiste will reflect and consult on the terms of reference 2 and 3 of the St Andrews Agreement review, with a view to decisions being taken at the November 2012 plenary meeting.

#### **10.45 am**

The background and recent developments on the North/South consultative forum were noted, and it was agreed to resolve the issue at the next NSMC plenary. The Council noted the latest developments on a North/South parliamentary forum and expect deliberations to be finalised shortly. A future schedule of NSMC meetings proposed by the joint secretariat was approved, including a NSMC institutional meeting in October 2012 and the next NSMC plenary meeting on 2 November 2012.

At the meeting, the First Minister, the Taoiseach and I also thanked Mary Bunting and Pat Donaghy for their contribution to the work of the NSMC and wished both of them well for their forthcoming retirements. Mary has been joint secretary to the NSMC for almost seven years, and Pat has been in the joint secretariat since 2000 and has been the deputy joint secretary for eight years. They have both played a major part in building North/South relations and will be sorely missed when they go. It is very important that we record our deep appreciation for the great work that they did.

**Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister):** I thank the Minister for the update on the meeting. I draw his attention to paragraph 15, which is about the North/South parliamentary forum. Could he fill us in on the detail of the objectives, structures, costs and benefits to the taxpayer of such a body?

**Mr M McGuinness:** At the plenary meeting, we noted that the Ceann Comhairle and Speaker Hay had been making good progress on a North/South parliamentary forum, and we look forward to deliberations on that matter being finalised shortly. It is fair to say that rapid progress has been made in the past couple of weeks.

The question is really about whether it can be justified. I believe that it can be eminently justified, because working together North and South can bring huge benefits for our people without infringing on anybody's allegiances. It is very important that we recognise that parliamentarians, whether from this institution or the Oireachtas, are involved in all sorts of key Committees for their areas of work, and they can bring that experience to bear for the mutual benefit of all of us on a range of issues to deal with the economy, the health service and education. If people come together and recognise the importance of working on an all-island basis, that will bring huge benefits for all the people we represent, which will be welcomed.

I look forward to a rapid conclusion of that work. It is not really a matter for the First Minister and me; it is more a matter for our Speaker and the Ceann Comhairle, Mr Barrett. In the past very short while, they have taken possession of important papers that I believe will lead to the public exposition of the announcement of that body in days rather than weeks.

**Mr Humphrey:** I thank the deputy First Minister for his statement. What further steps can be taken to reduce the costs of North/South bodies?

**Mr M McGuinness:** That matter is consistently looked at by our Finance Minister and Minister Noonan in the South. In recent times, steps have been taken to recognise the huge financial challenges that we all face, North and South, and provisions have been made to ensure that we make cost savings and put the finances that are available to the North/South institutions to good use in a way that brings dividends for the people whom we represent. That is an ongoing situation. Minister Noonan and our Finance Minister, Sammy Wilson, recognise their responsibilities on the matter. It is about delivery, and, thus far, it is quite clear that the North/South institutions have delivered huge benefits for all of us. However, on an ongoing basis, we must consistently look at how we can make further savings and do so in a way that does not affect the delivery of important services.

**Ms Ruane:** Go raibh maith agat, a Cheann Comhairle. Go raibh maith agat, a LeasChéad Aire, as do fhreagraí go dtí seo. I thank the deputy First Minister for his answers to date. Will he update us on discussions about developing trade links?



**Mr M McGuinness:** At the meeting, both sides clearly recognised the benefits of trade with developing markets, including how we could co-operate in this area. All of us know that the recent visits by Vice Premier Xi to Dublin and Madam Liu to the North were very successful in helping us to develop relationships and open doors with China, which is very keen to build links with Europe. We outlined our plans for a trade visit to China in November. The Irish Government are keen to work with us and help us to take advantage of this opportunity. They have offered us assistance from their embassy in China.

We all recognise that one area with significant potential is agriculture, and we explained that we are already working on developing this sector in China. The Irish Government outlined the work that they have done to develop their trading links with China, which, I have to say, are much more advanced than ours. They have now developed protocols to facilitate the export of racehorses directly to China, and they have also satisfied the necessary conditions to export other animal and seafood products. We believe that there is massive potential for us to do more business with countries such as China and other emerging markets, and the Irish Government have offered us assistance from their embassies and agencies in taking this forward.

We understand the importance of developing trade links, not only with China but with many other nations throughout the world. Over the past couple of years, the First Minister and I have put a lot of effort into trying to attract foreign direct investment from the United States. We have been particularly successful in that and have had spectacular results. At the beginning, we were told that, because there was a world recession, we were hardly likely to attract one job. In fact, we have attracted thousands of jobs through the relationships that we built up with the United States of America. We went recently to India and the United Arab Emirates, and, later this year, we will go to China. As the First Minister has said on a number of occasions, we need to be much more outward looking and recognise that there are huge economies that have needs. Given the scale of these massive economies, particularly India and China and also an emerging Brazil, if we can attract them to businesses here, which can provide them with first-class products for their use, there are fantastic opportunities that we need to develop. We need to do that in

conjunction with the ongoing work that Invest NI is involved in and the business delegations that it sends to these places. When political representatives go with the delegations, it gives them an added weight and increases the opportunities for further developments in trade.

**Mr Eastwood:** I thank the deputy First Minister for his statement and his answers so far. I also welcome the discussions about collaborative working on tourism events. In that vein, is he comfortable with the Northern Ireland Executive not taking part in "The Gathering" next year?

**Mr M McGuinness:** We discussed that issue at the NSMC, and we have been very sensible about how we recognise the fact that "The Gathering" was first announced as a result of an initiative taken by the Irish Government. It was announced at a gathering of highly influential people, including former President Bill Clinton, in Dublin. We would have liked to be consulted at the outset and would have appreciated an invitation to participate at that early stage. That did not happen, and we recorded that in the course of our discussions with the Taoiseach. That having been said, there is no doubt that "The Gathering" planned by the Irish Government will bring huge numbers of extra visitors to the South. We are looking at the opportunity that "The Gathering" presents for us to take advantage of that. There is a oneness, and we all know that Tourism Ireland has a key role in the overseas promotion of "The Gathering" of 2013. It is a year-long programme of events and gatherings in Ireland, driven by arts, sport, business and community groups. The two tourism Ministers will discuss it. I am optimistic that we can be involved in a process that will see us gain some advantage from this also.

**Mr Lyttle:** I thank the deputy First Minister for his statement, and I welcome the enhanced North/South co-operation that is being delivered by the ministerial council, not least in economic and infrastructure development. I welcome the increased co-operation between NI Railways and Irish Rail and ask whether there is any timescale for the introduction of Wi-Fi on the Enterprise service?

**Mr M McGuinness:** I said earlier that that was an issue that the agencies are considering. I suppose that it will be down to the practicalities of how quickly it can be introduced, but the fact that they have made it clear that they will introduce it means that we can expect that it will

be introduced sooner rather than later. I do not have a date, but I am sure that, given that it was discussed at the NSMC and that agreements were reached on it, it will happen in a very short period as opposed to its being a long-term objective.

**Mr G Robinson:** In light of ongoing discussions at Stormont about cutting the size of the Assembly and the Executive, does the deputy First Minister recognise the need to cut the number of North/South institutions?

**Mr M McGuinness:** No; and I do not think that the Member will be in any way surprised by that answer. Obviously, we have a duty and a responsibility in that regard. Party leaders and the Assembly and Executive Review Committee are involved in important discussions around the number of MLAs and Departments, and positive and constructive discussions are taking place. On the 'Nolan Show' this morning, I noted that Stephen Nolan made this out to be a big crisis in the institutions. As far as I am concerned, nothing could be further from the truth. I am very much involved, with the First Minister, in constructive discussions with the party leaders about these important matters. Reports on the North/South arrangements show that they have delivered important benefits for all our people on this island. We all know that, as is always the case, there will be discussions — negotiations for want of a better word — during the rest of this year, which will, hopefully, lead to final successful outcomes that we can all sign up to about the size of the Assembly and the number of Departments. I think that people know that, in the course of those discussions, there will be further discussions about the impact and role of the North/South bodies and areas of co-operation.

**Mr Kinahan:** I thank the deputy First Minister for his answers. It is good to hear about the great investment that has come here. When discussing lending, did he talk through the role of the banks — North and South — in lending more money to small and medium-sized enterprises in order to make sure that they survive to make the most of whatever investment comes?

**Mr M McGuinness:** Yes; that is very important. We discussed local banking sector issues with the Irish Government, and we noted the continuing difficulties faced by the banks as they restructure. The most recent data show that, although new lending by our four main banks

is decreasing, loan approval rates overall are standing firm, at about 90%. As your question indicated, having a local banking sector that meets the needs of consumers and businesses and which provides competitive lending to SMEs is vital to our economic recovery.

Our Finance Minister, Sammy Wilson, continues to raise that issue with the British Government, the Bank of England and bank representatives; we also advised the Irish Government that Invest NI had recently announced a new loan fund. It is a very important matter, and the difficulties experienced by our SMEs in the North are replicated by those in the South. This is a real challenge, and the banks have a duty and a responsibility to play their part. The First Minister and I and others have been involved in all sorts of meetings with banking institutions over this crisis. At each meeting, we reiterate their responsibility to ensure that the difficulties being experienced by people in the business community are addressed.

From their perspective, the banks have a very important contribution to make towards the recovery of our businesses in a world recession, and we are not going to give up on that.

#### 11.00 am

**Mr Campbell:** In the recession that the deputy First Minister has just alluded to, bankruptcies continue apace, in Northern Ireland and in the Republic. Was there any discussion on the issue of bankruptcies, particularly where those affected have assets and offer employment on either side of the border? In connection with that, has he any comment to make on a high-profile property developer in the Irish Republic, who, at the weekend, was quoted as saying:

*"As a British citizen I have always objected to being forced into bankruptcy in a foreign jurisdiction purely on the basis that I have a judgment liability in that state."*

Of course, that statement was from Londonderry-born Tom McFeely, a former IRA hunger striker.

**Mr M McGuinness:** Addressing the usual positivity and constructiveness of the Member, I will say that my party is on the public record as being very critical of the individual just mentioned. That is on the public record in Dublin.

