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They should be sent to:

The Editor of Debates, Room 248, Parliament Buildings, Belfast BT4 3XX.

Tel: 028 9052 1135 · e-mail: simon.burrowes@niassembly.gov.uk

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Northern Ireland Assembly

Monday 25 June 2012

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

Members observed two minutes' silence.

Assembly Business

Mr Gardiner: On a point of order, Mr Speaker. I want to raise a point of appreciation of your good self for securing the clock at that end of the Chamber. It is most beneficial for those of us who sit at the back of the Chamber and particularly for members of the public, who can now look down and see how the time is going in case they need to leave the Chamber. It is completely in keeping with the House. Well done. Thank you.

Mr Speaker: It is not often that Members of the House make a point of order to congratulate the Speaker on anything. Thank you very much, Mr Gardiner.

Mr Allister: On a point of order, Mr Speaker. My point of order falls a little short of congratulations, but I empathise with and support the point made by Mr Anderson.

Mr Gardiner: Gardiner.

Mr Allister: Mr Gardiner. Sorry.

I ask for your guidance, Mr Speaker. Last week, in a landmark judgement, an industrial tribunal found direct religious discrimination by an Executive Minister. How do we debate that matter —

Mr Speaker: Order.

Mr Allister: — and avoid it being swept under the carpet —

Mr Speaker: Order. The Member should take his seat. The Member is out of order, and well he knows it. That is not a point of order. It is a bogus point of order. *[Interruption.]* Order. Let us move on.

Resignation: Mr Doherty, Ms Gildernew, Mr P Maskey and Mr Murphy

Mr Speaker: Before we begin today's business, I wish to advise the House that I have received letters from Mr Pat Doherty, Michelle Gildernew, Paul Maskey and Conor Murphy giving me notice that they intend to resign as Members of the Assembly with effect from noon —

Mr Allister: Hear, hear.

Mr Speaker: Order —on Monday 2 July 2012. I have notified the Chief Electoral Officer in accordance with section 35 of the Northern Ireland Act 1998.

Executive Committee Business

Suspension of Standing Orders

Mr Speaker: I call the Minister of Education to move the motion on behalf of the Minister of Finance and Personnel.

Mr O'Dowd (The Minister of Education): I beg to move

That Standing Orders 10(2) to 10(4) be suspended for 25 June 2012.

Mr Speaker: Before I put the Question, I remind Members that this motion requires cross-community support.

Question put and agreed to.

Resolved (with cross-community support):

That Standing Orders 10(2) to 10(4) be suspended for 25 June 2012.

Mr Speaker: As the motion has been agreed, today's sitting may go beyond 7.00 pm.

Ministerial Statement

Schools: Capital Investment

Mr O'Dowd (The Minister of Education):

Go raibh maith agat, a Cheann Comhairle. A Cheann Comhairle, ba mhaith liom ráiteas a dhéanamh leis an Tionól maidir leis na pleananna atá agam le haghaidh infheistíocht chaipitil don tréimhse atá romhainn. Mr Speaker, I should like to make a statement to the Assembly on my plans for capital investment in the coming period. Tá a fhios agam go gcuirfidh gach aon Chomhalta, chomh maith le gach scoil agus gach pobal ar fud an Tuaiscirt, spéis ann. I know that the subject will be of great interest not only to Members but to schools and communities across the North.

In my September statement, 'Putting Pupils First: Shaping Our Future', I set out a programme of actions to ensure that we have a pattern of provision that delivers a high-quality education for all children. Those actions included the completion of a viability audit to identify schools evidencing stress and the initiation of area planning work to determine the future pattern of provision in each area. At this point, it is estimated that it will be the final quarter of the current financial year before the first plans are formally adopted.

In my statement in September, I made it clear that area plans will eventually be used to identify the priorities for capital investment going forward. I also said that I would need assurances that any project approved for capital investment was consistent with the overall provision needed in an area. At that time, I indicated that the former investment delivery plan would be set aside. However, I stated that those projects and others could come forward again if, when tested, they remained a priority within the proposed future provision.

My capital budget over the remaining three years of the budget period is £104 million this year and £108 million next year, and it steps up to £184 million in 2014-15. With the process for planning and approving newbuild projects often being long and protracted, it is clear to me that decisions are needed now to influence capital expenditure in 2013-14 and 2014-15. The needs for capital investment far exceed the funding available. Much as I would like to be in a position to fund everything that needs doing now, I must work with the budget available

to me. That means that difficult decisions will need to be made on future investment plans. To ensure the most effective use of the capital budget, I am implementing a four-strand approach to new capital investment. I will deal with each in turn.

The first strand of my capital investment plans for the coming period involves advancing a number of newbuild projects. I am today announcing investment of £133 million in 18 capital projects, including five special school projects. The intention is that the new school build projects will potentially be on site in the final quarter of the current financial year or early in the 2013-14 financial year. In identifying those projects for investment at this time, I wanted to be assured that they have been future-proofed and remain a priority for investment. I, therefore, instructed my officials to draw up an interim process to identify suitable projects. This is a pragmatic approach that will ensure an effective use of the capital budget. I want to stress that today's announcement in no way implies that other projects will not be considered at a later stage.

As a result of the process that I have set in place, the new capital school projects that I am approving for investment are these: Coláiste Feirste, Belfast, to the value of £11.9 million; St Clare's Convent and St Colman's Abbey Primary School, Newry, £6 million; St Joseph's Convent Primary School, Newry, £5.8 million; Dromore Central Primary School, £11.4million ; Eglinton Primary School, £2.5 million; Tannaghmore Primary School, Lurgan, £6 million; Ebrington Primary School, Derry, £4.5 million; Foyle College, Derry, £19.6 million ; St Teresa's Primary School, Lurgan, £3 million; Victoria Park Primary School, Belfast, £4.9 million; Enniskillen Model Primary School, £5.7 million; St Mary's Primary School, Banbridge, £5.1 million; and Bunscoil Bheann Mhadagain, Belfast, £2.5 million. I want to make it clear that approval of these projects is subject to each school complying with any terms and conditions set down by my Department and securing the necessary approvals and clearances.

The second strand of the capital investment strategy involves establishing a number of projects to be advanced through the planning and approval processes. I have already referred to the time lag between deciding to proceed with a project and commencing construction. As a consequence, there is a need to ensure that there is a

programme of potential projects being advanced through the various stages. Therefore, as with the capital projects announced today, a process has been established to identify projects for which funding would be provided for planning. It is my intention to announce in the autumn a list of projects that can be taken forward.

I turn to the third strand of this capital announcement. In my statement in September, I made it clear that my reduced capital budget over the coming years does not allow me to consider a newbuild in every case and that we need to do more with the existing estate. I also made it clear that we have too many schools for the population we serve and that steps need to be taken to reshape the estate to better meet the needs of our society. In response to those points, I am announcing the establishment of a new school enhancement programme. That programme will make available funding of up to £4 million for any project that is aimed at refurbishing or extending existing schools. Priority will be given to projects aimed at supporting amalgamation or rationalisation. Initially, up to £20 million will be available for that programme in 2013-14, with the option of increasing that in 2014-15 depending on the number and quality of proposals. To schools not announced at this time, however, the new enhancement programme offers an opportunity to add to and improve existing facilities. That may prove to be a more accessible and pragmatic option. Details of the programme will be released in the autumn together with a first call for potential projects.

A Cheann Comhairle, tá mé ag iarraidh plé anois leis an cheathrú snáithe, an snáithe deireanach den fhógra seo maidir le hinfheistíocht chaipitiúil.

I turn to the fourth and final strand of my announcement on capital investment. It covers investment in special schools. Since taking on the role of Education Minister, I have visited schools in each and every sector of education provision. The common factor in every sector has been the clear need for considerable investment in infrastructure. I have been particularly seized of the need to ensure we support the most vulnerable in our system. No one visiting our special schools could remain unmoved by the needs of the children attending those facilities. I would dearly like to be able to advance every deserving case immediately. However, with the limits of the funding available to me, I am determined that we make progress

with a number of cases at this time. Therefore, today I am announcing that the process for building three special schools will be advanced: Belmont House Special School, Derry, will be allocated £7.4 million; Rossmar Special School, Limavady, £6.4 million; and Castle Tower School, Ballymena, £21.8 million. In addition, an options appraisal has been carried out over recent months, looking at the most effective use of the former Balmoral High School facility, which will be vacated by St Colman's over the summer months. Although further work will be required on finalising the business case, I can announce that the preferred option is for St Gerard's resource centre to be the long-term tenant of that facility.

I also remind Members that Arvalee Special School in Omagh will be taken forward as part of the Lisanelly campus project. Lisanelly campus is a unique project and an opportunity to develop a state-of-the-art, innovative and shared education campus to serve the needs of almost 4,000 children and young people in the Omagh area. Delivering on that is a commitment in the new Programme for Government, and I will prioritise taking forward that exciting opportunity.

That represents an investment in special schools of over £44 million. I stress, as I did for the newbuilds announcement, that I am approving work to advance the business cases and design work necessary for those projects. However, I emphasise that they will be priority projects for funding.

I want to make it clear that my Department's strategy for capital investment in the coming years will be shaped by area planning. I have authorised the education and library boards to begin the consultation on the post-primary area plans on 5 July 2012. The extended consultation will run until 26 October 2012, a full 16 weeks. That will give ample time for the public to read and reflect on the proposals before responding. The boards will write to schools to notify them of the launch date before they finish, which, for most of them, is the end of this week.

The capital investment proposals announced today are consistent with and grounded in an area-plan approach. That is a pragmatic initiative to ensure that the capital funding available can be used most effectively. This is a good news story, and children and young

people have been central to the considerations. A modern education environment is essential to raising standards and reshaping education provision.

12.15 pm

This is also good news for the local construction industry and the economy, representing investment of almost £173 million, which will help to create and secure jobs in a sector that has been badly affected in recent years. I have, therefore, tasked my officials to ensure that the projects I have announced today are moved forward with urgency.

I realise that, for every school I have announced today as progressing, there are as many that need investment. The Budget settlement the Executive were presented with has limited the funding I have available and prevented me from progressing all the schemes I would have liked.

Mar fhocal scoir, a Cheann Comhairle. I have taken clear and decisive action to ensure that we effectively use the capital available in the next number of years and maximise the benefits for children across the North.

Mr Speaker: Before I call the Chair of the Education Committee, Mervyn Storey, I point out that a number of Members, quite obviously, given the importance of the statement, want to make a contribution. I ask Members to be brief as they come to their question, and hopefully we will get in all Members who want to make a contribution.

Mr Storey (The Chairperson of the Committee for Education): It is always welcome when an announcement is made on capital investment in our education system. I particularly welcome the announcement on special schools. I declare an interest as a member of the board of governors of Ballymoney High School.

In relation to the Minister's announcement on special schools, I do not think any of us in the House could but feel challenged if we visited our special schools. I pay tribute particularly to those at Castle Tower. I am delighted that the principal of Castle Tower, Mr McFeeters, is with us in the Public Gallery to hear the announcement. No one could but feel challenged, and the Minister visited the school at my invitation some time ago to see the needs and challenges that that school has.

I ask about two issues in relation to the Education Committee. Will the Committee receive further information about the school enhancement programme, its detail and how schools will be able to access it? Secondly, some time ago, a review was carried out of the capital projects in education. That resulted in schools being designated compliant, partially compliant or non-compliant. Some schools deemed compliant will see that their name is missing from the list. I draw particular attention to Ballymoney High School and Rainey Endowed School, Magherafelt, which were linked for a newbuild project. Will the Minister explain how those schools, which were deemed fully compliant, have mysteriously disappeared off his capital investment list?

Mr Speaker: The latitude ends with the Chairman. Members will know that Chairs of Committees have some latitude when responding to a ministerial statement in the House, but that is where it ends.

Mr O'Dowd: In relation to the Chairperson's last point, they have not disappeared off any list. Today, I brought forward a list of schools that are ready to go forward in the last quarter or the next quarter of the financial year, so we can spend the moneys in the time we have. There are very many deserving schools on lists in the Department of Education, and I would like to be in a position to build all those that are sustainable and viable. Unfortunately, we are not in a financial position to do that, but I indicated in my statement that I would return to the subject in the autumn. As the planning process moves forward in the Department of Education and with the managing authorities and boards of governors, I hope to be in a position to announce more schools.

The Education Committee will be fully briefed on the school enhancement programme and on the detail of my statement. The school enhancement programme was put in place to allow area planning to take place through amalgamations and the need for the enhancement of schools' fabric. Previously, minor works programmes ran to the value of only £500,000. I am now bringing forward a programme worth up to £4 million, which can make a significant difference to the schools estate or an individual school, so I hope to move that forward.

The Member is absolutely right about our special needs schools. We have many excellent special needs schools in respect of the buildings and the contribution of staff and parents. However, there are schools where the fabric is completely unacceptable and where the teachers and the parents have rallied through many difficult circumstances to provide excellent care and education for the young people. It is now time for government to step up to the mark and provide the necessary fabric, particularly in the schools that I have announced today. I know that there are others, and I hope to get round to them as well.

Today's news is good news for special needs education, and I assure the Member that no school has fallen off the capital build list.

Mr McKay: Go raibh maith agat, a Cheann Comhairle. I welcome the statement. It is to the Minister's and Sinn Féin's credit that the party is prioritising funding for the most vulnerable in the education system. In particular, of course, I echo the Chair of the Committee in welcoming the £21.8 million for Castle Tower School.

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

Mr McKay: That is something that I have raised constantly with the Minister over the past year. The other impact of his statement will be on work for the construction sector. When will the works begin, and when will employment in the construction sector be regenerated as a result?

Mr O'Dowd: I would like to see work commence on the projects as quickly as possible. My officials will work with managing authorities and boards of governors to ensure that we move forward. We have a limited time frame in which to spend the funds available to us. One of the unfortunate realities of government spending significant amounts of money is that, rightly, much rigour and attention is paid to how that money is spent. That also means that it can affect the urgency or speed at which a project can move forward.

I would like to see the new school build projects that I have announced today being on site towards the end of this financial year or in the early part of the next financial year. The internal planning processes for the special educational needs schools that I have announced today are further back. I am not talking about planning that has to be passed by councils; I am talking about ensuring that business cases and

economic appraisals are in place. I believe that we can move them forward rapidly as well.

Mr Kinahan: I thank the Minister for his announcement and I hope, as Deputy Chairperson, for a little latitude. We welcome any spend on schools, especially on special needs schools and anything that leads to a single, shared education system. However, it is a major blow for those that were expecting to be on the list but are not on it, such as Parkhall Integrated College, which is a split-site school and has already spent over £1 million on its design.

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

Mr Kinahan: I am just getting there, Mr Speaker. The school has been waiting for 10 years. Will we see a list of these schools in the autumn and a list for the future, so that schools can plan and see into the future when they will be rebuilt? It takes three or four years to redesign, and it has been a major blow to schools such as Parkhall.

Mr O'Dowd: I suspect that, as Members rise to ask me questions, they will mention a significant number of schools that are not on my list, which is perfectly understandable. I acknowledged in my statement that, despite the fact that this is a good news day for the schools that have been provided for, many schools will be disappointed.

From ISNI 2, we are now short by £650 million of capital expenditure. That was cut from our Budget by the British Government; they slashed the Budget of the North. I am down by £650 million that I should have had to build new schools. If I could stand here today and announce newbuilds under that programme of work, no one in the Chamber would be disappointed. However, we have to put a process in place and work with the capital funds that we have.

I will make another statement in the autumn. Area planning is ongoing, and I wish to be in a position to give further clarity to schools in the autumn. There are many core schools that will continue to be core schools, even though they are not on this list at present. That does not mean that they will not be built in the future. Along with my Executive colleagues, I will attempt to secure as much funding as possible for newbuilds.

We are where we are today. Let us get this programme of work up and running, and, in addition to this announcement, I assure you that there will be further developments in the Department for announcements in the autumn.

Mr Rogers: I thank the Minister for his statement. I welcome the newbuilds. It is great news for all those associated with those schools and for the severely pressed construction industry. However, I am disappointed, as there are many other deserving cases in South Down.

My question is to do with the school enhancement programme. We are in the midst of a recession. Two things that would help us to get out of it are education and innovation. Last week, we saw a great education event in the Odyssey. What consideration is the Minister giving to the refurbishment of science labs as part of the school enhancement programme?

Mr O'Dowd: The school enhancement programme will provide an educational infrastructure for schools to provide the curriculum. I am not going to say what is needed in any individual school or sector. My Department will write to schools in the coming days to outline the enhancement programme for them. We will brief the Department of Education, and schools will then make a decision about what use they may wish to make of the school enhancement programme. The provision of science or any part of the curriculum that will assist us in developing a modern economy and giving our young people the skills base for a modern economy will all be core moving forward. Let the schools come forward with proposals, and we will judge them against the criteria that will be laid out.

Mr Lunn: I completely welcome the statement. It is a good news story, as the Minister said. Obviously, I welcome the funding for Dromore Central Primary School in my constituency, but I also want to mention Bunscoil Bheann Mhadagain at the bottom of the list. It has the worst conditions in which I have ever seen schoolchildren being educated — I know that the Minister agrees — so it has had some really good news. I ask the Minister to comment further on the school enhancement programme and the mention of amalgamations or rationalisation. How does that contrast with his comment about capital investment in the coming years being shaped by area planning? Which comes first?

Mr O'Dowd: The enhancement programme will not come into play until financial year 2013-14. By that stage, area planning will have significantly advanced. I announced today that area planning will go out to public consultation on 5 July until 26 October. That will give me and my officials time to study the responses and announce a way forward. That will be in early 2013, so the school enhancement programme kicks in just in time for that amalgamation and rationalisation process. It also gives confidence to the schools and the public that the plans will go out and will be backed up with investment. We can move forward with confidence that, where schools need to amalgamate, there will be money to facilitate the young people so that their education takes place in a modern, well-built and well-secured environment.

Miss M McIlveen: I broadly welcome the Minister's statement. It is important that children come first when making such decisions. I am particularly pleased to note the Minister's continued support for the grammar school sector and his award of a £19.1 million grant to Foyle College in Londonderry. Although the Minister states that other projects may still be considered at a later stage, will he clarify what process he used to select the schools announced today?

Mr O'Dowd: As I was making my decisions, I did not take into account the nameplate on any of the schools. I built on the basis of need. Foyle College has been discussed in the Chamber. I have received cross-party delegations on Foyle College, and I have been impressed by the presentation from the local MLAs and the school. I visited Ebrington Primary School when I was in Derry several months ago, and I was impressed by the fortitude of the school principal, the board of governors and the pupils, who want to move forward. I think that we have assisted them in that regard today.

I asked my officials to examine our schools lists and what required to be built. I relied on the information that they had from boards and managing authorities to prioritise schools going into the future against the need to ensure that they were viable and sustainable and against the amount of money that we would have in future and the timescale in which to spend it. They came back to me with the list that I announced today. I am happy for my officials to brief the Education Committee on that matter in more detail and to assure the public that each school has been announced today on the basis

of future need. That in no way dismisses the other schools that, I know, are not on the list and are also in need.

12.30 pm

Mr Brady: Go raibh maith agat, a Cheann Comhairle. I very much welcome the Minister's statement, particularly in relation to the schools in my constituency of Newry and Armagh. St Joseph's Convent Primary School was my first school. That may be an indication of how old it is and that it needs to be replaced. I declare an interest as a governor of St Colman's Abbey Primary School, which I also attended. St Clare's Primary School, which is one of the oldest primary schools in Ireland, is literally falling down.

Mr Speaker: I urge the Member to come to his question.

Mr Brady: Those schools have been disappointed in the past. I ask the Minister to reassure us that they will be dealt with as quickly as possible and that there will be newbuilds.

Mr O'Dowd: I did not realise that we had schools that old in our estate; that is worrying. *[Laughter.]*

The schools have been brought forward and examined by my officials on the basis that they can and should move forward in the short term. I am not saying that hiccups may not develop in the processes as we move forward. However, my colleague Caitríona Ruane, who is sitting beside me, made an announcement in August 2010 about, I think, 13 schools that were hothoused and moved forward. All those schools are now either complete or on the verge of being complete. I see no reason why we cannot have the same process in respect of the announcements that I have made today.

Mr Craig: Like the rest of the Members, I warmly welcome this announcement. I also welcome the £11.4 million that you are spending on Dromore Central. That school originally got approval in 2004. The site was purchased, plans were passed, but then funding was pulled. Given all that, can the Minister give the House the clear assurance that building will actually start in the last quarter of this year as indicated? The school is in a horrendous condition. When I was speaking to the principal, he told me that, even today, three classes had to be relocated due to difficulties with the building. Thank you, Minister.

Mr O'Dowd: I emphasise what I said to the Member who spoke previously. There are many, many schools on lists whose hopes have been raised and dashed over time. One of the reasons why I came forward today with 12 or 13 schools and the special needs schools is that those are schools that I am confident I have the financial power to build and that are advanced enough in the process to build. I do not want to raise the expectations of schools. It would have been quite easy for me to come here today and announce twice the number of schools. However, I would not have been confident that the second half of that list would have been built during my tenure or that we would have had the finance to build them. I want to see the schools announced today on site in the last quarter of this financial year or the first quarter of the next financial year. They have to move forward; that is key. My officials are aware of the need to move forward on these matters.

Mrs Dobson: I also thank the Minister for his statement. I am sure that the schools that are lucky enough to have been announced are delighted. I welcome the fact that three of those schools are in Upper Bann. I welcome, in particular, the £5.1 million for St Mary's in Banbridge, which was well overdue. Now that these projects have been announced, can the Minister detail the next step and outline what resources or greater assistance he will offer schools to work towards greater sharing of resources, in respect of both buildings and staff?

Mr O'Dowd: The next step is that there is a very busy period ahead for my departmental officials, managing authorities and schools' boards of governors. There will have to be a combined push in the time ahead to get these school built and on site. My appeal to schools and everyone else is that the key to success in these matters is this: keep it simple, keep it straight, and keep it moving forward. You will always find obstacles in the way of a new school build, or perhaps somebody will come up with a brighter idea halfway through the process. I say to these schools to go ahead with what you have planned, move forward and allow us to provide the new available resources to you.

The next steps are that I am continuing discussions with my officials and area plans are going ahead. I want to be back here in the autumn. We are going back through the list to see which schools we can move forward at the next stage, confident that they are core schools

and will be sustainable into the future. We will match that against the time and the finances available. We are also conscious that we have to plan capital infrastructure going into the next budgetary period. At the end of this period, the Department of Education cannot say that it has no plans for the future. If we did that, we would not be allocated any funds, whoever is in the ministry the next time, and we would have no funds for new school builds. That is where we are with that.

As regards shared education, I hope to be in a position in the next couple of weeks, or sooner, to announce the membership of the shared education advisory group, as outlined in the Programme for Government. I want that group to go out and challenge the sectors, my Department, the Ministers and the politicians in the Chamber to talk about and debate shared education and to look at the perceived and real obstacles in its way. Let us then move forward with an informed report delivered by that body.

Mr McCartney: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a ráiteas. I thank the Minister and welcome his announcements today. I am sure that you will agree, a Cheann Comhairle, that it will be welcomed across the constituency of Foyle, and I am glad that the decisions were not made with nameplates in mind. Will the Minister agree that the funding for Foyle College in particular will be very welcome and will be strategically important because it will open up lands for the further expansion of the University of Ulster at the Magee campus?

Mr O'Dowd: Yes. My primary responsibility is to ensure the development of education in early years, primary and post-primary, and my decisions to allow Foyle and Ebrington to move on give great opportunities for the further enhancement of the Magee campus in Derry. That is a further welcome announcement in Derry, which has, over the past period of time, through its MLAs and representatives, made its voice heard around the Executive table and elsewhere. As a consequence, investment continues to roll into the city.

Mr D Bradley: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as ucht a ráitis. Fáiltim go mór roimhe, go háirithe roimh an infheistíocht in earnáil na Gaelscolaíochta. I very much welcome the Minister's statement and congratulate all the

schools that have been successful, including the Irish-medium schools, Coláiste Feirste and Bunscoil Bheann Mhadagáin. I also congratulate St Clare's —

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

Mr D Bradley: — St Colman's, Newry, and St Joseph's, Newry. I also welcome the £20 million for the school enhancement programme. What is the Minister's estimation of the current backlog in school maintenance?

Mr O'Dowd: It is anything up to £200 million. Over the past number of years, we have continually invested in the school maintenance backlog, and at times people could be forgiven for thinking that we were fighting a losing battle. However, we are making investments, and I recently approved the budgets for our education and library boards and ring-fenced £27 million for school maintenance. I continue to talk to the Finance Minister and my Executive colleagues about school maintenance and bidding in the monitoring rounds. There is competition from all Departments for funds, and we try our best. In fairness to my Executive colleagues and the Finance Minister, they are trying their best to give money to education for school maintenance programmes, but I hope that the school build programme that we announced today will reduce school maintenance costs. If we were not to build at Bunscoil Bheann Mhadagáin in north Belfast, for instance, the Department and the education board would be faced with £600,000 of school maintenance for that project. So, it is best to move forward with a new school build there. I am aware that in St Clare's in Newry, significant money has been spent over the years as we try to get land deals agreed, and so on. There is absolutely no point in spending further school maintenance money there; let us build a new school. Thankfully, we are at that position, and we will continue to attempt to secure money for further school builds and school maintenance into the future.