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

With regards to the issue of bankruptcy, when I heard the beginning of the Member's question, I thought that it was going to be positive. As usual, he never disappoints. Bankruptcy is a very serious matter, North and South. Businesses and individuals are facing all sorts of challenges. There is a duty and responsibility on all of us in government to recognise that people who face those difficulties and challenges are entitled to assistance. Can we deal with that matter under the auspices of the North/South Ministerial Council? Probably not. However, the separate jurisdictions — the Irish Government and ourselves — are trying to ensure that we give as much support to businesses as possible to prevent many businesses from going into bankruptcy. We have, of course, taken all sorts of initiatives ourselves, through the Department of Enterprise, Trade and Investment (DETI), Invest NI and the Department of Finance and Personnel (DFP), that have alleviated the difficulty for many of our businesses, and we will, undoubtedly, continue that work.

**Mr McDevitt:** At the outset, while I have the deputy First Minister's attention, I acknowledge the publication of legislation on the inquiry into institutional abuse, which is very welcome. In light of that development, will he update the House on any discussions that may have taken place at North/South Ministerial Council level on the question of the co-ordination of an all-island approach to clerical abuse, which, of course, crosses the border? If discussions have not taken place, can I implore him, from the bottom of my heart, to begin them as soon as possible?

**Mr M McGuinness:** We all were very struck by the contribution made recently by Archbishop Diarmuid Martin, who, I believe, is to the forefront of the whole issue of child protection within the Church. About a month ago, he proposed that there should be a cross-border inquiry into the activities of Father Brendan Smyth. In the aftermath of the contribution from Archbishop Diarmuid Martin, I went on public record to say that I would support such an investigation. It is important. Last week, I introduced the First Stage of the Inquiry into Historical Institutional Abuse Bill here in the North. The decision to ensure that that inquiry is held under the auspices of Justice Hart has given tremendous encouragement to people who were victims of institutional abuse.

The issue of clerical abuse, which is not associated with institutional abuse, is a very serious subject. There can be no doubt whatsoever that the challenges faced by people who were abused are challenges that need to be met by the Governments, North and South. Although that did not feature as an agenda item during our discussions, we made it clear that we are pressing forward very decisively with the inquiry into institutional abuse. No doubt, there will be further discussions about the matter, particularly the request by Archbishop Diarmuid Martin that there be a North/South investigation into the activities of Father Brendan Smyth. Given the way in which that man was able to wreak havoc for a period of over 20 years — on some occasions, 15 years after he was first caught on — it begs the question for all of us: what were the authorities, North and South, doing? What were the gardaí doing? What was the RUC doing? What were the Church authorities doing about the matter? It is an important issue to be dealt with. However, first, we wanted to get right how we deal with institutional abuse. We have now put in place the process for dealing with that, and the legislation will be dealt with here at the Assembly. No doubt, at some stage in the future, we will consider how we deal with the issue of clerical abuse, North and South, given the activities of clerics who move between both jurisdictions. From my perspective, there is a compelling case for that. I agree absolutely with your contention.

**Mr Allister:** On 10 October last year, the First Minister told the House that the number of North/South bodies, and the potential reduction of that number, was within the remit of the St Andrews review. Now that the first phase of that review has been completed, can the House take it that there is to be no reduction in either the number or the powers of the North/South bodies?

**Mr M McGuinness:** We welcomed work that had been taken forward at the NSMC sectoral meetings on term of reference 1 of the review concerning the North/South bodies, and endorsed a number of recommendations that came forward from Ministers. We noted that there is still some work to be done by the Finance Ministers on the financial memoranda and shared services. That work will be progressed soon. That part of the review is now complete, subject to further discussion at NSMC sectoral meetings. As for terms of reference 2 and 3, some work remains to be done on the remaining

elements of the review. We agreed that we, the Taoiseach and the Tánaiste will reflect and consult on terms of reference 2 and 3, with a view to final decisions being made at the next plenary meeting, which will be in November. We hope that we can expedite the matter in the course of our discussions over the next number of months.

As I said, and as many here are aware, the First Minister and I have been involved in important meetings, now happening regularly, with other party leaders in the Assembly. We believe that it is very important to be inclusive. We believe that it is very important to try, through all our deliberations, to achieve a consensus that everybody can find favour with. That work will continue. The outworking of all that will be dealt with in a very public fashion through the work of the NSMC. At this stage, I do not think that it would be appropriate for the Assembly to go outside the restrictions that we, as Ministers, face in our responsibility to the Council.

**Mr Hazzard:** Go raibh maith agat, a LeasCheann Comhairle. I thank the deputy First Minister for his update thus far. Will Ministers meet in the near future to discuss the important matter of the north-west gateway initiative?

**Mr M McGuinness:** At the meeting, we welcomed the progress that has been made through the north-west gateway initiative on a range of initiatives that aim to deliver economic and social benefits in the north-west. I am pleased that the Executive have agreed to a substantial funding package of £12.6 million to support the City of Culture. That will provide an excellent opportunity for us to showcase Derry and the north-west region. I am also very pleased with yesterday's announcement from the Social Development Minister, Nelson McCausland, of over £4 million for a temporary structure at the Ebrington site, which will be available for sizeable audiences.

There has been significant progress across many areas that are key to the success of the region: economic development; health; education and skills; tourism; connectivity; economic infrastructure; and agriculture and rural development. That includes over €120 million of funding allocated from EU funding programmes.

In answer to the question, it was decided that Ministers would meet to reaffirm their commitment to maintaining progress on the

initiative and delivering measures effectively through the work of their Departments, so we agreed to keep track of the progress at the next NSMC institutional meeting.

**Mr Beggs:** Mention is made of the interjurisdictional protocol on child protection for the transfer of childcare cases. What discussions have taken place at the North/South Ministerial Council with regard to improving children's welfare by way of holding absent parents to account for their child maintenance payments, which some may have avoided by simply moving across the border?

**Mr M McGuinness:** There has been no discussion at the NSMC on that issue. If the Member wishes to communicate with us his concerns about that, it is something that we will certainly consider for inclusion at a future discussion.

**Mr Molloy:** Go raibh maith agat. I thank the deputy First Minister for his statement. Will the deputy First Minister update us on progress in relation to the A5 project and on what stage it is at?

**Mr M McGuinness:** At the meeting, we welcomed the progress that has been made by the two transport Departments. We noted that the Irish Government remain committed to the completion of the co-funded A5 project, which is of strategic importance to the north-west and the island as a whole. We approved a funding and implementation plan for the A5 project to the end of 2016, based on existing financial commitments. We noted that relevant officials, North and South, are to continue to explore options towards completion of the A5 project in the period post 2016. We also noted that the inspector's report and recommendations on the A5 are being considered by the Department for Regional Development and that, subject to a satisfactory outcome, contractor work could commence in the autumn of this year.

I am pleased that the Department for Regional Development has published the necessary orders for the A8, which should allow construction work to commence in the summer of this year. I know we have since been told that there is going to be a judicial review of that, but it is quite clear that the jobs that will be created during construction of the A5 and the A8 will provide a much-needed boost to the construction industry. Once they are completed, they will have a very positive impact on the

whole island by improving access and reducing journey times.

## **Criminal Justice Intergovernmental Agreement**

**Mr Ford (The Minister of Justice):** With permission, I wish to make a statement regarding a meeting under the auspices of the intergovernmental agreement (IGA) on co-operation on criminal justice matters, which was held in Dublin Castle on Thursday 24 May. The meeting was hosted by Alan Shatter TD, Minister for Justice, Equality and Defence, and I represented the Executive.

This was the fifth formal ministerial meeting under the IGA since the devolution of justice over two years ago. As I have said in previous statements to the House, I am committed to keeping the Assembly informed of meetings held under the auspices of the agreement on the same basis as NSMC meetings. The meeting on 24 May, among other things, provided both of us with an opportunity to review progress against the 2011-12 joint work programme that we agreed at our meeting in June last year. The period of the work programme is coming to an end, and it was pleasing to note the positive progress that has been made and the objectives that have been met. I previously shared a copy of the 2011-12 work programme with Members as part of the oral statement last June.

I will give three specific examples of the work under last year's programme. First, the establishment of a joint probation/prison/police/gardaí group, which is contributing to the development of robust systems for the management of dangerous offenders on release from prison. Secondly, the opportunity to consider together the implications for both jurisdictions of the proposed EU victims directive. That has been particularly relevant given the Justice Committee's inquiry into victims' issues and our commitment to refresh our victims' strategy. Thirdly, the organisation of the second annual joint public protection seminar, which was successfully held in Antrim at the end of November. It provided an opportunity for representatives of both Probation Services, along with other agencies, to discuss a number of key public protection issues, including assessing risk regarding sex offenders; offender management; the strategy for management of women offenders; and drug and alcohol misuse.

## **11.15 am**

Other agreed actions included exploring the potential for fast-track probation reports to help speed up justice, maximising opportunities for co-operation on forensic science and sharing best practice on justice initiatives, as well as learning how we can best support victims of crime.

The 2011-12 work programme has provided the foundation for building on and taking further forward related and emerging actions in the 2012-13 work programme, which I agreed with Alan Shatter on 24 May. The new work programme sets out priorities for continued cross-border co-operation over the next 12 months, and I have attached a copy to my statement for the information of Members.

It includes: opportunities for joint training and peer review; the production of a document on best practice in policing diverse communities; helping us jointly consider the role of advocacy services for victims of crime; further extending information-sharing arrangements to support public protection; and exploring how best to work with young people at risk of offending who are affected by speech and language difficulties.

Progress against all the actions in the 2012-13 work programme will be monitored by the working group of officials, who will report to Alan Shatter and me at our next ministerial meeting. It will be my intention, with the Speaker's continued agreement, that I will update the Assembly following that meeting.

Alan Shatter and I were also updated on the progress of the six project advisory groups, which focus on areas including public protection, registered offenders, youth justice, forensic science, support for victims of crime and social diversity. Each project advisory group has continued to promote and support co-operation between officials across the broad spectrum of criminal justice agencies on both sides of the border. The public protection group, for example, has continued to lead on the preparation of common statistics, which support the comparison of key indicators across the two jurisdictions.

In relation to the management of sex offenders, there is excellent ongoing co-operation between the PSNI and an Garda Síochána at an operational level. As Members are aware, ensuring that victims of crime receive the necessary support when they come into contact with the criminal justice system is a priority for me. I previously

advised Mr Shatter about the work being done in Northern Ireland, including the inquiry being conducted by the Justice Committee. The outcome of that inquiry will be of interest to the project advisory group that focuses on victims' issues.

We were also updated on the work being taken forward around youth justice, particularly joint work on the development of a toolkit to help young people at risk of offending to develop empathy, where that is lacking.

The co-operation between the two forensic science services continues with collaboration on sharing of expertise. It was of particular significance in underpinning the importance of co-operation in this vital area of the criminal justice system that I was pleased to accept Alan Shatter's invitation to address, along with him, the European Network of Forensic Science Institutes' annual conference, which was held in Dublin Castle on 24 May.

I am pleased to report that there continues to be good progress in supporting and promoting North/South co-operation to make Northern Ireland and the island of Ireland a safer place. The meeting was a good opportunity to be updated on a policy seminar, which was held in Armagh on 24 April and was attended by the co-chairs of the project advisory groups and other lead policy officials from both jurisdictions. Delegates heard about, discussed and considered the work being done in Northern Ireland on the development of a reducing offending strategy and the development of the White Paper on crime being taken forward by the Department of Justice and Equality. It is clear that we have many similar challenges on both sides of the border, and consideration is being given to a proposal to establish an ad hoc crime strategy group that would report to the working group of officials.

The intergovernmental agreement provides a helpful framework for supporting North/South co-operation on criminal justice matters, but we are seeing the real benefits of co-operation when individuals in the criminal justice agencies have developed good working relationships with their respective counterparts. It is that type of practical co-operation that Alan Shatter and I are committed to promoting and supporting.

Finally, the agreement is not intended to provide for discussion of cross-border security issues. However, I have cause to discuss such matters regularly with Mr Shatter, and I used the opportunity of our being together to briefly discuss

some general wider, cross-border security-related issues. Those included the work being done to combat fuel laundering and related fraud, including its environmental impacts.

**Mr Givan (The Chairperson of the Committee for Justice):** I thank the Minister for bringing this statement to the House. There is reference in the statement to the implications for the proposed EU directive. Human trafficking is something that the Committee has taken a particular interest in. Will the Minister elaborate on what the implications will be for bringing this EU directive into place?

He also mentioned that there have been discussions around cross-border security issues. Can he elaborate further on the nature of those discussions?

**Mr Ford:** I thank the Committee Chair for both questions, and I will take the second one first. I am not sure that it would be wise for me to elaborate on the detail of discussions on security matters. I hinted at a number of security matters, including the fuel fraud problems that afflict border areas in particular and our ongoing concerns about the campaign of violence by small numbers of people who reject the political settlement that the rest of us have accepted.

A variety of work is being done on human trafficking on both sides of the border that, I believe, is entirely in line with what the requirements of the EU directive will be. We have taken a particular line, through the Organised Crime Task Force, by seeking to identify and rescue those who are trafficked and by supporting initiatives such as the Blue Blindfold campaign to diminish the demand for such activities. Given the publicity value, those issues are, in many senses, best co-ordinated on a North/South basis. The fact that the Irish Government ran the first Blue Blindfold campaign alongside us was a positive example of how we can work together to ensure that this island as a whole and, indeed, these islands as a whole are exemplars of good practice in defeating trafficking.

**Mr McCartney:** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim míle buíochas leis an Aire as a ráiteas ar maidin. I thank the Minister for his statement this morning. He stated:

*"the group ... is contributing to the development of robust systems for the management of dangerous offenders on release from prison."*

Will he outline some of the practical outworkings of the scheme?

**Mr Ford:** I thank the Deputy Chair for his question. Much of that was covered at the public protection seminar that was held in Antrim before Christmas, to which I referred. That work is predominantly led by the two probation services. It is important that the practical lessons learned in one jurisdiction be applied in the other, where they are relevant; that we get the maximum possible co-operation, given that we have a relatively permeable land border, to ensure that there is notification of sex offenders arriving in one jurisdiction from the other; and that work be done to maintain contact with and supervision of them.

The proposals that I recently announced to strengthen notification of those who arrive in Northern Ireland from the Republic are part of that. I think that good work is being done to tie up the practical issues of co-operation between the two probation services in a way that prevents sex offenders, and other serious offenders, using the border to escape the supervision that they deserve on release.

**Mr Elliott:** I thank the Minister for his statement. He mentioned security matters. Was there no structure to security discussions at the talks? Were such discussions totally ad hoc? The Omagh bomb victims are very keen to look at the cross-border element. Were there any discussions about the Omagh bomb?

**Mr Ford:** I appreciate Mr Elliott's point. However, the issues around the Omagh bomb somewhat predate my appointment as Minister. The intergovernmental agreement that I inherited refers specifically to criminal justice rather than terrorism. However, I think that, on occasions that I get the opportunity to meet the Minister in Dublin, it is entirely appropriate for us to cover those security aspects as well to ensure that co-operation is maintained at the highest level in order to support the work being done by the Garda Síochána alongside the PSNI to deal with the terrorist threat that still exists on this island. The formal mechanism is not there, but the practical reality is that those issues are carried forward by me and my officials and by Alan Shatter and his officials at a number of opportunities, not just at those formal meetings. I think that that is an example of the good work being done and that we need to see continue.

**Mr A Maginness:** I thank the Minister for his statement, which was very detailed and

thorough. It represents the culmination of a good working relationship between him and the Justice Minister in the South.

In the last paragraph of his statement, the Minister refers to the fact that wider, cross-border security-related issues are not an integral part of the work of this particular set of meetings. Is it time that the Minister examined the operation of this device and tried to extend this working arrangement to dealing with wider security-related issues? Is it appropriate that that be done?

**Mr Ford:** I thank Mr Maginness for that question. He makes a valid point as to how issues relating to security should be covered. Indeed, Members have referred to the fact that justice is not covered by the NSMC. For some, I suspect that that will also include security matters.

I can only work with the institutions that I inherited on the devolution of justice. They prescribe that the IGA is the body through which we discuss criminal justice co-operation. I use it to ensure that we enhance security co-operation through those meetings as well as through informal meetings. Were we to suggest that justice be covered by the NSMC, I am not sure that there would be full consensus in the House, but I am open to any measure that ensures the best practical commonsense co-operation between the Departments, North and South, and the various agencies of the justice and security systems.

**Mr Dickson:** Thank you, Minister, for your statement. You referred to the EU directive on the victims of crime. You are aware that the Committee has been working hard and diligently on an inquiry into victims and witnesses to crimes in Northern Ireland. Given the implications of the EU directive, will you take the opportunity, at your next meeting, to share with your counterpart the excellent work that is being done by the Committee and allow us — through you — to share that work with them so that we can further enhance cross-border co-operation with regards to the whole issue of how victims are dealt with?

Finally, Minister, may I ask, in relation to the last part of your statement, whether you are satisfied that there are sufficient cross-border resources in place to deal with the scourge of fuel laundering?

**Mr Ford:** I thank my colleague for his cunning effort to get two questions in without being noticed.

I have no reason to believe that the resources provided by Her Majesty's Revenue and Customs, the Office of the Revenue Commissioners in the South, the police and the Garda Síochána are not adequate to deal with the problem of fuel laundering, but it is clearly an ongoing problem that requires attention.

The Member asks me about taking forward the good work being done by the Justice Committee on victims issues. I would be delighted to take forward into ongoing discussions with Alan Shatter the good work being done by the Justice Committee, except that the Committee has not finished it yet and has not told me what is in it.

We have had discussions on our code of practice for victims. The Republic has a charter for victims that covers similar areas.

To digress slightly from the issue of the IGA, the work done by the Committee on victims' issues — building on the work previously done by the Department that will come back and inform the Department's thinking — is a very constructive example of the way that I want to work. Just please let me have the report before the meeting in six months' time.

**Mr Weir:** I thank the Minister for his statement. What are the practical outworkings of the co-operation on forensic science services, apart from the reference to conferences in the statement? In particular, will it have any positive impact on reducing the backlog for Forensic Science Northern Ireland (FSNI)?

**Mr Ford:** Mr Weir raises a valid point about the pressures, not just on the FSNI, but on all the forensic science agencies throughout these islands. To some extent, that pressure is exacerbated by organisational and institutional changes in England and Wales. That is why we have a tripartite agreement with the Scots and the Irish to provide backup. None of us has very significant opportunities to take on additional work because all the laboratories are under pressure. However, there are key issues, such as providing peer review and expertise in training and developing a certain amount of expertise in one lab rather than another. In those areas, good work is being done by the Irish, the Scots and us, but there are ongoing issues, as forensic science advances, to ensure that we get the maximum possible benefits for assisting the justice system by the proper application of forensic science in all our jurisdictions. That will be a challenge for the future.

### 11.30 am

**Mr Lynch:** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. I thank the Minister for his statement. An issue that arose during the deputy First Minister's statement was that of clerical child abuse. Has the Minister discussed the upcoming inquiry in this part of Ireland and the all-Ireland nature of the issue with his counterpart?

**Mr Ford:** I thank Mr Lynch for the question. The issue of clerical abuse was discussed informally at the meeting. Issues were raised with me about certain aspects where there were North/South limits by some of the survivors of that abuse, which I have passed on to Mr Shatter. However, it is not my job to tell him what to do, nor his to tell me what to do. Of course, the inquiry is being led by the Office of the First Minister and deputy First Minister, not by the Department of Justice.

**Mr S Anderson:** I too thank the Minister for his statement. At the end of the statement the Minister referred to discussion on cross-border security issues, as has already been mentioned. Can he confirm that he is pressing the Dublin Government to do all that they can in relation to dissident republican activity along the border and in other areas of the Republic?

**Mr Ford:** I thank Mr Anderson for that point. I do not think I need to pressure Alan Shatter, the Garda Commissioner or anybody else who has responsibility there to continue to take action. It is clear that significant resources are being devoted within the Republic to the border areas where the particular issues of dissidents arise. I believe that we are seeing some very strong and positive co-operation across the border between the Garda Síochána and the PSNI, which is as much as we could expect them to do, given all of the pressures on their jurisdiction as well. So, it is not a case of applying pressure; it is a case of welcoming the ongoing co-operation.

**Ms Boyle:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement. I acknowledge your response to an earlier question from my colleague Mr McCartney. Does the Minister agree with me that many of the victims' groups would argue that an all-Ireland sex offenders register would be the best mechanism for tracking those people? Are there any immediate steps on co-operation across both jurisdictions



on bringing forward an all-Ireland sex offenders register? How imminent is that?