Mrs Hale: I thank the Minister for his statement. Mr Cochrane, his staff and the pupils at Dromore Central Primary School will be delighted to hear today's news. What terms and conditions, as mentioned in the statement, are likely to be necessary to gain approval and secure movement?

Mr O'Dowd: They are largely bureaucratic measures, such as economic appraisals, business cases and planning. There is no further

stipulation than that. I will not bring forward any further measures that schools have to abide to or agree to. It is the usual bureaucracy that government has to work with when dealing with significant amounts of public funding.

Mr McMullan: Go raibh maith agat, a Cheann Comhairle. I welcome the statement and congratulate the Minister on the programme. I congratulate him on the £21.8 million for Castle Tower School to enable the children of the glens who have special needs to receive their education. I declare an interest because my daughter is a pupil at Castle Tower School. Will the Minister set out why he has prioritised special needs education?

Mr O'Dowd: It is because I have had the good fortune of visiting many special needs schools across the North since I came into office and, indeed, when I was a member of the Education Committee. No one could help but be moved by the circumstances that some young people are in with their educational needs, despite the devotion of their parents, family members, schools and teachers, which, undoubtedly, improves those young people's lives. As a Government, we have a responsibility to assist the most vulnerable in our society, and, sometimes, you have to make a firm statement in that regard.

I do not believe that we, as a Government and as an Assembly, can stand proud and say that we have provided the best for the young people at Castle Tower. I believe that we are now in a position to do so, and that is why I have prioritised special educational needs schools. There has been a building programme in the past. When you are involved in government as a Minister, it is, at times, frustrating that you cannot always do the things that you want to do immediately. You have to put programmes and processes in place, and you have to move projects along, sometimes at a snail's pace. I am fortunate that I can now announce these special needs schools. A considerable amount of preparatory work is still to be done to bring them to a conclusion, but I am confident that we will bring them to a conclusion and provide them with newbuilds.

Lord Morrow: I was interested to hear the Minister say that, in one school, the maintenance costs were so high that the prudent and proper thing to do was to replace it. It is understandable that he should do that. I thought that some of

the schools in my area would have fitted that criterion very well. I am thinking of Devenish College and of Fivemiletown Primary School, which have been on the list for a considerable time. I suppose that we will have to wait for the next statement from the Minister to see how they fared. Can he comment on those two schools?

Mr O'Dowd: I am reluctant to comment in detail on any individual school that is not on the list, because I do not have all the details. If I did, I would be sitting here with binders and binders of information. I mentioned the £600,000 that would be needed for maintenance at Bheann Mhadagáin because that was one of the factors, but it was not the only factor. We can be confident that Bheann Mhadagáin will be a core school in north Belfast for generations to come, so it is the right thing to build it and move forward. I am not saying that either of the schools that you mentioned will not be core schools in the future. They are not on the list today because we are not in a position to make an announcement on them, but I assure the Member that we will continue to interrogate all the information around each school and that we will move forward on each school when it is possible to do so.

Mr Dickson: Minister, I add my words of commendation to you on Castle Tower. I visited that school and was thoroughly moved by the need for it to be developed in the way in which the Minister is developing it. However, Minister, I point out your failure to recognise any integrated school in this plan of attack to improve our school estate. I particularly bring to your attention the 212 pupils and staff who are involved in —

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

Mr Dickson: — Corran Integrated Primary School in Larne. When will that school receive similar attention to that which some schools have received today?

Mr O'Dowd: I thank the Member for his comments on Castle Tower. The commendation should be to the local representatives in the area and to the members of the board of governors of Castle Tower, who have stuck by that project and insisted on it moving forward.

It is not the case that I have paid attention solely to the schools that I have made announcements about today. I assure the Member that the

details of each school that is moving forward for a newbuild have been thoroughly interrogated in the Department of Education. I want to be in a position to announce that all the schools will be built, and I am sure that all Members want that. However, we do not have the money to do that. I can navel-gaze on the point that I do not have the money to build all of the schools, or we can look forward and build a number of schools with the money that we have available, hope that further funds become available in the future and work with my Executive colleagues in a bid to advance new school builds.

I assure the Member that each of the schools that he has mentioned has been analysed. We will continue to analyse all of the schools, and when I come back here in the autumn, I will advance further projects. I give the caveat that there will also be schools that will be disappointed at that time. Unfortunately, that is where we are at this time.

Mrs Overend: I thank the Minister for his statement, but I must express my disappointment that no schools in mid-Ulster are on his list. I refer specifically to the Rainey school, to which the Committee Chairman also referred, which was deemed fully compliant quite some time ago. Next year, that school will celebrate 300 years. How long will the Rainey school have to wait for its newbuild? Will he assure me that he will communicate directly with the school to make sure that nothing is outstanding and that it will be included in the autumn announcement?

12.45 pm

Mr O'Dowd: As I said in answer to a Member who spoke previously, I do not have in front of me the details of all the schools. However, I reassure the House and it should be confident that where all schools are in current planning has been fully interrogated, and we are satisfied that the list that we have brought forward contains schools that can move forward in the timescale that we have set out.

Any Member is more than welcome to write to me about any individual school to seek further information and clarity about where the project stands. Is there anything else that a board of governors or a managing authority should be doing? I am more than happy to clarify that with members. In fairness to my officials, they regularly engage with schools on their planning and preparation for new school builds.

The other key factor to note from my statement is that we have opened up again the new school builds programme. It was closed down for a period until area planning was allowed to advance and we had assured ourselves of our budgetary position. It is now opened up again. Plans will be progressing. Schools will be progressing through the system. All that we have to assure ourselves of is that a school is sustainable, viable and compliant with area planning into the future. Those are the broad criteria that schools will have to satisfy. The Member is more than welcome to write to me about any individual school, and I will clarify its position.

Mr Humphrey: I thank the Minister for his statement and welcome the investment in education and the construction industry in Northern Ireland. Glenwood School in my constituency and Springhill Primary School in neighbouring West Belfast have been on the list for some time. We hear honeyed words about what government is going to do about the massive socio-economic and educational problems that face the greater Shankill, yet nothing seems to happen about the development of two new schools on those sites. Will the Minister please advise the House and people on the Shankill where those schools sit on his list?

Mr O'Dowd: I am more than happy to correspond with the Member in detail on both those projects, but I will say this: schools, managing authorities and boards of governors are presented with a number of obstacles before a new school build takes place. Anybody who has moved forward with a new housing development or a new house knows the problems faced in securing a building. Try multiplying that by 50 when you are talking about dealing with significant amounts of public funds, particularly in areas where amalgamations are taking place or there are proposals to move forward in that manner. A lot of the debate starts with the issue of how we secure the needs of individual schools. When you get past that debate, you get to the debate about how we amalgamate schools. You get past that debate, and then you get to the debate of where we are going to build the school. You then have to identify the site, agree a price for that site and move forward on all those things.

Many of the school projects that we have discussed here today are somewhere in that system. I encourage local MLAs to use their experience of and influence on how government

works to engage positively with boards of governors and advise them on the way forward. Sometimes, that advice has to be blunt. That is just the bottom line. In a process of negotiation, you always reach the point of decision-making, and I encourage schools to reach decisions quickly. If I have firm proposals and plans in front of me that include site identification, it is my job to match that plan against the money that we have moving forward.

Mr Sheehan: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire, agus cuirim fáilte roimh a ráiteas inniu. I welcome the Minister's statement about the new school builds and the boost that they will give to the construction industry over the next couple of years. I particularly welcome the investment in Coláiste Feirste in my West Belfast constituency and the announcement that St Gerard's Educational Resource Centre will move to the site of Balmoral High. I am sure that the Minister can attest that I and my colleague Paul Maskey have lobbied him at every opportunity.

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

Mr Sheehan: Is the newbuild for Bunscoil Bheann Mhadagáin, taken in conjunction with the investment in Coláiste Feirste, an indication of the Minister's continued commitment to Irish-medium education?

Mr O'Dowd: Each proposal stands on its own merits, but it is clear that Coláiste Feirste and Bunscoil Bheann Mhadagáin are core schools going into the future and that the Irish-medium sector is a strong and growing sector in our education system. We have a responsibility to back that up with investment. *[Interruption.]*

Mr Speaker: Order.

Mr O'Dowd: Another Member talked about the conditions in Bheann Mhadagáin, which are totally unacceptable, and a decision has been made to move forward. Coláiste Feirste has a long history of providing education in the west Belfast area. It is our only post-primary school in the Irish-medium sector — the only meánscoil. Everybody can be confident that it will be there in the future. Government now have a responsibility to back that up with investment. My announcement today is assurance that the Government have backed that up with investment.

Mr McGlone: Go raibh maith agat, a Cheann Comhairle, Gabhaim buíochas leis an Aire arís as ucht a chuid freagraí go nuige. I thank the Minister for his announcement. It will be of great benefit to the constituencies and schools that he mentioned. Going through the areas that have been listed, I note that Tyrone seems to be absent altogether. Could the Minister provide me with some detail on Holy Trinity secondary school? I visited Edendork Primary School on Friday, a school of very high standards and good —

Mr Speaker: I encourage the Member to finish.

Mr McGlone: Will the Minister, at some stage, provide me with details about those newbuild projects?

Mr O'Dowd: The Member will be aware that Lisanelly is in the heart of Omagh, which, I believe, is in the heart of Tyrone. *[Laughter.]* My colleague Barry McElduff reminds me of that quite often. I am aware of both projects the Member referred to. With regard to Holy Trinity, we await the conclusion of area planning and the discussions that have to take place in the Catholic sector with regard to that area. I am aware that media and private discussions are ongoing on all those matters. I am aware of most schools that Members have mentioned. I would like to be in a position to move them all forward. There are issues around each of the projects. If the Member wishes to write to me about Edendork or Holy Trinity, I will give him more details.

As I have said repeatedly to Members, I want to be in a position to make a further announcement in the autumn to move projects forward, regardless of what county they may be in.

Mr G Robinson: Although I welcome the news of the process to build a replacement school for Rossmar Special School in Limavady, which I have lobbied for, I am disappointed that the Mullburn and Harpur's Hill rebuilds in Coleraine have not been included in the Minister's statement. Will those schools be included in any future building programme?

Mr O'Dowd: Thank you for your comments in relation to Rossmar. I am aware that the Member has lobbied, as have other Members, for that school. I think that he has mentioned it every time I have stood here, which, in fairness, is his right. With regard to the other schools that he mentioned, I refer him to my previous answers. I do not have all the details in front of me today,

but I am confident that all schools have been thoroughly interrogated to see whether they are ready to go within the timescale that I have set out today. If they are not on the list, they are not ready to go within the timescale that I have set out. They are not at one or other stage of planning; they are not at one or other stage of the other concerns around viability or sustainability. None of those comments is specific to the two schools the Member mentioned. That is a broad generic answer for all schools. If the Member wishes to write to me, I will engage with him about both schools.

Mr Flanagan: Go raibh maith agat, a Cheann Comhairle. I welcome the Minister's statement. There will be much celebration in my county of Fermanagh at the plans for a newbuild for the Model, but there will be equal disappointment for Devenish College. I also welcome the clarity in the area planning process and the timeline that has been put in place. For those schools that are still involved in the area planning process, will any further funding be available for those that have not yet reached the end of the process and will move to the next stage on 5 July?

Mr O'Dowd: Area planning is a living process; it is ongoing. The proposals are going out to consultation on 5 July, and schools, parents, pupils and communities should engage fully in that process and make their views known.

I am not sure whether funding will be available for those schools. Is that in response to consultation or is it in response to infrastructure or with regard to maintenance? Any school that has specific needs and was not mentioned today should be examined by its education board or its managing authority, and if money needs to be spent on that school, we will have to match that against the budget available in the maintenance and other programmes. I would like to think that schools will avail themselves of the enhancement programme. I think that it is an exciting new proposal, which will facilitate the amalgamation of schools going into the future, and I hope that all schools will study very closely the information coming from my Department and make their decision about whether the enhancement programme is a facility of which they wish to avail themselves.

Mr Clarke: Like others, I welcome the statement on the one hand but am disappointed on the other. I have listened to the language used by the Minister in relation to maintenance

backlogs, viability and sustainability, and he has asked Members to write to him. Rather than write to you, can I ask you for an assurance? In some of the responses about schools that you have given my colleagues, you mentioned criteria such as maintenance. I want to take Parkhall as an example. Continually, we have problems with water running in and —

Mr Speaker: Please come to your question.