**Mr Ford:** Ms Boyle raises a valid issue about those sex offenders who are moving across the border, but we also need to recognise that there are sex offenders who move between this jurisdiction and Scotland and between this jurisdiction and England and Wales. It is difficult to see how simply concentrating on the cross-border element would necessarily make things more joined up than they currently are. I am keen to see the agencies co-operate. We are seeing very positive co-operation, particularly between the two probation services on the island, which I believe is meeting those concerns. I am not sure that the problem solely exists across the border here. I think there is also an issue across the North Channel and across the Irish Sea. The issue is practical co-operation rather than necessarily an institutional tie-up.

**Mr McGlone:** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a chuid freagraí go nuige. I thank the Minister for his comprehensive responses. I will pick up on the final paragraph in his statement, about the opportunities he had with Minister Shatter, including the work being done to combat fuel laundering and related fraud. It was a theme picked up on by my colleague Mr Maginness. Were there any further discussions around opportunities to work together on aspects of organised crime and the development of a joint strategy to combat it on the entire island?

**Mr Ford:** I thank Mr McGlone for his question, although I am beginning to wonder whether I should have just confined the statement to the final paragraph. It might have made life much speedier in the House, since most of the questions are concentrating on that. There are indeed robust structures to deal with organised crime. Members will be aware that I chair the Organised Crime Task Force (OCTF) in Northern Ireland. Many of its subgroups, particularly those looking at issues like fuel fraud, as well as issues like trafficking, combine agencies from the Republic with agencies from Northern Ireland, and, I believe, are seeing good work being done together. Although those are not issues that come up in discussion at every meeting of the IGA, they have been well covered by the OCTF subgroups, reported to the OCTF and, obviously, to the parent bodies in the Republic, and covered by some of the cross-border seminars that happen. That is

an example of the practical work that is being done. It does not take a ministerial meeting to ensure that the two revenue and customs authorities and the two police services talk together about issues such as fuel fraud, and we are seeing that practical work continuing at the operational level in the way it is best needed.

**Mr Wells:** I thank the Minister for his statement. I hope that he took the opportunity to congratulate Minister Shatter on being the first Irish Government Minister to realise that the city is called Londonderry.

On a much more serious issue, a large quantity of illicit fuel is still being smuggled from the Irish Republic into this part of the United Kingdom. Clearly, more can be done by the authorities in the Republic to stop it coming at source, which is through large bulk suppliers of fuel. Did he have any discussions with his counterpart about this issue? Is he confident that the Irish Republic has the will to stamp out the problem?

**Mr Ford:** I am happy to assure Mr Wells that it appears that Alan Shatter and I can use the D-word and the L-word interchangeably without intending to cause offence in any direction.

On the specific issue of fuel fraud, I am not sure that what we are dealing with is just a South-to-North smuggling issue. Given the fact that excise duty is now much closer than it was a few years ago, a very large part of it is related more to laundering, which is something that occurs on both sides of the border — not just within border zones. After all, Her Majesty's Revenue and Customs has closed down plants in County Antrim, which is about as far as you could get from the border. It is not simply an issue of South-to-North smuggling. The examples that I gave Mr McGlone of the work of OCTF and its fuel fraud subgroup show the good work that can be done when agencies come together. Regardless of exactly where the problem arises, it is being dealt with in a partnership way.

**Mr Molloy:** I thank the Minister for his statement. Can I bring him back to the issue around forensic laboratories? A number of families, more than were initially under investigation, have now been deprived of vehicles and various things for over 12 months while investigations take place. Is there any limitation on the forensic laboratories' response time on investigations?

**Mr Ford:** I thank Mr Molloy for his question, although I fear that the first part was trying to drag me into an individual investigation. The answer is that the laboratories take whatever time it takes to carry out the work that needs to be done. On my visit to Seapark, I was not entirely surprised to discover that the timescales to carry out full investigations are somewhat quicker than those that feature on certain television programmes; however, there is an issue around ensuring that resources are made available, at a time of considerable pressure, to ensure that work can be done as speedily and efficiently as possible.

**Mr Allister:** I refer the Minister to the question from Mr Elliott, which I think he rather dodged. Of course the Omagh bomb predated his involvement as Minister. However, there is a live, ongoing issue, which was accentuated again yesterday by the victims, about the need for full answers on a cross-border basis. Has the Minister discussed this issue with Minister Shatter and to what effect? Does he have a view that would assist on the issue?

**Mr Ford:** Mr Allister, like Mr Elliott, is trying to drag me into the issue of an inquiry into the Omagh bomb and the specific issues of cross-border implications. Those are not issues for the Department of Justice; they are issues for the NIO, perhaps. The cross-border element is a matter for the Secretary of State to take forward, not for me. The answer is that, no, I have not had specific discussions on the Omagh bomb issue with Alan Shatter. My concerns are to ensure that Alan Shatter and I prevent any future Omaghs.

## Executive Committee Business

### **Statistics and Registration Services Act 2007 (Disclosure of Social Security Information) Regulations (Northern Ireland) 2012**

**Mr Wilson (The Minister of Finance and Personnel):** I beg to move

*That the Statistics and Registration Services Act 2007 (Disclosure of Social Security Information) Regulations (Northern Ireland) 2012 be affirmed.*

Members, the regulations for your consideration today are part of a wider programme of work to utilise existing government-held information for the production of population and social statistics in Northern Ireland.

The Statistics and Registration Services Act 2007 created a new non-ministerial Department, the Statistics Board, to promote and safeguard the production and publication of official statistics that serve the public good. The Act extends to Northern Ireland and these regulations are being made under powers contained in that Act.

The national insurance register has been identified as an important source of data on individuals that could be used to improve population and social statistics. The register is owned jointly by Her Majesty's Revenue and Customs (HMRC), the Department for Work and Pensions (DWP) and the Department for Social Development (DSD).

Regulations have already been made at Westminster to allow HMRC and DWP to pass national insurance registered data to the Statistics Board. The regulations under consideration today will allow the DSD to pass national insurance registered data to the Statistics Board.

The type of information that will be shared is simple, demographic data, which, among other things, will inform future estimates of the number of people living in Northern Ireland. Under the legislation, the Statistics Board are able to release the national insurance register's social security information to the Northern Ireland Statistics and Research Agency (NISRA), which is responsible for the production of population and social statistics in Northern Ireland. Although the regulations will allow access to personal information, it is forbidden to publish any information that could identify an

individual, and data has to be held under very strict conditions.

The regulations have been considered by the Committee for Finance and Personnel and the Committee for Social Development and no objections were raised. Therefore, I recommend that the Statistics and Registration Services Act 2007 (Disclosure of Social Security Information) Regulations (Northern Ireland) 2012 be affirmed.

**Mr Murphy (The Chairperson of the Committee for Finance and Personnel):** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire. As the Minister has outlined, the regulations will enable the DSD to disclose selected customer information from the national insurance register and social security records for the use of NISRA in developing local demographic statistics. The information will also be used for the checking and verification of the 2011 census results.

The policy proposals contained in the statutory rule were considered by the Committee for Finance and Personnel on 9 May, when it was agreed to invite Department of Finance and Personnel (DFP) officials to brief the Committee. Given the role of DSD in the disclosure of the relevant information, it was also agreed to seek the views and comments of the Committee for Social Development. On 18 May, that Committee confirmed that it had no comment to make on the policy proposals.

DFP officials provided a useful oral briefing to the Committee on 23 May, and they confirmed that the driving force behind the regulations was the creation of population estimates that were as robust as possible and that would be used to inform policy decisions and the allocation of resources. Committee members were assured that protocols would be put in place in respect of the access to and use of personal data and information security. Officials also advised that consideration will be given as to whether there is a potential to move, subject to EU requirements, from a traditional census to the use of existing administrative data that is supplemented by the surveys. That could mean the availability of census-type information on a more regular basis.

The Committee formally considered the statutory rule that is before the Assembly at its meeting of 6 June, together with the accompanying report from the Assembly's Examiner of Statutory Rules. The Examiner raised no issues by way

of technical scrutiny. As the Committee had agreed to copy the initial policy proposals to the Committee for Social Development, it also agreed to copy the statutory rule to that Committee for comment. In the meantime, the Committee agreed to recommend that the Statistics and Registration Services Act 2007 (Disclosure of Social Security Information) Regulations 2012 be affirmed by the Assembly, subject to any views from the Committee for Social Development. It was subsequently confirmed that that Committee had no comment to make on the statutory rule. Therefore, on behalf of the Committee for Finance and Personnel, I support the motion.

#### 11.45 am

**Mr Cree:** The regulations we are dealing with allow the Department for Social Development to disclose information to the Statistics Board in respect of individuals in connection with certain benefit payments. That is necessary, as has been said, to enable the board to carry out its functions.

It is worth noting that clauses 5 and 6(a) only permit the Statistics Board to disclose such information to the Northern Ireland Statistics and Research Agency, and only for the purpose of assisting the Statistics Board's production of population statistics. I also note that a regulatory impact assessment has not been produced for this rule, and no impact on the private or voluntary sectors is foreseen. The rule is subject to affirmative resolution by the Assembly, and I am happy that that be granted today.

**Mr D Bradley:** Go raibh maith agat, a LeasCheann Comhairle. On behalf of the SDLP, I support the motion. This measure can help to ensure that we have accurate statistics available to us, which will help to verify information available through the census. Of course, we want to be reassured that all data used in that way will be subject to the utmost security. I am sure that the Minister can and will give us that assurance. We have no other issues with the measure. Go raibh míle maith agat.

**Mr Deputy Speaker:** I call Mr Mitchel McLaughlin.

**Mr Mitchel McLaughlin:** What a nice surprise. *[Laughter.]* In this particular instance, the Committee got all the consultation that it needed. I am quite happy to join with my colleagues and endorse the regulations.

**Mr Wilson:** It is not very often we see the Member lost for words, but it was a nice occasion anyhow. I am glad that he is pleased with the level of scrutiny that the Committee was able to give on this occasion and that we do not have a repeat of yesterday.

I thank Members who commented on the regulations and welcome their remarks. I also thank the Chairman of the Finance and Personnel Committee and the Social Development Committee. Those two Committees carried out the scrutiny of the regulations.

The main concerns, and the ones that have been raised by Mr Bradley, the Chairman of the Finance and Personnel Committee and Mr Cree in the debate, are around the security of the data. Assurances were given and spelt out to the Committee during the discussions that it had. There are a number of things.

First, no identifiable information will be made public. Although we will be collecting names and addresses etc, all of that is for internal use only to identify where people live and how many people live there so that we have a comprehensive picture of population in Northern Ireland.

**Mr D Bradley:** I accept the Minister's assurance, but, like me, he will probably recall several instances in England where computer disks have gone missing and the personalised information stored on those disks has fallen into the public domain. Can the Minister assure us that that type of incident will not happen in this case?

**Mr Wilson:** The Member interrupted me; I had only got to the first point that I want to make. I have made the point that no identifiable information will be made public. We will seek to ensure that through a number of other steps, because there will be a strict adherence to the statistics code of practice, which should help to ensure that no information about an identifiable person is made public. The data will be stored in a dedicated facility to which only nominated users will have access. All users will be subject to relevant security checks. There will also be strong penalties for any unlawful disclosure of information, which can go right up to a term of imprisonment of up to two years. At all times, the storage and use of data will be subject to the Data Protection Act 1998. People who will be using the data will be trained so that they know their obligations about keeping data secure, disclosure of data, and so on. All those steps will be in place.

Can I give an assurance that some person at some stage may not take a chance and breach all those rules? In any human situation, one cannot give a guarantee. All I can say is that every possible step will be taken, from training to setting down clear rules to imposing sanctions against individuals who break the rules. All those steps have been and will be taken to ensure that data is as secure as possible. I hope that that at least assures Members that the issue is not being treated lightly. The statistics are an important source of information that can tell us how many people there are, the types of people, where they are located, and so on. All that information is useful in deciding future public policy.

I thank Members for their interest and support. I commend the motion to the Assembly.

*Question put and agreed to.*

*Resolved:*

*That the Statistics and Registration Services Act 2007 (Disclosure of Social Security Information) Regulations (Northern Ireland) 2012 be affirmed.*

## **Budget (No. 2) Bill: Second Stage**

**Mr Deputy Speaker:** The next item in the Order Paper is the Second Stage of the Budget (No. 2) Bill. I have to inform Members that the Speaker has not been notified by the Chairperson of the Committee for Finance and Personnel that the Committee is satisfied that there has been appropriate consultation with it on the Bill. In accordance with Standing Order 42(2), the Bill may therefore not proceed under the accelerated passage procedure. As Standing Order 42(1) requires that there must be at least five working days between each stage of a Bill, the Second Stage cannot proceed today and will be rescheduled by the Business Committee.

The next item of business in the Order Paper is Question Time. I therefore propose, by leave of the Assembly, to suspend the sitting until 2.00 pm. The Business Committee will meet at 12.30 pm. The sitting is, by leave, suspended.

*The sitting was suspended at 11.52 am.*

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

**2.00 pm**

## **Oral Answers to Questions**

### **Finance and Personnel**

**Mr Speaker:** Question 14 has been withdrawn.

#### **Departmental Property Sales**

1. **Mr McMullan** asked the Minister of Finance and Personnel whether Land and Property Services has fully embraced his endorsement of the Public Accounts Committee recommendation that evaluations of departmental property sales should be validated by independent professional valuations. (AQO 2194/11-15)

**Mr Wilson (The Minister of Finance and Personnel):** I am not entirely sure which Public Accounts Committee (PAC) report the Member is referring to, but perhaps he is referring to the one on the transfer of surplus land in the PFI education pathfinder projects, which was published in December 2007. The report made 16 recommendations. The one that I think the Member refers to — I hope I am getting the gist of his question — was this:

*“The Committee recommends that when considering the disposal of a site, public bodies must adhere to the basic principles of defining the site precisely and valuing it accordingly. Public bodies must also ensure that they engage the Land and Property Service, and where appropriate recognised professional valuers, from the outset and ensure that valuations are updated on a regular basis.”*

Land and Property Services (LPS) has fully embraced that recommendation. Land and Property Services has a team of professional chartered valuation surveyors, regulated by the Royal Institution of Chartered Surveyors, who provide independent professional advice to the public sector at all stages of the disposal process. The key role of LPS is to ensure that, when disposing of land, Departments get the best value when they sell property assets.

**Mr McMullan:** I thank the Minister for his answer. Will the Minister accept that Land and Property Services must disclose the independent valuation details to prospective

purchasers in the interests of transparency, particularly if there is an increasing risk of investment and employment opportunities being lost through any protracted dispute?

**Mr Wilson:** The role of LPS is, first of all, to set the value. That is the price that the people who are going to sell the land, who are appointed by tender and are professionals, will then attach to the land. Very often, these things are open to tenders where people will bid for the land. If there is a big difference between the value that LPS put on it and the price offered, there is always the opportunity to negotiate with LPS on that to come to a conclusion on what may be the appropriate value. If arguments are made, of course they will be listened to.

I suppose that at the end of the day the important thing is that we get best value for any assets that we dispose of. The whole point of the PAC report was to ensure we were getting the proper value of land that we disposed of. Do not forget: the revenue we get from that is then available for public services and investment in public services in Northern Ireland.

**Mrs Overend:** Will the Minister advise whether the duplication of valuations is likely to incur additional costs? What is his best estimate of those costs?

**Mr Wilson:** There should be no duplication of valuations. On the sale side, LPS will do a valuation for the public body that happens to be wishing to sell the land. People who want to buy the land will obviously have their own valuation of what they think it is worth to them and will make their bids accordingly. If there is a small difference between the two prices, there is obviously scope for making a decision. I can think of one example of a huge difference that we are dealing with at the moment where the value that we put on the land was 10 times greater than the price that was offered. I do not think anyone would expect us to sell at that price, but we have told the applicant to come and talk to us and negotiate. There can be a negotiation between the two prices.

**Mr Allister:** Will the Minister agree that the recent experience with the attempt to dispose of the Ballee lands at Ballymena demonstrates how out of touch LPS can be? It valued the lands at £10 million, rejected an offer of several millions from a consortium of former owners, put it out to public tender and got a derisory

offer. What does that say about the validity and probity of the valuations put on public land by LPS?

**Mr Wilson:** If the Member is going to raise the issue, maybe he should tell the full story. There was a considerable time difference between the initial valuation and the amount for which the land was eventually sold. During that time, of course, the market changed. Very often, these things will be reflected in market changes over time. We try to get up-to-date market valuations. Sometimes there will be delays in sales, which can be detrimental but can also be advantageous, if the market has moved in a positive direction.

**Mr Dallat:** I thank the Minister for his answer. I know that he regards the work of the Audit Office and the Public Accounts Committee very highly. *[Laughter.]* I encourage him to give us an update on the performance of the asset management unit. I am sure that he will be delighted to do that.

**Mr Wilson:** I do value the work of the Audit Office, as we all should. Sometimes, I have difficulty with how it manages its own money, and I have made that known in the Assembly on a number of occasions.

**Mr Speaker:** I urge Members not to stray outside the question.

**Mr Wilson:** Well, since he strayed outside the question, perhaps I can stray outside it with the answer that I give.

The asset management unit looks at the strategic disposal of assets, and the LPS will have an input into the valuation of the particular assets that it has agreed to dispose of. The asset management unit has a job to do over this comprehensive spending review (CSR) period. We are looking for an additional £100 million from assets that will be identified and put on the market by the asset management unit. The unit exceeded its revised target for this year, and I hope that, as it identifies and brings together more assets, we will see the revenue accruing in future years.

## Dormant Accounts Scheme

2. **Mr Buchanan** asked the Minister of Finance and Personnel for an update on his plans for implementing the dormant accounts scheme. (AQO 2195/11-15)

**Mr Wilson:** During 2011-12, £47 million of funding was released by the reclaim fund to the UK Big Lottery Fund. The mechanism for distributing the Northern Ireland share of this funding is still being developed. Any funding that relates to 2011-12 can be carried forward into 2012-13 and will not be lost.

**Mr Buchanan:** I thank the Minister for his response. Perhaps he will elaborate a little on how he intends to deliver the scheme throughout Northern Ireland. Towards what type of work will these funds be directed?

**Mr Wilson:** I know that a lot of Members had expectations about the dormant accounts fund and the release of money to projects in Northern Ireland. I am a wee bit disappointed that it has not progressed to the point where we are releasing the funds, although I hope that they will be released early in this financial year if we can get approval. The scheme represents a fairly small amount of money that will be available to Northern Ireland. There will be between £800,000 and £1.3 million in the current round.

Initially, it was thought that it should be given out in grants. However, once a grant is given out, the money is used and that is the end of the story. It was my view that we should find a way to make the money recyclable. I wanted it to go to groups that, perhaps for ethical reasons, could not access the Big Lottery Fund. We have targeted activities run by faith-based groups and work with children. I hope that the money will take the form of loans to social enterprises run by such bodies so that they can use it as investment money. Once the scheme is up and running and starting to earn money, the money can be paid back and can be recycled into other schemes. That will mean that we will have a legacy from it rather than simply spending the money and that being the end of the story. That is the proposal in a nutshell. It has to get Executive support.

**Mr Mitchel McLaughlin:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his answer. He has come to the area that I wanted to address. It is a modest sum of money, and our general expectations of the two priorities have to be modest as well. He mentioned social enterprise as a means of keeping the money in circulation, which, essentially, was what my question was about. Will that be included as a

priority in the guidelines for the application of the funds?

**Mr Wilson:** I see it as being used almost exclusively through social enterprises aimed in the two directions that I mentioned. It would be in the form of loans to social enterprises, and I can think of projects that might apply. We are looking for inventive proposals where people are saying, "Look, we find it difficult to get the money from the bank. If we could get £50,000, say, that would get us started. Once the revenue starts to come in from the enterprise, we can pay it back". Once it has been paid back, it can be used again, rather than us simply giving a grant to an organisation on one occasion and then not having the money for future use.

**Mr A Maginness:** I thank the Minister for his answers. I accept what he said: going in the direction of social enterprise is a good thing. Who, ultimately, will decide how the funds will be invested or directed? Will it be you, as Minister, or will you be guided by others who perhaps have different ideas and may persuade you in another direction?

**Mr Wilson:** The idea was never that it would be administered and the money given out by the Department of Finance and Personnel. I do not want to name any one organisation, but the Member will be aware of organisations that deal with the financing of social enterprises. They are probably better placed to judge the viability of the social enterprise and make assessments of the business plans that are published. The Executive would simply say to an organisation, "You take on the responsibility for distributing the funds, but here are the rules that we want you to abide by when doing it". Those are the kinds of enterprises and activities that we want the money to go to.