Mr Clarke: — with fire alarms, the split campus and the fact that it is the only controlled school in the Antrim area. Can the Minister give me an assurance about when a new school will be built on the site, given that it has had cross-community support from all political parties in that area?

Mr O'Dowd: The comment I made about maintenance was in respect of the specific issues relating to a deciding factor around a school moving forward, and not the deciding factor. The North Eastern Education and Library Board has published a consultation document on the way forward for schools in that area. It includes a proposal for the future of Parkhall. Originally, it was proposed that it would be for 11- to 16-year-olds; the new proposal suggests that it should be for 11- to 19-year-olds. I await the outcome of that consultation, the responses to it and its outworkings. Following receipt of those, we will move forward on a decision on when we will be in a position to announce funding for a newbuild at Parkhall.

Mr Elliott: I welcome the Minister's announcement of the newbuilds, particular for Ebrington and Foyle, which have been waiting for a long time, and the Model in Enniskillen. Obviously, Devenish is a huge disappointment. On that point, does the Minister accept some of the allegations that instead of putting capital funding into some schools, it is a mechanism of closing them by stealth?

Mr O'Dowd: No, I do not accept those allegations. Certainly, that is not the methodology of my Department with regard to these matters. A series of outstanding questions on the future provision of education in the Fermanagh area need to be answered. I believe that those can and should be answered through the area planning process. Various schools in the area are at different stages of planning. I am aware that a number of schools have, in recent times, submitted economic appraisals, etc. All those will be taken on their own merit. There is

certainly no agenda in my Department to deal with schools through stealth.

I have put my views on the record: we have too many schools in our society. However, I am not in a numbers game. Each school should be judged on its own merit, and each school should be judged on the basis of area planning and provision going into the future. That is the question that should be asked in Fermanagh or anywhere else.

Mr Allister: I am disappointed at the lack of progress for Ballymoney High School, but I greatly welcome the overdue developments in relation to Castle Tower special school in Ballymena. Can I press the Minister on that? He has set aside £21.8 million. He has said that his commitment is to advance the business cases and the design work necessary for those projects. Obviously, £21.8 million is for more than that. Can he assure us that the delivery will happen within this budgetary term and that that money will be spent in providing the new school? What is his best estimate of when that long-overdue project will be completed?

Mr O'Dowd: Today, I have announced three special educational needs projects in these circumstances. Arvalee will go onto the Lisanelly site and St Gerard's will move to Balmoral. I have set out my stall today on what I believe should happen in the future.

The most recent estimated cost of providing a school at Castle Tower was £21.8 million. Therefore, I have set that aside as a budgetary commitment. I do not believe that all that money will be spent in this budgetary period; I believe that such a project will go over two budgetary periods. However, I believe that what I have set out today is a commitment from the Department of Education that Castle Tower will be built, and that there is a requirement for it to be built. The timescale of that depends on a number of factors, such as business cases, economic appraisals, planning and land. I encourage local representatives in the north Antrim area to involve themselves in all those matters, to give guidance and assistance to the school and to keep pressure on the Department of Education and other managing authorities to make the building a reality.

I offer assurances today that I am committed to building Castle Tower School. Money is being set aside to complete it, because, as has been said in recent days, it is the right thing to do.

1.00 pm

Mr G Kelly: Gabhaim buíochas leis an Aire as a ráiteas inniu. I thank the Minister for his statement. Bunscoil Bheann Mhadagáin has been mentioned about six times so far, which is a sign of the work that is being done by the parents and teachers there to lobby many parties as well as the Minister. The word “vocation” is very seldom used these days, but it describes the type of work being done there. In respect of all 18 schools, I notice that you said that in the last quarter of this year and perhaps into next year all pre-build processes will have been gone through, so are we talking about turning sods?

Mr O’Dowd: Yes, the project is to turn sods in the time ahead. Each school will throw up complications, and unexpected developments always take place in any planning process, no matter what you do. However, my view is that we have to be in a position to start turning sods. As I said in response to another question, the key to success is to keep it simple and to keep focused on what we want to achieve, which is the provision of new school builds. At every stage of every project, somebody always comes up with a brighter idea or an idea to do something different, which will include a, b or c. It is the right of schools to bring that on board, but if a, b and c are going to delay the project, I would personally advise against it. My advice to all the schools is to let us get your schools built and get your pupils into suitable accommodation, and the Department of Education can move on to providing newbuilds to the other schools that have not been mentioned today.

Mr Agnew: I thank the Minister for the clarity and detail that he has given today, although I note that no schools in North Down are being progressed at this stage. The Minister will be aware of the needs of Central Integrated Primary School, having recently visited there. He will also be aware of proposals for the restructuring of the school estate in Holywood.

Turning to the schools enhancement programme, schools that may have hoped for a newbuild may now, given this announcement, think that the schools enhancement programme is a way forward. Will the Minister give us detail as to whether schools that avail themselves of the schools enhancement programme will find that detrimental to a future application for a newbuild?

Mr O’Dowd: It would depend on the circumstances pertaining to each project. If you were to spend £4 million on a school project, you would have to seriously think long and hard before you would move to provide that school with a newbuild in the near future. There is a wide range — between £500,000 and £4 million — available under this project, so each circumstance would have to be carefully thought out, and there would have to be a sound business case as to whether you would do that. However, my Department will be providing more information to schools in the time ahead, and boards of governors and managing authorities will have to make decisions on the best way forward for an individual school.

Mr Speaker: That ends questions to the Minister on his statement. I want to say a word of thanks to all Members who co-operated this morning. All Members who wanted to make a contribution were able to do so.

Executive Committee Business

Business Improvement Districts Bill: First Stage

Mr McCausland (The Minister for Social Development): I beg to introduce the Business Improvement Districts Bill [9/11-15], which is a Bill to make provision for business improvement districts and for connected purposes.

Bill passed First Stage and ordered to be printed.

Criminal Justice Bill: First Stage

Mr Ford (The Minister of Justice): I beg to introduce the Criminal Justice Bill [10/11-15], which is a Bill to amend the law relating to sex offender notification, sexual offences prevention orders and human trafficking and to provide for the destruction, retention, use and other regulation of certain fingerprints and DNA samples and profiles.

Bill passed First Stage and ordered to be printed.

Corporate Manslaughter and Corporate Homicide (2007 Act) (Commencement) Order (Northern Ireland) 2012

Mr Ford (The Minister of Justice): I beg to move

That the draft Corporate Manslaughter and Corporate Homicide (2007 Act) (Commencement) Order (Northern Ireland) 2012 be approved.

This motion covers the commencement of certain provisions of the Corporate Manslaughter and Corporate Homicide Act 2007. It is an important subject, as the objective of the provisions I propose to commence is to help to prevent deaths in custody and detention. The Corporate Manslaughter Act extends across the United Kingdom as a whole. Most of it came into operation in April 2008, when the new offence was commenced for all but one set of circumstances. Those are the circumstances in which someone's death occurred while he or she was in custody or detention. When the Bill was in Parliament, it was decided that providers of custody and detention services would be given an extended period of three to five years to make the necessary preparations. The equivalent provisions were commenced in Great Britain in September last year, and I would not wish the legal protections available in Northern Ireland to be any less than those in England, Scotland or Wales.

The proposed commencement order will mean that from 3 September this year, the offence of corporate manslaughter will apply to deaths in custody and detention in Northern Ireland. It will apply to deaths in the custody and detention of the Prison Service, police custody, court detention cells and the juvenile justice centre. It will also apply in the health service to secure accommodation for young people and patients detained under the Mental Health (Northern Ireland) Order 1986. Furthermore, it will include custody in the detention facilities of the armed forces and the customs and immigration wings of the UK Border Agency. My proposed commencement order will, therefore, cover all such facilities in Northern Ireland.

The new offence of corporate manslaughter has a number of important elements. It is committed when the way in which an organisation's activities are managed or organised causes a person's death and amounts to a gross breach of duty of care owed by the organisation to the

person who has died. So the focus is largely on the managerial actions of the organisation's senior management as a whole rather than on those of individuals, particularly those further down the organisation.

As Members will appreciate, the offence is complex. Basically, it is about failures of organisation and management, depending, as I said, on a gross breach of duty of care. As it is the body itself that would be prosecuted, the main penalty available on conviction for such a serious offence is not imprisonment but a fine. Courts also have powers to order the guilty organisation, first, to remedy the faults linked to the death, and secondly, to publicise not only its guilt but any fine imposed in any remedial action ordered. I stress that the Act does not alter any of the duties of care owed; indeed, there would be no point in setting standards that our custody and detention providers simply could not meet. The Act does not place any additional regulatory burdens. Rather, by removing a barrier to prosecution, it aims to get organisations to work harder to prevent deaths under their care.

I also point out that the offence of corporate manslaughter applies not only to private companies but to Crown bodies, and, exceptionally, there is no Crown immunity from prosecution for the offence. The proposed commencement order will mean that the relevant custodial organisations will, for the first time, face the potential of prosecution for deaths in their custody.

Along with custody providers across the UK, we have been preparing for the provisions to be commenced in Northern Ireland. Each of our custody providers has carried out a risk assessment, identified areas for attention and implemented work programmes of management, training and infrastructure development. Indeed, each of them has been implementing an ongoing health and safety improvement programme. The Prison Service faces the biggest challenge. It has also been updating its procedures for preventing suicide and self-harm. Clear guidance has been provided to staff regarding corporate, establishment and individual responsibilities for the provision of care to prisoners. Since the devolution of justice, responsibility for commencing the custody provisions of the Act in Northern Ireland falls to the Department of Justice under the draft affirmative procedure in the Assembly. The relevant justice agencies have confirmed

that they are now ready for commencement. The Health Minister, who has responsibility for secure facilities in the health sector, has also confirmed that the trusts are ready and that he is also content for the provisions to be commenced.

Members will acknowledge, as I do, that each death in custody is a profound tragedy, especially for that person's relatives and friends. Some recent incidents demonstrate only too well the challenges that we face. In a number of her reports, the Prisoner Ombudsman has expressed her concerns, which the Prison Service takes extremely seriously — and so do I. It is vital that the Prison Service continues to learn lessons from the ombudsman's reports by continually improving its policies, practices and facilities. I am determined that that process of continuous improvement is maintained.

Preventing deaths in custody has been, and will continue to be, challenging. Although I cannot guarantee that one day a prosecution for death in custody will not succeed, neither I nor our custody providers are complacent. The establishment of the new offence has already caused organisations to focus even more closely on their systems, procedures, facilities and training. They are much better prepared to prevent deaths in custody now than they were five years ago when the 2007 Act was passed. All of the organisations are continuing to invest in health and safety improvements.

I believe that the time is now right to bring that element into operation, and I therefore urge Members to support the motion.

Mr McCartney (The Deputy Chairperson of the Committee for Justice): Go raibh maith agat, a Cheann Comhairle, Tá mé ag labhairt thar ceann an Chathaoirligh inniu. I am speaking on behalf of the Committee, because the Chair of the Committee is unavailable. This is an issue that was discussed by the Committee. In June 2011, the Committee received an oral briefing by officials on the Department's proposal for an affirmative resolution statutory rule to bring into operation that part of the offence of corporate manslaughter that applies to duties of care owed to persons in custody or detention.

The Committee generally welcomed the proposal, which will help to ensure that systems are in place to prevent deaths in custody, but there were a number of areas where members wanted further information and clarification.

While noting that the Prison Service had conducted a risk assessment analysis and looked at its systems and procedures, the Committee raised questions regarding what implications there would have been in relation to deaths in custody in the past year if that Order had been in place. In response, officials highlighted the fact that, when the Corporate Manslaughter and Corporate Homicide Bill was going through the British Parliament in 2007, the view was taken that providers of custody and detention services needed time to prepare for the new offence coming into force. In preparation for commencement of the provision, the Prison Service had implemented work programmes on management, training and infrastructural development, and believed that it was as well placed as it was going to be for the Order coming in.

Following the briefing, the Committee agreed to seek the views of the Committee for Health, Social Services and Public Safety, as the proposal would also cover young people in secure accommodation and detained mental patients. The Health Committee subsequently confirmed that it was content that the Health and Social Care Board and the trusts were in a position to comply with the proposed provision. On 13 October 2011, the Justice Committee agreed that it was content with the proposal to commence that part of the offence of corporate manslaughter that applies to duties of care owed to persons in custody or detention.

Members also sought further details regarding the practical application of the legislation and, in particular, how the Public Prosecution Service would take a case against an organisation such as the Prison Service. Who would it be taken against — the organisation, senior managers or individual officials? In response, the Department clarified that, in relation to the Prison Service, the Department of Justice is the entity that would face prosecution. It also indicated that individuals may not be prosecuted under the 2007 Act. It applies only to the relevant organisations, which can only be guilty of the offence if the way in which their activities are managed or organised by their senior management is a substantial element in the gross breach of the duty of care.