### Rates: Debt

3. **Mr Hussey** asked the Minister of Finance and Personnel why his Department did not reach its target for the reduction of rating debt last year. (AQO 2196/11-15)

**Mr Wilson:** The target outcome for the 2011-12 reduction in rating debt is provisional. It is currently subject to audit assurance, so it has not been published. Land and Property Services (LPS) had a target to reduce debt to £145 million. That target excluded debt arising from the rating of empty homes, which

was introduced in October 2011. The rating debt position as of 31 March 2011 — the end of the last financial year — was £155.6 million. Indications in preparing LPS agency accounts show that the level of outstanding debt, excluding the rating of empty homes, at 31 March 2012 has reduced to below that level and is likely to be the largest reduction in the debt figure over the past seven years.

**Mr Hussey:** I thank the Minister for his answer. Will he confirm that Land and Property Services uses every opportunity to agree a payment plan for rates arrears and uses courts only as necessary?

**Mr Wilson:** We do. As I have said in the Assembly on a number of occasions, there is always a delicate balance. Sometimes, people say that we should seek to recoup the debt as quickly and as forcibly as possible. Do not forget: if people have not paid it, it is a tax that everybody else is paying and money that is not available to the public purse. On the other hand, we have to accept that there are difficult economic circumstances. Where we can make arrangements with people, we do so. Of course, the impact will be to increase the debt: the money will not be immediately paid, and that goes down as a debt figure. We have to get the right combination of not sending out the signal that people can avoid their tax responsibilities while other people adhere to theirs and recognising that businesses and individuals very often, as a result of circumstances beyond their control, are in a difficult economic situation.

## 2.15 pm

**Mr D Bradley:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as ucht a fhreagra. Tá ceist bheag agam dó, agus seo í go díreach. I have a follow-up question for the Minister. In what circumstances is a write-off of rating debt considered? What was the extent of that during the past financial year?

**Mr Wilson:** Write-off occurs in a number of circumstances. First, we see whether it is possible to recover the debt, and, sometimes, we look at the length of time the debt has been on the books. Secondly, if a business has gone into administration or is bankrupt, it may not be possible to recover the money, and assessments will be made.

Over the past year, insolvency cases have increased by well over 100%. Therefore, as a

result, write-offs will become more frequent. Even when we have written the debt off in those cases, if there is a chance of recovering the debt at a later date when assets have been sold or whatever, we will seek to recover it. However, at some stage, we have to accept a write-off. Write-offs totalled £21.8 million in 2011-12.

**Mr Speaker:** I call Jim Allister. I point out to the Member that he normally would not get in on two questions, but, as the Member knows, I am a very generous person. *[Laughter.]*

**Mr Allister:** I am very happy to experience that. The Minister talked about sending out the wrong signals. What signal does he think writing off almost £22 million of debt sends out to those who scrape and save and pay their rates, bearing in mind that, in the past five years, the total figure of write-off has been £50 million?

**Mr Wilson:** I tried to explain in an earlier answer that we do not take decisions to write debt off or allow it to build up lightly. We pursue people through seeking to get arrangements with them whereby, if they cannot pay immediately, they make a commitment to pay in the future or, in the worst circumstances, taking them to court. Indeed, the number of times that we have taken businesses and individuals to court over the past year has been quite significant. There were 45,902 court proceedings in the past year compared with 42,915 in the previous year. So, we do not let people off lightly.

The Member has to recognise that, if a company has gone bankrupt and there is no money there, we cannot get the money from it. What do we do? Write-offs are inevitable. I hope that he is not trying to make an issue where there is no issue. We do not let people away with it. We seek to get arrangements, and we will take them to court if we have to. Some people say that we are maybe too vigorous in taking them to court. I take seriously people's responsibility, and, if they are due to pay a tax that everybody else is paying, we cannot send out the wrong signal that, if they decide not to pay, we will let them off.

## NISRA: Energy Statistics

4. **Mrs D Kelly** asked the Minister of Finance and Personnel what is the scope of the statistics on energy use, energy savings and deployment of renewable energy provided to the public by the Northern Ireland Statistics and Research Agency. (AQO 2197/11-15)



**Mr Wilson:** The Northern Ireland Statistics and Research Agency (NISRA) staff in my Department collect information on household expenditure on electricity, gas and other fuels in the annual living costs and food survey. That information is published for all UK countries and regions by the Office for National Statistics (ONS) in its family spending report, which can be accessed via the NISRA or ONS websites. NISRA and DFP staff also collect and publish information on businesses' total energy and water costs in the annual business inquiry, which is available via the NISRA and Department of Enterprise, Trade and Investment websites.

**Mrs D Kelly:** I thank the Minister for his answer. Collecting data is one thing, and how it is used is another. How does that data inform target-setting by his Department and other Departments and, indeed, the fuel poverty debate?

**Mr Wilson:** Once the information is available, we know how different income groups spend their money. In fact, one of the measures of fuel poverty is what percentage of a household's income is spent on fuel. That information comes from the collection of the data, and that is how we know that 40% of people in Northern Ireland live in fuel poverty. It is also how we know that a large proportion of those — I cannot remember the exact figure off the top of my head — are in work but are still in fuel poverty.

The statistics are not gathered just for the sake of having the information. They help to inform policy. Last year, the Executive decided to make money available from the social protection fund for winter fuel payments. We did that on the basis of the information from the data that was collected, which showed that fuel poverty in Northern Ireland was a big issue.

**Mr Beggs:** Does the Minister recognise that many people live in older houses, perhaps without cavity walls or cavity insulation? Will he ensure that NISRA works closely with the University of Ulster, which is investigating retrofitting insulation opportunities to try to reduce fuel poverty?

**Mr Wilson:** Given the information that we have, we know not only the number of people who spend a high percentage of their income on fuel but the age profile because the data shows spending patterns for different ages. The kind of household — whether it is lone people, elderly people or people with a family — and all of that can be used in deciding on the policies that

we introduce. Take the warm homes scheme or whatever its equivalent is now called. I am now dipping into history. Many of the groups that are targeted under that scheme are targeted on the basis of the kind of information that is collected through the statistics that are published.

**Ms Lo:** If the Minister has any figures at hand, can he give us an update on the progress of our own energy-saving plans and actions for all public buildings?

**Mr Wilson:** I do not have any figures here, but it is the responsibility of my Department to look at how we can reduce energy consumption. So far, we have reduced energy consumption in the estate by 10%. That is a big saving to the public purse, and it has been done by a combination of things. First, we have reduced the office footprint. Secondly, we have introduced energy-saving measures in the buildings that we retain. Thirdly, we have sought to educate staff so that they do not leave lights on and windows open with a radiator sending the heat out into the atmosphere and adding to global warming or whatever — man-made global warming. It is an important issue, given the money that we spend on energy, and we take it seriously.

## North/South Shared Services

5. **Mr McCarthy** asked the Minister of Finance and Personnel for an update on efforts to develop shared services on a North/South basis. (AQO 2198/11-15)

**Mr Wilson:** The two Finance Departments are currently exploring the potential for shared services to provide efficiency savings in the North/South implementation bodies and will report to the North/South Ministerial Council in the autumn. In addition to this, my Department has been approached by officials of the Irish Government. Indeed, I met Brian Hayes, the Minister in the Irish Government who is taking this forward, regarding plans to develop their own shared services, and a number of engagements have taken place to share our experience with them. My conversation with Brian Hayes was very instructive as far as he was concerned, and he found our experience of shared services one that he wished to replicate in the Republic. Of course, shared services are one way of achieving our set target of a 3% reduction in the cost of administration for North/South bodies.

**Mr McCarthy:** I thank the Minister for his positive answer. He will know as well as I do that some people — indeed, some Members — continue to question the benefits that emanate from the North/South shared services agenda. Would the Minister consider supporting a monitoring system by which his Department would put down in black and white the savings that come to Northern Ireland as a result of such cross-border activities?

**Mr Wilson:** We may be talking at cross purposes, as the Member and I are talking about different shared services. Let me address the issue, although in a way that is not strictly in line with his question. There are a number of ways in which Ministers look constructively at how we can save money by doing things jointly or selling services to and buying services from the Republic. The radiotherapy unit at Altnagelvin, for example, would not have been possible, had the Irish Republic Government not bought into it and shared its capital cost. Edwin Poots recently made it clear that the future of Daisy Hill Hospital in Newry was dependent on its ability to get business from the Irish Republic. That is a good example of how we can keep a local hospital in Newry but to do so requires co-operation with the Government in the Irish Republic. I have no difficulty with that kind of co-operation. As Finance Minister, I think that, in delivering a public service, it makes sense, and, along the border, it ensures that services can be provided for people in the Republic or in Northern Ireland by sharing the infrastructure that we provide.

**Mr I McCrea:** Will the Minister outline what plans he has to expand the shared services that his Department provides and give an example of what efficiencies it has made?

**Mr Wilson:** Work is under way on a vision for shared services that are provided by my Department. The savings have already been considerable, both in the cost of running and the efficiency of services. We are considering the feasibility of delivering even more services jointly. Sometimes, Departments could be more helpful. I am surprised, for example, at the Assembly setting up its own separate systems to deal with a range of issues that could have been dealt with through shared services already available in the Northern Ireland public sector. Equally, other Departments have not taken the opportunity to use shared services. Our agenda for the future must be to capture more and

more government activity through centralised services so that we gain economies of scale.

**Mr P Maskey:** Go raibh maith agat, a Cheann Comhairle. Does the Minister agree that it makes sense to work on a North/South basis and that there should be more of that, not only in government but in business?

**Mr Wilson:** Again, I think that the Member, like Mr McCarthy, perhaps misunderstood the question that was asked, which was about shared services such as having under one area of responsibility all accounts or HR processing. He raised the issue of North/South sharing of services or responsibilities, and I have made it clear that, where that is done for good, sound economic reasons and can be delivered effectively, I have no difficulty. Why would any Finance Minister have difficulty with that? I take exception — I suspect that this is where the Member is coming from — when the sharing of services might be driven by purely political reasons, whether or not it makes economic sense. In those cases, I would say no, I do not support such activities.