The Department has now laid the statutory rule and, noting that there have been no changes to the policy content since the proposals were submitted to the Committee and that the

Assembly Examiner of Statutory Rules has no issues to raise with regard to the technical aspects of the rule, the Justice Committee agreed at its meeting on 7 June 2012 that it was content with the rule.

Having said that on behalf of the Committee, I have one or two brief comments to make on behalf of Sinn Féin. We obviously welcome the motion and the fact that the Minister is here today to table it. There was an obvious gap when the legislation was enacted, in that it did not apply to certain organisations. The idea of a five-year run-in was obviously accepted to give those organisations the opportunity to put the structures in place. Individual members raised issues around whether it would be individuals or the organisations. Members were reassured that, where organisations are subject to the provisions of the legislation, that does not and will not mean that, if there are individuals with individual cases to be answered, the legislation will be used as a cover-all to allow negligence to happen. In that respect, Sinn Féin supports the motion.

1.15 pm

Mr Weir: I will speak very briefly. I join others in welcoming the legislation. As has been indicated, it has taken some time to put this together. However, speaking as a Committee member, I can say that it was important for the Committee to ensure that we got this right and that it was effective. Consequently, as the focus has been on the Prison Service, the Committee wanted to ensure that what needed to be put in place has been put in place to ensure that there can be compliance with this.

It is welcome legislation. It is important that, for any of those in custody, there is a duty of care. That should mean that there is protection of those in custody. Although the focus has been on those in prison custody, as was indicated, the Committee worked with the Health Committee to ensure that those in secure accommodation are also afforded that duty of care. From that point of view, this should incentivise various state institutions and bodies to provide the proper protection for individuals. In a serious way, that will be very useful.

There was consensus on the issue. It is legislation that, in certain ways, we hope is never used. We hope that there will be no need for it to be used. However, it is important that the protection is put in place. Some of the

queries raised, particularly around who would be held responsible, were important. On some occasions, a death in custody can be attributed to the negligence of an individual. Often, however, the blame can be spread around. It is very difficult to have an action against an individual. That can act as a deterrent for people to be properly accountable. There can sometimes be system failures. Therefore, it is important that the body itself is held fully responsible. The responses we got were compatible with the purpose of the legislation, which will, we believe, provide a safeguard and shield to anybody in custody.

At this stage, on behalf of the DUP, I welcome the proposal.

Mr Gardiner: As one of the first to call for legislation for the offence of corporate manslaughter, I welcome today's developments. My interest in the subject was kindled in 2005, when one of my constituents, a young man from the Lurgan area who was just starting out in life, tragically lost his life on a construction site. That needless death, and all the human suffering that came with it, was a watershed for me. From that day on, I was determined not to rest until effective corporate manslaughter legislation was in place in the Province. I dedicate today's legislation to the memory of that young constituent. It may have taken seven years to get to today — indeed, everything in this place seems to take far too long, Mr Speaker — but at last, we are here.

Back in 2005, I said that fines alone are not enough to change attitudes in the construction industry. I make no apology for repeating that today. For people to take the death of workers on a site seriously, they have to feel that, individually, they will face a manslaughter charge. If they are proven to be negligent, juries should be asked to consider whether management failure caused or contributed to the death. On the basis of that finding, the Public Prosecution Service should determine whether individuals in the company should be prosecuted for manslaughter.

The average number of work-related deaths in Northern Ireland stands at 20 a year. The Assembly has a duty of care to its people. Where the construction industry, in particular, is concerned, that duty must be anchored in corporate manslaughter legislation that has teeth. I am pleased to contribute to the debate and to support the legislation.

Mr Dickson: I thank the Minister for outlining the legislation today. The Alliance Party welcomes the proposed extension of the legislation to Northern Ireland. As has been pointed out, the equivalent provisions were commenced in the rest of the United Kingdom last year. Although we do not normally wish to slavishly follow England and Wales, it is right that steps are taken to ensure that legal protection in Northern Ireland is no less than that in the other United Kingdom jurisdictions.

I would like to highlight that this legislation will give courts the opportunity not only to find organisations guilty where appropriate but to order them to take appropriate steps to remedy the faults that caused death. In other words, this is not simply about finding organisations guilty, making information public and imposing fines; it is about ensuring that any steps are taken to make sure that those failings do not happen again. That, indeed, is to be welcomed.

The Justice Committee sought and received assurances that the various agencies in Northern Ireland are now ready for the legislation to be commenced. I am reassured that the system, from the Department of Justice and the Department of Health, Social Services and Public Safety down, has approached the introduction in a measured and timely way. As the Minister outlined, the various custodial bodies have undertaken risk assessments and have made the necessary improvements to their health and safety regimes. In that sense, the legislation has already had an impact; indeed, Mr Weir pointed out that we do not really want to see this legislation having to be used for that area.

We must remember that we are talking not simply about the Prison Service but the health service, the UK Border Agency, the PSNI and others, so the challenge for each organisation is to make sure that the efforts that they have made to ensure their readiness for the new legislation is maintained and that this is not just a time-bound project that will end with the commencement of the legislation. I know that the Minister, through the safer custody forum that he chairs, will be maintaining vigilance on that.

As I said, the party welcomes the extension of the powers to Northern Ireland, commends the various organisations for the efforts that they have made in preparing for it and encourages them to maintain and renew the focus on preventing deaths in custody, which is a focus

that the proposed introduction of this legislation has brought about already. We support the motion.

Mr Elliott: We welcome the motion and the introduction of the legislation. It has been some time in the planning, but, obviously, we are getting there. We also welcome the opportunity to give those institutions and organisations the chance to make sure that they are ready for it.

There is one obvious concern that I have, and that involves the arguments, discussions and debates that may take place, if the legislation is enacted, about the duty of care and the protection of those who are in custody and detention. Clearly, I am assuming that there may be test cases at the start of the process to establish whether those organisations have been too relaxed in their duty of care. Perhaps the Minister could give us some indication about that and about how it might be dealt with at an early stage.

Mr Ford: Thank you very much, Mr Speaker, and I thank all those Members who participated in this important debate. I must say in passing that it sometimes seems that we can occupy a full hour and a half for relatively irrelevant Back Bench debates, but something like this, which has a significant input to the law of Northern Ireland, attracts a relatively muted response. On the one hand, that is because of the good work that was done between my officials and the Committee, but, on the other, it is disappointing that so little is said now that the legislation has come to the House.

I thank Raymond McCartney, in particular, for his remarks on behalf of the Committee. I do not need to repeat the information that he gave about the detail in which the Committee examined the proposal, the lengths it went to with my officials to ensure that its questions were answered and the co-operative working that was done with the Committee for Health, Social Services and Public Safety. All that, I believe, led to agreement in principle, because this is the right thing, and was seen to be the right thing, to do.

As Peter Weir said, it was, of course, correct that we took some time to get it right. That is because it is best that we get it right so that we can ensure that the legislation applies throughout.

I will make a couple of brief references to other Members' contributions. Sam Gardiner referred particularly to a death in the construction industry. However, the proposals relate solely to

custody, because provisions as far as they relate to employment deaths are already in place across the UK. Indeed, we have already seen a prosecution in Northern Ireland in that area.

I echo Stewart Dickson's point that perhaps one of the most important things will be not just that the court can make a fine but that it can order that defects be remedied and that the organisation give appropriate publicity to the defect and the remedy. That as much as anything will help to ensure that things are done properly.

However, I have to say to Tom Elliott that, although I appreciate the point that he makes about establishing what the appropriate duty of care is, I hope that we will not see courts give judgements on that. Rather, I hope that what we will see is the organisations carrying out the duties that they have committed to, in the same way in which they, in their work over the past few years with the Department, have committed to ensuring that the provisions are in place so that deaths in custody do not happen. There will be difficulties in the future at different levels, but I believe that we now have all the agencies ready and prepared. There are clearly risks to an organisation such as the Prison Service, which has to deal with the limitations of its estates, the pressures that it is under with prisoner numbers and the changes that it is going through. However, I believe that those risks are measured, and the fact that the offence is focused on systems rather than on individuals and requires a gross breach of a duty of care shows that the Prison Service, like other agencies, is capable of living up to its commitments at the moment.

Bringing into force the custody provisions of the Corporate Manslaughter and Corporate Homicide Act 2007 will not prevent all deaths from occurring, but they will act as a permanent, ever-present incentive to ensure that agencies improve the way in which they work and provide the best possible care to those in their custody. It is therefore time that we bring the standards in Northern Ireland up to the level of those that apply in the other two covered UK jurisdictions. I commend the motion to the House.

Question put and agreed to.

Resolved:

That the draft Corporate Manslaughter and Corporate Homicide (2007 Act) (Commencement) Order (Northern Ireland) 2012 be approved.

Race Relations Order 1997 (Amendment) Order (Northern Ireland) 2012

**Ms J McCann (Junior Minister, Office of the
First Minister and deputy First Minister):** I beg
to move

*That the draft Race Relations Order 1997
(Amendment) Order (Northern Ireland) 2012 be
approved.*

The order was laid in draft form before the Assembly on 17 April 2012. It will amend the Race Relations (NI) Order 1997 by addressing the issue of direct and indirect discrimination on the basis of nationality for European Economic Area (EEA) citizens and citizens of certain designated states in the matter of pay for seafarers. The order will remove the right of employers employing those seafarers to discriminate in their rates of pay on the basis on their nationality.

The amendments will prevent discrimination in seafarers' pay where the seafarer is ordinarily resident here, in the EEA or in one of the designated states with which the EU has signed agreements on the rights of migrant workers. The legislation will apply where a ship or hovercraft is registered to a port here and the legal relationship of the employment of the seafarer is located or closely linked to here. It will apply to workers from here and the EEA and to designated state workers where the ship operates wholly or partly here or in adjacent waters, and where it operates wholly outside our waters.

The amendments are required to the 1997 Order to bring us into line with EU obligations and are based on a reasoned opinion that the British Government received from Europe. That stated that, as a consequence of sections 8 and 9 of the Race Relations Act 1976 and articles 10 and 11 of the Race Relations Order 1997, which allowed for differential treatment of employees, they had failed in their obligations under article 45 of the Treaty on the Functioning of the EU (TFEU) and article 7.1 of regulation 1612/68.

1.30 pm

Article 11 of the 1997 Order allows for differential rates of pay to be paid to seafarers depending on the jurisdiction where they are recruited. These are regarded as indirectly discriminatory, and although applicable

irrespective of nationality, affect migrant workers, or the great majority of migrant workers. Our legislation is subject to article 226 proceedings under the treaty established in the EC, and accordingly, we need to change our Race Relations Order.

Formal consultation has taken place with the Equality Commission and with NICEM. This is in addition to consultation that has been undertaken in Britain with all the main shipping bodies, including ones that operate here. The legislation reflects the outcomes of those discussions.

The amendments proposed meet EU obligations. However, we are aware that each state in the EU deals with this differently, ranging from protections for all nationalities to more limited protections for EU citizens. We also recognise that some members of the Committee felt frustrated that they have not had adequate time to assess the implications of this change in legislation. However, we need to meet our EU obligations and enact this legislation.

In order to address the concerns of members who feel there has not been adequate time to examine the issue, we have asked officials to report back to us within six months on how the issue is dealt with in other EU states and on the implications of extending this legislation. We hope that will be brought forward within those six months, but in the meantime, there is a need to enact this legislation. I, therefore, commend the order to the House.

Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister): The Committee for the Office of the First Minister and deputy First Minister has spent some time considering this order. I will outline to the Assembly the scrutiny that the Committee has undertaken.

The Committee first considered the draft order at its meeting of 7 March 2012, when officials briefed the Committee that the order is required to ensure that Northern Ireland is not in contravention of EU law. The Equality Act 2010 has recently been amended to ensure compliance in Great Britain, as the Minister said. In the Department's SL1 letter of 27 February 2012 and the initial briefing by officials on 7 March, the Committee was advised that the total additional cost across all affected employers in Northern Ireland was estimated at £733,000 per annum. Although some members expressed reservations about the

additional costs to businesses, the Committee was mindful of the threat of enforcement proceedings by the European Commission and the desirability of removing the indirect discrimination in question. On that basis, the Committee agreed that it was content with the proposed rule, subject to the view of the Examiner of Statutory Rules. The Examiner's subsequent report raised no issues with the proposed order.

On 2 April 2012, the Department wrote to inform the Committee that the estimated total increase in wage costs had been revised upwards from £733,000 per annum to £6.36 million per annum, or £159,000 for each vessel registered in Northern Ireland. The Committee considered this information at its meeting on 18 April 2012, and given the scale of the increase in estimated costs, the Committee sought further clarification from the Department on what the real costs for the owners of vessels registered in Northern Ireland will be, including the fishing fleet, and any consultation with affected ship-owners here on the impact of the proposed changes.

At its meeting on 23 May 2012, the Committee was briefed by officials who indicated that they believed the figure of £6.36 million to be a much more robust estimate of increased costs than the previous estimate of £733,000. However, on a more definitive figure for additional costs to affected businesses, they said:

"I think that we would have grave difficulty. It is quite clear that the calculations of the Department for Transport in London have all sorts of caveats built in to say that it is impossible to say."

Officials also said that we were "on borrowed time" in the matter of infraction proceedings being taken by the EU.

Some members of the Committee saw the proposed order purely as a matter of protecting workers' rights while other members were mindful that enforcing those rights may threaten the future of our fishing industry. I say "may" because nobody seems to know. All members of the Committee were naturally concerned about the risk of infraction proceedings and potential fines.

In that context, the Committee wrote to Ministers to request further information on the reasons why OFMDFM did not choose to extend protection to seafarers from all nationalities; on the estimated costs of extending the

protection to all nationalities and how they were calculated; how other EU regions have complied with the treaty obligation in question; and the timescale for possible infraction proceedings. The Committee emphasised its concern about the risk of possible infraction proceedings and fines and requested the information for consideration at its meeting of 30 May. The Ministers' response was available for the Committee to consider at that meeting, and departmental officials advised the Committee that, in relation to EU infraction proceedings:

"we are very close to infraction territory."

The Committee was also advised that the increase in annual wage costs for extending protection to all nationalities, as opposed to EEA members and treaty states, was estimated to be £21.48 million. Officials advised:

"OFMDFM decided, as did the Department for Transport in England, that a balance needed to be struck between the costs that we imposed on our domestic shipping industry and the rights of workers who were not EEA nationals or nationals of designated states. To have gone beyond what EU law strictly required would have resulted in Northern Ireland shipping being placed at an additional competitive disadvantage."

The Committee discussed the desirability of protecting the rights of all workers and the possible effect that enforcing those rights and the more limited extension in the proposed order might pose to the local fishing industry in Northern Ireland. Some Committee members believed that a decision could be postponed while further time was requested from the European Commission to consult on the options for wider protection. Others were clear that they would not support wider protection when competing businesses in other states may not have to bear the costs involved in providing that level of protection. A majority of Committee members considered the risk of infraction proceedings and possible fines to be too great to postpone a decision and agreed to recommend that the draft amendment order be affirmed by the Assembly.

The Committee subsequently wrote to the Committee for Enterprise, Trade and Investment and the Committee for Agriculture and Rural Development to make them aware of the possible impact of the draft order on businesses within the remit of their respective Departments. The Committee also wrote to

OFMDFM to ask for clarification on what further steps officials intend to take in three areas. Those were the impact of the order on affected businesses in Northern Ireland; how other EU member states had complied with the relevant obligation; and whether protection could be extended further.

In conclusion, I think the process would have been improved if there had been more timely action, which would have avoided the need to legislate under the threat of infraction proceedings; more consultation with those directly affected; estimates of costs, across a range of options protecting seafarers from discrimination, which the Committee could have had more confidence in; and more information on how other regions have achieved compliance and on the level of protection across regions.

I now wish to speak from a personal perspective and to give my viewpoint. We were dealing with what was put to us as a pure rights issue and how, for example, you could justify telling two people who are doing the same job on the same boat that they would be paid different hourly wages. However, the draft order does not go far enough and does not include all nationalities. Against that, there were those of us who realised that those rights come at a cost. I have outlined some of the costs, and it was put to us by officials at one point that if infraction proceedings were launched, the fine would be in the order of 0.5% of the UK's gross domestic product per day. That would have seen the block grant run out within a working week. That estimate was severely revised, but my point is that no truly robust figures, in which we could have total confidence, were put to the Committee.

The Committee proposes that we adopt the draft order. However, the irony is that a rights-based issue has been determined by a concern for money. That is not even the money that we propose to pay to seafarers but a fear of the money that would be taken off us by the European Union through fines if it were to launch infraction proceedings.

Finally, I want to emphasise again that much of it comes back to the timelines. This could have been done much earlier, the problems could have been identified much more quickly and solutions could have been sought in a timely manner.

Mr Humphrey: I thank the Minister for her statement to the House. The Minister moved that the draft Race Relations Order 1997

(Amendment) Order (Northern Ireland) 2012 be approved. As the Minister stated, the amendment to the order addresses the issue of direct and indirect discrimination by nationality in respect of seafarers who are EEA citizens or citizens of certain states outside of the EEA. The legislation will, of course, apply to ships that are registered in a port in Northern Ireland. However, it will also apply to EEA workers on ships that operate in our waters or neighbouring waters.

As colleagues on the Committee will recall very clearly, our national Government received this opinion in January 2011. Sadly, the United Kingdom has been negligent in its obligations under article 45. Article 11 of the Race Relations Order facilitated pay differentials, depending on the jurisdiction in which seafarers were recruited. There has been considerable consultation on the mainland and across the United Kingdom with UK-wide shipping bodies. There inevitably will be additional costs if we gilt-edge legislation. Those costs would be immensely damaging and prohibitive for the shipping industry. It is estimated that £29 million for the UK and somewhere in the region of £6.3 million for Northern Ireland in infraction costs may be incurred.

The DUP believes that the amendments are balanced in that they meet EU obligations and minimise the burden on our shipping industry. Some Members and some parties in this House would perhaps seek to go further. However, it is our view that going further would simply be gold-plating legislation that will render Northern Ireland fishing less competitive and at a greater disadvantage in the United Kingdom and across the European Union. It is the view of the Democratic Unionist Party that doing so could cost jobs, see fishing vessels repatriating to ports on the mainland and effectively destroy local ports like Kilkeel, Portavogie and Ardglass. There would also be huge implications for the food-processing industry. An example would be the prawn-processing industry in Northern Ireland, which exports prawn to places as far away as Japan and the Middle East. That, of course, would be totally destroyed if we were to go as far Europe wants us to go.

As members of the Committee for the Office of the First Minister and deputy First Minister will recall, and as I have mentioned, our national Government were aware of this serious breach of European Union legislation in January 2011, and nothing was done. Clearly, officials

in OFMDFM sat on this issue for some 18 months, and we are now in danger of infraction proceedings. That is most regrettable, and it is simply not acceptable or good enough.

This legislation is necessary to bring us in line with EU law, but the DUP believes that the proposed amendment is a minimum. It always seems that the United Kingdom is very keen on maximising legislation to do with Europe to the nth degree and gold-plating or gilt-edging that legislation, while, ironically, those who are more pro-European in the European Union manage at times to get away with thumbing their nose at Europe and turning their back on legislation or protocols.

In short, we will support the amendment, but we will not go any further so as not to damage or disadvantage the Ulster fishing industry and, more importantly, those employed within it.

Ms Ruane: Cuirim fáilte roimh an dÍospóireacht agus roimh Jennifer McCann agus í ag labhairt don chéad uair mar ár nAire nua sa Seomra. I welcome the debate and Jennifer McCann, who is speaking in the House as junior Minister for the first time. It is good to have her here.

As other Members have said, the Committee for the Office of the First Minister and deputy First Minister — I speak as a member of that Committee — had major discussions on this issue. The Equality Commission, in its guidance for employers, states:

“The general rule is that when recruiting staff you should treat migrant workers in the same way as you treat local persons who apply to work for you.”

I agree with that statement. We should not have a situation where workers from some countries, whether they work on a boat, in a hotel or in a hospital, are paid less than workers who happen to be born in a country that is a member of the European Union or the European Union area. Our job is to protect vulnerable workers. Our job is also to protect our fishing industry, and the best way to do that is to have an industry that treats its workers fairly.

1.45 pm

Many of our migrant workers are low paid, and in many cases, they were employed as agency staff in their own countries. Department for Employment and Learning research in 2009 shows that there were 270 recruitment agencies in the North of Ireland through which

more than 22,000 individuals were employed on a temporary basis. There are no accurate statistics on the breakdown of workers, their country of origin or immigration status. We know from research published in 2007 that an increasing number of migrants were seeking work in the North of Ireland through recruitment agencies, and a growing number of employers were recognising the employment of migrant workers as routine.

Research by the Equality Commission into the role of the recruitment sector in the employment of migrant workers found that many workers had different terms and conditions of pay, worked at the minimum wage and at irregular hours, had little job security and had language and communication issues. Research by NICEM found that 46% of respondents had experienced racial harassment. I suspect that that figure is much higher. Many of our migrant workers keep their heads down because they feel very vulnerable.

We have 535 full-time and 113 part-time seafarers employed in our sea fishing industry. We do not have a correct breakdown of that in our system. Some sources estimate that around 160 Filipino fishermen work in the North. Reports by the Law Centre and NICEM noted the physical and verbal abuse of migrant fishermen, extremely poor working conditions, poor and erratic payment, lack of safety concerns and coercion.

The EU race directive applies the principle of non-discrimination broadly without exceptions for agency workers. We made the point in Committee that we believe that all workers should be treated fairly, and the best option is for all non-nationals to be included, not just European Union area nationals. The Committee Chair gave us a rundown on what happened in Committee, but the issue actually went to a vote, with the Committee split down the middle. In fact, a member of the Chairperson’s party voted with us that we should go back to the EU to say that we would like to go further.

Mr Clarke: Will the Member give way?

Ms Ruane: Yes.

Mr Clarke: The Member makes a valid point about the Division in Committee. However, the, albeit late, advice that we had on the order was that that stalling tactic could incur infractional fines. However, there is a possibility in the future of amending the legislation if there is a requirement for us to do so.

Ms Ruane: Gabhaim buíochas leis an Chomhalta. I thank the Member for that intervention. None of us wants infractions, and we do not want our hard-earned money going to pay infraction fines. I suppose the best thing would be to ensure that we do not deal with such legislation at a late stage. However, we believe that it is important that we come back within six months, and I welcome the junior Minister's statement on that. We want a report in six months' time. We want further —

Mr Humphrey: Will the Member give way?

Ms Ruane: Sorry, I have given way. If I could finish this point, I would be happy to give way.

We want a report, and we want to see what other European countries are doing. I welcome the fact that the South of Ireland is including all non-nationals in its legislation. I want us to do the same, because I do not put a cost on rights. If it were your child or my child, we would not put a cost on rights. Our Members and I will engage with my Committee colleagues on the issue.

'The Irish Times' recently named Brazil as one of the fastest-growing economies. We hear a lot about the BRIC — Brazil, Russia, India and China — countries from all our Ministers. The Brazilian economy is one of the fastest growing, and one of the reasons for that, I believe, is that the Brazilians are putting equality measures in place and measures to support families. I welcome that we are trying to do the same.

I am not approaching the debate in a negative way. I want to engage with my colleagues from all parties over the next six months so that we can take a good, hard look at this and have input into the report.

Mr Humphrey: I am grateful to the Member for giving way. I welcome her comments about human rights. Some of us have been consistent in our support for human rights. She will remember that, at the Committee, we could not get clarification on the points that she has just mentioned about the protections given to workers by the Republic of Ireland's Government. Furthermore, the delay is nothing to do with the Assembly. It was because departmental officials — not politicians — sat on this for a year and a half. The Committee was left with a Hobson's choice to either vote one week or the next; either way, we were going to be faced with infraction proceedings from Europe.

Ms Ruane: I thank the Member for that. Actually, the Committee did get information about the South of Ireland in time. I remember that Sinn Féin and the DUP asked for that information, and we got it. The information that we got was that the legislation in the South of Ireland covers all non-nationals.

We are where we are. I welcome the fact that some workers will have better conditions now, but I worry about people from other countries who have come to make their lives in Ireland. They work hard on boats, and I want to see that their rights are protected. Our party will do everything it can to ensure that that happens. I ask the other parties to work us in doing that, whether those workers are fishermen or fisherwomen, whether they are nurses or whether they are in the catering industry, etc.

I have no doubt that the Committee will discuss this issue at the earliest opportunity, and I look forward to that.

Mr Lyttle: I welcome the introduction of the order by the junior Minister, and I am grateful to the Chairperson of the Committee for the Office of the First Minister and deputy First Minister for putting forward the Committee's position on the order.

I, too, recognise the need for urgency on this matter in order to avoid infraction proceedings being taken by the EU, but I note with some concern that Mr Humphrey seemed to reduce racial equality to gold-plating, as well as his blaming of officials of the Department for which his party has responsibility.

I welcome Ms Ruane's defence of equality for all migrant workers, but it begs the question of why her party did not use the Office of the First Minister and deputy First Minister to act more comprehensively on this particular occasion.