2.30 pm

## Health, Social Services and Public Safety

### Northern Health and Social Care Trust: Services

1. **Mr Swann** asked the Minister of Health, Social Services and Public Safety when he will be in a position to make decisions, following publication of the Northern Local Commissioning Group population plan, on the provision of services in the Northern Health and Social Care Trust area. (AQO 2209/11-15)

**Mr Poots (The Minister of Health, Social Services and Public Safety):** Local commissioning groups and Health and Social Care (HSC) trusts are working with the Health and Social Care Board and others to develop population plans for their respective areas. The purpose of population plans is to identify the projected needs for an area and how best to meet them, consistent with the principles and criteria in the 'Transforming Your Care' report. I anticipate receiving draft population plans and an overarching strategic implementation plan

at the end of June. The implementation plan will set out the key elements of the population planning process, including cross-cutting regional implications. Over the summer, the draft documents will be the subject of quality assurance work and provide the basis for further engagement with clinical leaders.

Once agreed by me, the strategic implementation plan and the supporting population plans shall form the basis of a comprehensive public consultation and stakeholder engagement, commencing in the early autumn, on proposals for future service delivery. There will also be subsequent public consultation in local areas on any major service changes emerging from the population plans. The consultation processes will allow patients, service users and the wider public to have their say. Any decisions on the future configuration and provision of services will be informed by the consultation processes. Until the population planning work and consultation processes have been completed, it is not possible to indicate when the decisions will be made.

**Mr Swann:** I thank the Minister for his answer. Taking into consideration the proposed consultations, has the Minister any idea of a timescale, following the publication of the population plans, for any significant decision to be made in relation to the data in those plans? How effectual will that data be in the public consultation? What will take precedence: the consultation or the data in the population plan?

**Mr Poots:** I do not think that the public would be very happy if I launched the consultation process at the start of July. Nonetheless, it will create an opportunity for public representatives to engage with their local trust and the Department on the proposals in the population plan. Therefore, they will be out there, but we will not go to full consultation until September. Obviously, that will run its course, and we will be ready to proceed on the basis of the population plans towards the end of this year or the early part of next year.

**Ms S Ramsey:** I thank the Minister for his answer. It is useful to find out that there will be a consultation exercise on the population plans. Whatever the outcome of the population plans in different trusts and across the North, will it go through an equality impact assessment?

**Mr Poots:** We will meet all the regulatory processes that are required of us. Those

judgements will be made as and when we carry out that work. Obviously, I will keep the Executive and the Assembly informed of our plans and intentions. Clearly, because health crosses over a wide range of areas and impacts on so many people in Northern Ireland, it is important to engage in meaningful consultation and have meaningful discussions on the outcomes and what is the best way to take forward good healthcare in Northern Ireland.

**Mr Dallat:** The Minister will be aware that the Northern Health and Social Care Trust was to have an open meeting next Friday to make an announcement on the future of the Causeway Hospital. Will he assure us that there will be openness and transparency and that those who believe that this is simply a deferment of that decision are totally wrong and that the people of Coleraine have every right to make a case for their hospital and a proper A&E department?

**Mr Poots:** There will certainly be openness and accountability. The information will come back to me first, as Minister, and I will relay it to the House, because I am accountable to the House in the first instance, and we in the House are accountable to the people. Therefore, the House should be the first to hear it. If somebody breaks the news in some puerile way in the press, I do not want to hear Assembly Members saying that that is a good thing. It is not a good thing, because it denigrates this House. Therefore, I will come back to the House, Mr Speaker.

**Mr D McIlveen:** What are the key services at the Causeway Hospital site on which the Minister will seek assurances from clinicians in relation to long-term safety and sustainability?

**Mr Poots:** We need to ensure that the clinicians come up with the proposals that assure that we can continue to have emergency care at the Causeway Hospital. Emergency surgery is essential to that. The accident and emergency department will work well only if emergency surgery takes place. Then, of course, there is paediatric cover and obstetrics. Clinicians and local trusts will have to look at all those areas when they produce proposals. Currently, for example, the Causeway Hospital deals with 1,400 births a year. That is a significant number, so the hospital could be put under pressure. We need to ensure that obstetrics can be maintained at the site with full cover. I will seek those assurances from the trust, management teams and clinicians. In all of this, the bottom

line is that, if I do not get the appropriate assurances, you can rest assured that the royal colleges will step in at some point. So let us ensure that we have a sustainable, safe and resilient service in the Causeway Hospital and in every other hospital in Northern Ireland.

### Surgical Services: Belfast

2. **Dr McDonnell** asked the Minister of Health, Social Services and Public Safety for his assessment of the outcome of the planned reconfiguration of surgical services in Belfast, including whether there will be increased throughput of cases or cost efficiencies. (AQO 2210/11-15)

**Mr Poots:** It is vital that our hospitals provide safe, efficient, high-quality care that meets patients' needs. That means looking at how we can reshape our services to offer higher standards of care. Following the publication of its consultation papers, 'New Directions' and 'Excellence and Choice: Right Treatment, Right Place', the Belfast Trust is in the process of reconfiguring a range of acute services across its hospitals. The reconfiguration has already resulted in improved efficiencies in ENT, vascular, gynaecology and urology services, and it is anticipated that the proposed single site for general surgery will deliver further benefits.

**Dr McDonnell:** Will the reconfiguration increase efficiencies and be cost-effective? Will it get us away from the situation in which patients lay waiting on trolleys for days during the part of the winter when people are acutely ill?

**Mr Poots:** I will answer as honestly as possible: if a hospital is operating efficiently, sometimes, it can be hard to avoid trolley waits. If a hospital operates at close to capacity, at 96% or 97%, any influx creates pressures. Therefore, in an inefficiently run hospital, it is much easier to avoid trolley waits. We have to strike a balance: we have to deliver efficient services but ensure that we have the capacity to avoid large numbers of trolley waits, as mentioned by the Member. The establishment of a single-site ENT service in the Royal Victoria Hospital, for example, has resulted in cost efficiencies of £300,000 in revenue savings through bed reorganisation. At the same time, we have maintained our activity outcomes. The single-site vascular service has resulted in a reduction from 66 beds across the two sites to a 32-bed unit at the RVH, which undertakes the same

level of activity. The current two-site gynaecology and urology services have resulted in significant benefits for patients and staff. We are confident that reorganisation can deliver more of our services in a cost-effective way.

### Hospitals: Waiting Times

3. **Mr Weir** asked the Minister of Health, Social Services and Public Safety for his assessment of the progress made on hospital waiting times over the last 12 months. (AQO 2211/11-15)

**Mr Poots:** I am pleased to report that hospital waiting list statistics for the year ending 31 March 2012 show a significant improvement on the previous year, with a reduction in the total number waiting for outpatient appointments and inpatient or day case treatment. There was a 3% reduction in the number of people waiting for a first outpatient appointment, from 106,206 in March 2011 to 103,007 in March 2012, and 72.5% of people waited for less than 9 weeks. The number of people waiting for inpatient and day case treatment reduced by 3.9%, from 52,880 in March 2011 to 50,828 in March 2012, and 64.4% of patients waited for less than 13 weeks.

Despite that improvement in waiting times, more work needs to be done to reduce waiting times to an acceptable level for all people. A continued reduction in hospital waiting times will, therefore, remain a key priority for my Department, the Health and Social Care Board and the health and social care trust in 2012-13. I have set more challenging targets to be achieved by March 2013, and my Department and the HSC will continue to work to meet the ever-increasing demand for hospital services.

I fully recognise that continuing in that positive trend and further reducing waiting lists and waiting times will be very challenging, and I am, therefore, seeking additional funding from the June monitoring round for elective care waiting lists. If that bid is successful, I intend to target particularly critical areas, such as orthopaedics, ophthalmology, general surgery, dermatology and gynaecology.

**Mr Weir:** I thank the Minister for his answer. What progress has been made with waiting times for diagnostic investigations, such as an endoscopy, compared with a year ago?

**Mr Poots:** The total number of people waiting for diagnostic investigations has been reduced

by 2%. There has been a 15% uplift in the number who have been waiting for more than nine weeks. However, we have seen a 35% reduction in the number of people awaiting an endoscopy. It has reduced from some 18,000 people to fewer than 12,000 people. That is a very significant reduction. The number of people waiting for more than 13 weeks for an endoscopy has reduced by 69%.

Against a backdrop of being told that the health service was on the verge of collapse, that thousands of people were going to be paid off and that we would not have the money to do anything, we have, in fact, seen waiting lists come down in the past year. That is because people are focused on the job that they have to do.

**Mr Brady:** Go raibh maith agat, a Cheann Comhairle. Can the Minister tell us how much money will be spent on private sector healthcare to tackle waiting lists?

**Mr Poots:** I have not got the figure to hand, but using the private sector is something that can be beneficial at times. I think that we need to have most of our capacity within the public healthcare system, but it can be to our benefit to acquire services to deal with waiting lists and to reduce waiting lists where they happen. Around 1,000 heart operations, for example, take place in Northern Ireland each year, but we probably need to deal with closer to 1,300 or 1,400. I think that we can move that upwards to around 1,100 people, with the same surgical team. To set up a further team would take us well beyond our actual needs, and the costs would not realise the benefits. So, where it is sensible, rational and cost-effective, we will use the private sector, but that is only to assist us in ensuring that people are not waiting inordinate lengths of time.

**Mr McDevitt:** Can the Minister confirm that the average waiting time at the emergency department at the Royal Victoria Hospital in Belfast continues to be unacceptably high? Can he indicate to the House what specific measures he envisages the Belfast Trust taking to address that issue?

**Mr Poots:** The Member will recall that I have said on a number of occasions that waiting times for emergency care are unacceptable. I have asked the Health and Social Care Board to provide me with a robust plan of actions to secure improvements in the performance of our emergency departments. Recently, we saw

reports that were carried out on the Antrim Area Hospital by Dr Ian Rutter and Mary Hinds. Those are courses of work to identify how we can move things forward. Figures for the end of April showed a slight improvement on the previous month, but there is still much to be done for A&E waiting time standards and to improve the quality of service for all patients. I believe that there is a whole-hospital solution to this, but it is a course of work that we will continue doing, because I am not currently satisfied that we are meeting the standards that I would like to see.

**Mr Nesbitt:** Can the Minister tell us what, if any, departmental initiatives are responsible for the improvement in the positive trends in waiting times and what further scope exists?

**Mr Poots:** We are making the widest possible use of all services available to us. As a Department, we have worked very closely with the Health and Social Care Board and the teams within the trusts to deliver that. Significant pressure has been put on waiting times, and I am bidding for funding in the monitoring round so that we can tackle elective surgery and get our teeth into some of those issues, because, once again, waiting times are unacceptably high in a range of areas. I outlined areas that we will be going after, and I think that we need to tackle the issues. Therefore, orthopaedics, ophthalmology, general surgery, dermatology and gynaecology are all areas in which I would like to see a real and significant difference made. I will be challenging to have the appropriate resource to ensure that that happens.