I put on record the Alliance Party's view that the Assembly needs to look further at extending the provisions of the order to all nationalities, and I welcome the junior Minister's commitment to report on the issue within six months. I look forward to giving further consideration to the issue at Committee level.

Mr D McIlveen: I speak not as a member of the Committee, but as outgoing chair of the all-party group on ethnic minorities. For that reason, I want to make a very short contribution to the debate.

First, I want to pay tribute to the junior Ministers, who have been involved in this matter. Having spoken to a number of ethnic minority communities in Northern Ireland, there is a general recognition that a positive approach has been taken. I accept that, on this issue, some misinformation has been passed around, particularly among officials. Although that is regrettable, we are human and these things happen. We have to accept that we are where we are in that regard.

This is an implementation of a European directive. It is right and proper that we follow that, and it would be very unwise of us to sleepwalk towards infraction proceedings on this issue. I fully support endorsement of the order.

I accept that there is concern about people from outside the European Union. A recent piece of research by the Filipino community in Northern Ireland showed that there are certainly concerns about the way in which employees in all sectors, not just fishing but many of the sectors in which Filipino workers are involved, were treated in relation to racism, and so on.

We have to accept that legislation for legislation's sake is not a wise way forward. I certainly do not endorse legislating in that regard. A more cross-departmental approach needs to be taken; there needs to be engagement with DEL and DETI. There has to be a mindset change around how we treat foreign workers. I am not sure that legislation will make all the problems disappear. In fact, it may add to the problem rather than assuage it. We have to accept that, historically, our ethnic minority communities have probably been the more quiet communities when it comes to raising their voice about issues, particularly around housing and employment. It is only now that we are starting to see people from ethnic minority communities coming forward and raising those very real concerns with us. We have to be very aware of what we are dealing with. Legislation is not the way forward. There has to be further engagement with employers to ensure that workers' rights are ultimately being protected.

We also have to be very careful to remember that the migration targets and figures are set very much around the existing legislation. I would not want to see legislation being put in place that would force Her Majesty's Government to look at the amount of immigrants that we are allowing in to the country. That

would not be a particularly advantageous position to find ourselves in.

We have to be very careful when it comes to legislation. I encourage closer engagement with employers, particularly in the fishing industry. We should support them and ensure that whatever can be done to make sure that workers' rights are protected is done.

Ms J McCann: Go raibh maith agat, Mr Speaker. I thank colleagues and fellow Members for their comments today. We recognise the concerns that have been expressed by various Members, but we stress that there is no doubt that we will be fined by the EU if we do not pass the legislation.

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

We have taken on board the various points that were made by Members, and we will look at them closely and examine the implications of acting on them very carefully. Mike Nesbitt, the Chair of the Committee, highlighted the different views of the Committee. He talked about the Committee's concern about the infraction costs. He also mentioned the other costs around extending the protection rights, and he commented on the problem with the timelines.

William Humphrey suggested that including other nationalities would cost jobs and would impact on the fishing industry as a whole. Caitríona Ruane outlined the view that the best way to protect the fishing industry is to treat workers fairly and to protect their rights. She said that the best option in that regard would be to include all nationalities. Chris Lytle recognised the urgency of the order. He welcomed the commitment to come back here in six months to look at how we can take it forward, if that is possible. David McIlveen also supported the order. He mentioned the need for a more cross-departmental approach to the whole issue and closer engagement with employers.

Having listened to all the Members who spoke, we will take the issues on board. I commend the House for affirming the order, and I look forward to further positive progress on racial equality.

Question put and agreed to.

Resolved:

That the draft Race Relations Order 1997 (Amendment) Order (Northern Ireland) 2012 be approved.

2.00 pm

Inquiry into Historical Institutional Abuse Bill: Second Stage

Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister): I beg to move

That the Second Stage of the Inquiry into Historical Institutional Abuse Bill [NIA 7/11-15] be agreed.

There cannot be a single soul present in the House, whether here on the Benches or above us in the Public Gallery, who has not been touched by the agony of human suffering that has brought us here today. I can say with confidence that the hearts of the people of Northern Ireland have been moved by the experiences brought to light in recent years by the victims and survivors of institutional abuse. It is a difficult subject for many of us to comprehend, let alone stomach. It draws out differing emotions but never indifference.

The parties are as one on this issue, and the people of Northern Ireland are fully behind this Assembly and Administration in the search for a means to help those who have suffered so much for so long. Throughout this process, the advice and support of victims and survivors has been crucial to our progress. On behalf of the First Minister, the deputy First Minister and the Ministers of the Executive, I want formally to record our gratitude. I also want to thank Martina Anderson for her very significant efforts.

This Bill is specific to the inquiry into historical institutional abuse. To explain the Bill, I will start by saying a little about the inquiry itself. I will then talk about the provisions of the Bill, which are designed to facilitate the inquiry. In December 2010, the Executive established an interdepartmental task force to consider the nature of an inquiry and to recommend how it could be taken forward. The task force consulted victims and survivors, including at open meetings in Belfast, Londonderry and Armagh. It talked to people who had managed inquiries in Ireland and Scotland. Having considered the task force report, the Executive announced in September 2011 that an inquiry would be set up. Junior Minister Anderson and I remained in regular contact with victims and survivors as we refined and developed proposals for the inquiry and finalised its terms of reference. On 31 May, the First Minister and deputy First Minister laid a statement in this Assembly setting out the

terms of reference for the inquiry and announcing the inquiry chair and four inquiry panel members. We are very pleased that Sir Anthony Hart, the former High Court judge, has agreed to chair and direct the inquiry.

The inquiry will have two main elements: an acknowledgement forum and the judicial inquiry process. The inquiry will make findings and recommendations on four issues. The first of those is whether there were systemic failings by the state or institutions in their duties towards those children under 18 for whom they provided residential care between 1945 and 1995, both years inclusive. In this context, an institution is any body, society or organisation with responsibility for the care, health or welfare of children in Northern Ireland that provided residential accommodation and took decisions about, and made provision for, the day-to-day care of children. The definition includes orphanages, children's homes, borstals and training schools. It excludes boarding schools, holiday camps and other situations in which parents or guardians maintain responsibility for the care of children.

Secondly, the inquiry will make findings and recommendations on an apology; that is, who should make the apology and what the nature of the apology should be. The third issue is an appropriate memorial or tribute to those who suffered abuse. The fourth issue is the requirement or desirability for redress to be provided by either the institutions or the Executive to meet the particular needs of victims. The inquiry's findings and recommendations will be thoroughly considered by the Executive, and the Executive will decide the way forward.

In our consultations with them, victims and survivors told us that they wanted the opportunity to recount their experiences of the institutions and for those to be heard, believed and acknowledged. That is why the inquiry includes a confidential acknowledgement forum. That will be an opportunity for victims and survivors to talk about their childhoods in the institutions, how they were treated and what they endured. Many victims and survivors never talk about their experiences. For some, not even their own families know their stories. For them and for all who come forward, talking to the forum will be a landmark in their life. The opportunity to talk, be heard and be acknowledged is hugely valuable. The acknowledgement forum also has

other benefits, and analysis of information derived from its hearings will help to inform a judicial process of inquiry. The acknowledgement forum report, when published, will be a significant testimony.

The success of the forum and the value of the experience depends on the skills and insights of the listening panel members. That is why we are pleased that Beverley Clarke, Norah Gibbons, Dave Marshall and Tom Shaw have agreed to be the acknowledgement forum panel members. Ms Gibbons was a commissioner in the Ryan inquiry, and Mr Shaw led the Time to be Heard investigation in Scotland. Ms Clarke has wide experience of social work and childcare, and Mr Marshall is a consultant in the field of child safeguarding, investigation and management.

The inquiry will need to understand the conditions that prevailed for children here between 1945 and 1995. Inquiry panel members will also want to know about the legislative framework within which children's care was delivered and about inspection and standards. There will, therefore, be a research element to the inquiry. The inquiry also includes a judicial inquiry process that will be led personally by the chairman. That will use information from the acknowledgement forum, research and other sources to build up a picture of what happened in the institutions. It is designed to be inquisitorial, and its end result will be a formal report to the First Minister and deputy First Minister giving the chairman's findings and recommendations. At all times during the inquiry, whether during the acknowledgement forum or the judicial process, concern about victims and survivors, their experiences and needs are at the heart of the thinking.

I will now turn to the Bill. It has 23 clauses, of which 17 are substantive. So, it is relatively short. The Bill enables the Office of the First Minister and deputy First Minister to establish and devote resources to an inquiry into historical institutional abuse. It sets out the expenses that OFMDFM may cover and circumstances in which funding may be withheld. OFMDFM is the sponsor Department for the inquiry, so the first thing that the Bill does is to give OFMDFM the power to establish the inquiry. Clauses 1 to 5 deal with all the practicalities around appointments.

The Bill ties itself very clearly to the inquiry by referring to the terms of reference that were announced in the Assembly on 31 May. It makes

it clear that it is not about making findings of criminal or civil responsibility. The power to set up the inquiry is given in clause 1, and clause 5 indicates when the inquiry will end. Clause 5 states that the inquiry will end once it has produced its report and fulfilled its terms of reference. That having been said, it provides for the First Minister and deputy First Minister acting jointly to issue a notice ending the inquiry earlier than this if it were deemed to be necessary. It sets how this should be done.

Clauses 6 to 10 bestow on the presiding member the powers that he needs to ensure the effectiveness of the inquiry. Clause 6 deals with procedure and evidence and sets the tone for the inquiry. It requires the chairman to have concern throughout the inquiry for the principle of fairness and to have due regard for the need to avoid unnecessary expense. It could be unnecessary expense to the public purse, but, equally, it could be to a witness or to anyone else. This means that fairness and cost are legitimate factors to be taken into account when the chairman is making and carrying out his plans for the inquiry. Every decision to hold a hearing, to call for evidence or to grant legal representation adds to the cost of the inquiry. Clause 6 allows the presiding officer to take account of cost in decision-making and to justify a decision on the grounds of cost. Clause 6 also provides that the chairman can take evidence under oath and, for that purpose, the chairman may administer oaths.

The inquisitorial element of the inquiry is a public inquiry, and the public will have a legitimate interest in its proceedings. Clause 7, therefore, requires the presiding member to take whatever steps he considers reasonable to ensure that the public and the press can see and hear the inquiry proceedings. That having been said, there will be times when an individual's privacy must be respected, so clause 8 gives the presiding member the power to make orders restricting attendance at the inquiry or any part of it. Similarly, he will have the power to make orders restricting the disclosure of information held by the inquiry. Unless the chairman includes an end date in an order to restrict the disclosure of evidence or unless he varies or revokes the order, it will continue indefinitely. However, after the end of the inquiry, circumstances may change so that the restriction is no longer needed. Clause 8, therefore, allows for OFMDFM to vary or to revoke restriction orders after the end of the inquiry.

The inquiry will wish to call witnesses to answer questions about the events of the time or to hand over evidence, and it is anticipated that they will do so. However, some may be unwilling to. Others may feel unable to because of confidentiality issues. Clause 9, therefore, enables the presiding member to issue notices compelling witnesses to come before the inquiry or compelling evidence to be given to it. It is an offence under clause 13 not to comply with a restriction order issued by the chairman or a notice compelling witnesses or evidence. Where there is non-compliance, only the presiding member may institute proceedings. Clause 13 also makes it an offence to deliberately do anything to distort, alter or conceal evidence that is likely to be of interest to the inquiry. This applies regardless of whether or not the inquiry is aware of the evidence. Anyone who is found guilty of an offence may be liable to a level 3 fine on the standard scale, which currently sits at £1,000, to six months' imprisonment or to both. OFMDFM sponsors the inquiry, so clauses 11 and 12 set out OFMDFM's responsibilities for meeting the inquiry costs.

2.15 pm

Clause 11 enables OFMDFM to meet witness expenses, including compensating people for time lost if they are called to speak to the inquiry, for their travelling expenses and to cover legal expenses for certain witnesses. Clause 12 enables OFMDFM to deal with the expenses associated with running the inquiry. This will all be in the public domain, as clause 12 also dictates that OFMDFM must publish how much it has spent within a reasonable period of the inquiry ending. OFMDFM is not obliged to fund the inquiry if it is operating outside its terms of reference.

The Act will come into effect on the day that the legislation is commenced; that is, the day after it receives Royal Assent. However, the acknowledgement forum can start its work before that and is expected to begin in the autumn. This inquiry is expected to take three years from the commencement date of the Bill. It will take two and a half years to complete the investigative work and a further six months for the chairman to write the inquiry report, setting out the findings and recommendations. The inquiry ends when the report is presented to the First Minister and deputy First Minister and the terms of reference are completed.

It has been said that a major event in a child's life is a major event in that child's world and that, when adulthood is reached, whatever that event was will have the capacity to assume global proportions. I think that, in this particular case, that wisdom has been proved beyond all doubt.