2.45 pm

### DHSSPS: Whistle-blowing

4. **Ms P Bradley** asked the Minister of Health, Social Services and Public Safety what approach his Department takes to whistle-blowing by staff within the health service. (AQO 2212/11-15)

**Mr Poots:** Whistle-blowing is a very serious matter. My Department requires all my arm's-length bodies to have effective policies in place to deal with whistle-blowing at a local level. Recently, I wrote to all staff in the HSC to highlight the importance of their having the confidence to blow the whistle where they have genuine concerns, particularly around patient safety.

**Ms P Bradley:** I thank the Minister for his support and for his answer thus far. How does he respond to allegations that employees may

be discouraged from raising concerns by senior figures in their Department or organisation?

**Mr Poots:** As I said, I wrote to all staff in the health and social care system to ensure that they got the message very clearly that not only is whistle-blowing something that they could do but something that they should do. If they see wrongdoing, it is important that we become aware of it. We cannot deal with wrongdoing if we are not aware of it happening.

Therefore, workers who report wrongdoing have the right to complain to an industrial tribunal if they are dismissed or suffer any detriment for doing so. Although employees can complain of unfair dismissal, other workers who are not employees cannot complain that they have been subject to detriment; for example, if their contracts were terminated because they had made a protected disclosure. Whistle-blowing is about bringing something to the attention of the employee's management team. It is not about going to someone in the media who then puts out a story in a way that suits that organisation but does not deliver any benefits. Whistle-blowing is about allowing us to get to the nub of problems and dealing with them.

**Ms Gildernew:** Go raibh maith agat, a Cheann Comhairle. I am very interested in the Minister's response to that question. Did the personnel in the Fire and Rescue Service get that letter as well? The Minister's answer does not equate to the very shameful way in which a member of its staff was suspended. The member of staff had whistle-blown in a very responsible fashion. The individual had not gone to the media yet was suspended, and now senior staff in that organisation are going to be allowed to retire before they are held to account for their actions.

**Mr Poots:** Yes, we did write to all members of the Northern Ireland Fire and Rescue Service encouraging them to blow the whistle. The letter was certainly sent to the organisation to be distributed to all its members. All the other organisations ensured that that happened. Therefore, I expect that the Fire Service also ensured that it happened. If it has not happened, I will ensure that it does happen, because that is something that we ask of it.

The Northern Ireland Fire Service receives considerable attention at a senior level in the Department, and it probably gives us more work than any other organisation. Regrettably, some things have not been carried out as well as they

should have been. We are very well aware of those things, and we will deal with them.

**Mr McCallister:** I am grateful to the Minister for his earlier replies. The Minister said that the policies are in place. How will he make sure that the policies are not only in place but that best practice is followed? How will he make it easy and practical for people to whistle-blow in their relevant organisation?

**Mr Poots:** The letter that I wrote provided significant encouragement to people that they could whistle-blow with some degree of confidence. Our current whistle-blowing policies include having clearly demarcated, nominated personnel to whom a whistle-blowing issue can be reported, depending on the circumstances, and communication systems in place to disseminate guidance, including an internet website, community publications, induction programmes, training packs, e-mails, review groups, monthly team briefs, posters, fraud awareness training and HR handbooks. We also have policies that provide initial external channels to raise concerns.

Given all that, I think that the Member can see that extensive work has been done to establish how people can whistle-blow. They got a letter encouraging them to do that, and it is their duty to do so when they become aware of things. No doubt, there will be individuals who do not like that and who will seek to suppress whistle-blowing. If people bring forward issues, I hope that it is the individuals engaged in wrongdoing who are punished, not the whistle-blowers.

**Mr A Maginness:** I think that people will be reassured by what the Minister said. I hope that there will be a rigorous approach to whistle-blowing in the Department. The Minister referred to people going to the press. Does he accept that, in some instances, people feel so frustrated and alienated in a working environment that they have no option but to go to the press? In such circumstances, is that a legitimate form of whistle-blowing?

**Mr Poots:** I am glad to say that since I sent the letter in March, eight cases have been reported by individuals to my Department. Obviously, those eight people did not see the need to go to the press; they recognised how to do things properly. Indeed, Members can often deal with cases themselves or bring them directly to the Department. Often, people go to the press because they have particular interests and

want particular things to happen. They use the press to deliver messages. Going to the press is against their code of practice, against Civil Service codes and against everything that we in the House stand for.

It is deeply regrettable that a member of the Justice Committee in particular is suggesting that people should tell tales to the press rather than go through the established legitimate system that we are encouraging people to use to bring such matters to our attention so that we can ensure that people who engage in wrongdoing are dealt with appropriately.

**Mr Speaker:** The Member is not in his place for question 5.

### Health and Social Care: Compton Review

6. **Mr Lynch** asked the Minister of Health, Social Services and Public Safety why a full equality impact assessment was not carried out on the Compton report, given its implications for the future delivery of health care. (AQO 2214/11-15)

**Mr Poots:** One of the key reasons for change identified by the health and social care review team, and an underpinning principle of the new model of care proposed in the 'Transforming Your Care' report, is a focus on preventing and tackling health inequalities.

'Transforming Your Care' sets out a strategic road map for health and social care into the future. Given the nature of the report, it was not considered necessary or appropriate to undertake an equality impact assessment on the report itself. It was always the intention that the proposals in 'Transforming Your Care' would be subject to further assessment and development, and the report sets out a proposed process for population plans that will inform implementation of the new model of care.

Population plans are being developed by local commissioning groups and by health and social care trusts for their areas. An overarching strategic implementation plan to set out the key elements of the population planning process, including where there are cross-cutting, regional implications, is being developed by the Health and Social Care Board. As part of the development of those plans and the implementation plan, due cognisance is being given to addressing health inequalities.

It will be more meaningful to engage on the more detailed work contained in the plans, and therefore there will be a consultation process on the strategic implementation plan and population plans, once they have been agreed.

Where there are proposals for policy changes, or major service change, coming out of the population planning process, those will be subject to appropriate consultation and equality screening in line with statutory requirements, and equality impact assessments will be undertaken where required.

**Mr Lynch:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. I thank the Minister for his answer. Did he take advice from the Equality Commission on this or solely from his Department?

**Mr Poots:** We have an equality team in the Department that works very closely with the Equality Commission and which regularly takes advice from it. When we engage in things such as this, we ensure that we stay within the legal parameters by carrying out everything in a way that complies with section 75 and, indeed, with other laws through consultation. That is what we will always do.

**Mr Dunne:** I thank the Minister for his answers to date. Will the Minister detail the implications of not implementing the Compton report and not driving forward change?

**Mr Poots:** In Northern Ireland we currently have a budget which is going up by around 2% each year and demand growing by 6% each year. If that were to continue, and if we continued to do the same thing, we would only create further mountains of waiting lists for people requiring care. That is not a route that we want to follow. The difference that we can make through implementing 'Transforming Your Care' is that we will bring care closer to people's homes, make better use of nurses and allied health professionals and maximise those skill bases within the health and social care system so that they deliver at a local level and make a real difference, particularly in prevention and early intervention. For example, if we make proper use of podiatrists, they can considerably reduce the number of falls. If we have proper linkage between our GPs, physiotherapists and occupational therapists, we can deliver far better outcomes for the elderly population.

So there is a course of work that is obvious and on which we can deliver. It is a course of work that we will not be deflected from carrying out. Why did it not happen sooner? That is not a question that I can answer, because I believe that the problems identified in 'Transforming Your Care' have been piling up for some time. If you do not deal with problems, they tend to get worse.

**Mr Kinahan:** I thank the Minister for his answers. Given that Compton is an insider to the local health service, is there not a danger that clever and innovative solutions are being missed out and that maybe the use of population plans in the future is a way of tidying up?

**Mr Poots:** Well, Chris Ham certainly is not an insider; he works for the King's Fund and is an acknowledged expert across the UK and beyond. Ian Rutter is not an insider; he provided advice to the Prime Minister and has been doing considerable work on these issues for many years, coming from a GP perspective. Deirdre Heenan, as the Provost of Magee College, has dealt with social policy for many years and brought a whole range of expertise. Paul Simpson has a Civil Service background and brought a degree of functionality to the review, and Mark Ennis brought a business perspective. So I am very satisfied that the team that produced the 'Transforming Your Care' report was a team of appropriate expertise. I believe that the report was widely received and accepted as a high-quality piece of work, not just within Northern Ireland but in other places. Other Ministers have received the 'Transforming Your Care' report, read it and been impressed by the content. And I believe that many others will follow where we in Northern Ireland are leading.

## Children in Care

7. **Mr Doherty** asked the Minister of Health, Social Services and Public Safety for his assessment of the impact of our current and outdated adoption legislation on children in care. (AQO 2215/11-15)

**Mr Poots:** I accept that the current Northern Ireland adoption legislation, the Adoption (Northern Ireland) Order 1987, is outdated in comparison with the legislation of other UK jurisdictions, and it is for that reason that I have directed that work is undertaken to bring forward a range of proposals for legislative reform of adoption. It is my intention to introduce a new

Adoption Bill in the current mandate which will seek to tackle known problems in the current system of adoption, such as delay, and to strengthen supports for all those affected by adoption. The Bill will also make provision for an alternative route to permanence for those children in care for whom adoption is not appropriate.

**Mr Doherty:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for that answer. Does he agree that the needs of children are paramount and that every child should be placed in a loving home, including homes that may be of same-sex couples?

**Mr Poots:** The Member got it right in the first instance, when he said that the needs of children are paramount. I will always ensure that the needs of children remain paramount. The only human rights involved here are those of the child. No one has a human right to adopt. The human right exists with the child who requires adoption.

**Mr G Robinson:** In advance of legislation, have any targets been set to reduce delays in the adoption process?

**Mr Poots:** One of the reasons why we want to look at the Bill is that there are too many delays in the adoption process. We need to ensure that children are adopted more speedily, because children often end up in foster care for a protracted period before they actually go for adoption. It is a much better outcome if children can get adopted at that earlier point so that they get that stability in what is going to be their family for the rest of their life. We want to ensure that we get children adopted more quickly, and that is one of the reasons why we want to bring in new legislation.

*Adjourned at 3.00 pm.*







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