Mr Deputy Speaker: I advise Members that we will have to interrupt the session at 2.30 pm for Question Time.

Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister): I thank the Minister for those remarks. I will speak first as Chair of the Committee.

The Committee for the Office of the First Minister and deputy First Minister has had limited opportunity to consider the Bill and, to date, insufficient time to determine its position on the Bill prior to the Second Stage debate. The Committee facilitated a briefing on the Bill from OFMDFM officials, which was done, at short notice, on 6 June this year. During that session, officials provided us with a first overview of the inquiry, the different strands of its work and how the Bill will facilitate the inquiry. Committee members also had an opportunity to ask questions, and I will leave it to individual members to comment on their questions to officials and the answers that they received at that first briefing.

During the Committee Stage, the Committee will wish to scrutinise in some detail the arrangements that are envisaged for this important inquiry. To that end, the Committee will be briefed by departmental officials tomorrow morning — the anticipated first day of the Committee Stage — on the consultation that OFMDFM carried out in preparing for the inquiry and in drafting the Bill. The Committee will also have an initial briefing on the Bill from the Assembly Research and Information Service. On 4 July, the Chairperson of the inquiry, Sir Anthony Hart, will come to brief the Committee, and we look forward to hearing from him.

In addition to wishing to hear about the Department's consultation, the Committee has written to key stakeholders seeking their comments on the Bill. Once the Committee Stage begins, a notice in the regional newspapers will also invite comments on the Bill. We will request responses by 27 July, and, over the summer, we will schedule evidence sessions for the Committee's meetings in

September. In light of the evidence that it receives, the Committee will consider whether it will be necessary to seek an extension to the Committee Stage. That concludes my remarks as Chair of the Committee. As I said, to date, we have had limited opportunity to debate what is proposed.

I would like to say a few words as a Member of the House, and as a Member with some experience of victims and survivors; of their needs, their issues and their requirements of the House. I speak not just as a former commissioner in the Commission for Victims and Survivors. Before that, it was my privilege and challenge, as a journalist, to work in the team at Ulster Television that investigated Father Brendan Smyth and gave some comfort to some of the survivors of his abuse by giving them access to public services and, indeed, to the airwaves. It is a big challenge. For example, I interacted with one person who wished to go on television and have a media focus on what had happened to him, but he did not want to be identified. He wanted to use a false name and be filmed in shadow or from behind. He was brave enough to appear once on a live television debate, which included a Minister from the Irish Government and several others. He was prepared to sit in that live television studio with a camera shooting him from behind so that his face was not identified, trusting me to remember to use his false name — his television name rather than his real name — although, by then, I was much more used to calling him by his actual name. He had the bravery to appear and put his points to that Minister from Dublin and others who represented statutory services on both sides of the border. We managed to do that while preserving his anonymity and giving him access to all the services that you or I would wish to avail off as a citizen of this country.

There is a difference between being abused by an institution and being abused by an individual. When individuals are abused by an institution, they have nobody to turn to. When they are abused by an individual, who do they turn to? They turn to an institution; they turn to the state or an organ of the state, or some official body in which they have been encouraged since childhood to place their trust. That is the difference between abuse by an individual and abuse by an institution. It is an abuse of trust as well. There is nowhere there for them to turn to. Their world order is shattered. At the first hint that the institution is not there for them,

that it is going to form the wagons into a circle, that it does not care about them as much as it cares about itself, victims often feel doubly victimised. They are victimised in the first place by the event or action, but then they are doubly victimised by the institution's failure to address their concerns and to put its hands up and admit that it has let them down and that it is prepared to do whatever it takes, at whatever cost to the institution, to put things right.

I hope that we will put together a set of arrangements, an environment and a set of circumstances in the Bill that will allow those who have been abused and who wish to come forward to have trust in what is happening and to acknowledge that what is being put in place is transparent, that it is easily understood, and that it is something in which they can place the confidence that was shattered on the day that they were abused by an institution — an institution like the House, the Assembly and the Executive: we are all institutions. That process will begin with consulting. To that extent, I applaud the Minister and the Department for consulting to date. I hope that they continue to consult, and I hope that they continue to listen as we take the process forward.

We have some issues with the content of the Bill: for example, the fact that the terms of reference are not in the legislation but were delivered in a ministerial statement on 31 May, and yet the terms of reference can be amended in the legislation, as that power is given to the First Minister and deputy first Minister. My colleague John McCallister will return to some of that detail later.

We welcome the multi-strand approach proposed in the Bill to address the needs of the victims of institutional abuse. I particularly welcome the Acknowledgment Forum. Often, when we talk of victims and survivors, we talk of the benefits and the advantages of storytelling. There is no doubt that an individual can take great comfort from being able, in a safe and secure environment, perhaps for the first time in 10, 20, 30 or 40 years, to have the facility to tell their story and, in common parlance, get it off their chest. I put it to you, Mr Deputy Speaker, that that is not really the full benefit. Storytelling is of real benefit to a victim or a survivor only if there is somebody listening. So, when we talk about storytelling, we must make sure that it is done in such a way that it is listened to, respected and acknowledged.

As many of us know, a victim and a survivor often feel guilt. They think, "Why me? Why them? Why did I survive?" Sometimes, those issues can be played out in a body such as an acknowledgement forum.

I hope that the Bill will also set in place a process that will address all the issues, because victims of institutional abuse are no different from victims of any other type of abuse. Their needs are different; they are individual people; they are not a homogeneous group. They are grouped together simply because of a horrific set of circumstances that they share, and their grouping does not reflect personality traits or any other issue by which they would, otherwise, not have been bound together.

I hope that the Bill puts in place processes that address mental health and well-being issues. All of us can acknowledge how abuse by an institution could impact on mental health and well-being, as it could on social inclusion, because many victims and survivors of institutional abuse will live in isolation, because their trust and confidence in the state, the state's agents and the other bodies that make up the country have been broken.

I hope that it also addresses the question of, what I call, lost opportunities, because the victims will have lost opportunities in relationship building with their families, friends, colleagues and society. There will be lost opportunities in education, which we can put right, if we put our minds to it, and there will be lost opportunities in employment. Let us not forget that that is not a historical matter only. The lost opportunities of somebody, who, otherwise would have been in a highly paid job and building up pension contributions, will carry on into the future and after the age of retirement.

I mentioned storytelling, and I think that that is key and critical to what we are trying to achieve.

Finally, there is a matter of compensation; a thorny matter perhaps, but the House should not deny the fact that some victims and survivors will consider financial recompense to be their key requirement. We must bear all those matters in mind as we go forward.

I look forward to further scrutinising the Bill in its further stages in the House and in the Committee for the Office of the First Minister and deputy First Minister.

Mr Deputy Speaker: Members, as Question Time is due to commence at 2:30 pm, I ask you to take your ease for a few moments. We will return to this debate immediately after questions for urgent oral answer, which will follow Question Time. William Humphrey will be the first Member to speak when the debate resumes.

The debate stood suspended.

2.30 pm

Oral Answers to Questions

Justice

Agricrime

1. **Mr Dunne** asked the Minister of Justice what plans he has to tackle the problem of agricrime in rural communities. (AQO 2224/11-15)

5. **Mr Irwin** asked the Minister of Justice how many people have been charged, prosecuted or convicted for the theft of agricultural machinery in the last 12 months. (AQO 2228/11-15)

Mr Ford (The Minister of Justice): With your permission, Mr Deputy Speaker, I will take questions 1 and 5 together.

Building safer rural communities is an important issue for my Department, and tackling the issue relies on strong partnership working across and beyond government. I will shortly launch a new community safety strategy, which will outline the importance of partnership working, to support efforts to make rural communities safer through preventing and reducing rural crime.

Members of the Agriculture Committee and Department of Agriculture and Rural Development officials had the chance to consider the content of the community safety strategy before it went to the Executive, and their views have been taken on board. The newly formed policing and community safety partnerships will have a key role in the local delivery of the strategy and in addressing local issues of concern. I encourage those affected by agricrime to take this opportunity to engage with their partnerships to ensure that their views and needs are reflected in local action plans, which are currently being developed.

Members will be aware of the range of local initiatives, such as Farmwatch and trailer and tractor marking schemes, which have been developed to prevent people from becoming a victim of agricrime. I encourage individuals to fully avail themselves of those services.

Statistics cannot be provided on the number of people charged, prosecuted or convicted for the theft of agricultural machinery, as statistical

data cannot identify thefts of specified items. However, the PSNI has prepared the following information: in 2011, quad theft amounted to 147 incidents, which is a decrease of 26.5% from 200 in the previous year; trailer theft increased by 5.3% in 2011, up from 514 to 541; and the theft of tools increased by 6.3% in 2011, up from 395 to 420.

Mr Dunne: I thank the Minister for his answer. Will he clarify what actions are being taken to reduce the risk to elderly people living on isolated farms, where the problems of agricrime are relatively high?

Mr Ford: I am not sure that I agree with the Member that what he appears to be hinting at — attacks on elderly people — necessarily constitutes agricrime. The reality is that those living in rural areas are less likely to be the victim of a crime such as burglary than those who live in urban areas. It is something like a third of the number compared with urban areas. There is no doubt that existing provisions being carried through by a number of policing and community safety partnerships in the way of provision of aids and alarms and in providing that sort of back-up assistance to more vulnerable members of the community is helping to reduce crimes against them and the fear of such crime.

Mr Irwin: I thank the Minister for his answer. I am disappointed that the Minister had no statistics for the number of people prosecuted or convicted. Given the fact that much of the agricultural machinery and equipment is taken by highly organised crime gangsters and sold across Europe and the Republic of Ireland, does the Minister believe that enough is being done to stop it?

Mr Ford: I agree that there is a particular issue with the way in which statistics are compiled, but we currently operate on the basis of UK national statistics, which do not differentiate between particular types of goods subject to theft. I understand that discussions are going on at national level, so that may change in the coming years.

There is no doubt that there is a significant issue, particularly regarding some items of machinery, including tractors and quads, where organised crime is at work. However, there is also no doubt that the activities that we have seen in the way of the marking of machinery are having a significant effect. In particular,

those who own valuable machinery are putting trackers on them, and, in a number of cases, we have been able to ensure that stolen goods have been recovered.

Mr Hazzard: Does the Minister have any idea if those involved in agricroime are members of organised crime gangs? If that is the case, what is being done to target that specifically?

Mr Ford: Mr Hazzard has put his finger on it. While, undoubtedly, some small-scale issues may well be opportunistic theft, there is no doubt that the more serious crime directed against valuable machinery is almost certainly done on an organised basis. That issue is being handled across the Organised Crime Task Force by a number of agencies in co-operation. One of the key issues is to ensure that those who own such agricultural machinery take the necessary precautionary steps to prevent its being stolen. Unfortunately, it is still the case that valuable, five-figure tractors are left sitting in farmyards with keys in the ignition. That is not a particularly smart move. Unfortunately, people need to realise that, while we should not exaggerate the number of thefts in rural areas, some of that valuable machinery is significantly vulnerable.

Mr Dallat: The Minister mentioned collaboration between agencies. Does he agree with me that the Neighbourhood Watch schemes are one way in which the PSNI and other agencies can become involved in raising awareness in rural areas? Will he outline to the House what steps his Department has taken to have a real input to that?

Mr Ford: I thank Mr Dallat for the question. The recent development of the Farmwatch scheme in Omagh, which I helped to launch a few weeks ago, is a classic example of how what was the predominantly urban Neighbourhood Watch scheme can have particular applications. One of those who helped found that scheme, by good co-operation with his local neighbourhood policing team and a group of neighbours, had ensured that those responsible for a number of thefts of machinery, who had travelled a significant distance into their area, were apprehended and suitably prosecuted. That is the kind of work that I hope to see going forward. It builds on the good work done by a number of community safety partnerships (CSPs) in the background to continue to promote that kind of activity through the new

PCSPs. Certainly the Department will continue to provide backup where appropriate. I have absolutely no doubt that the police will continue to be involved.

Criminal Justice: Sentencing

2. **Mr Craig** asked the Minister of Justice to outline the timescale for a review of sentencing for the murder of PSNI officers.
(AQO 2225/11-15)

9. **Mr McQuillan** asked the Minister of Justice what plans there are to bring sentencing policy into line with that in Great Britain.
(AQO 2232/11-15)

Mr Ford: With your permission, Mr Deputy Speaker, I will take questions 2 and 9 together.

As I announced on 11 June, I intend to carry out a wider review of the legislation governing the determination of tariffs where the court has passed a life sentence for murder. The review will include but will not be limited to the determination of tariffs for the murder of police officers.

I have asked my Department to give priority to the review, and initial work is already under way. While the review will include a consideration of arrangements in other jurisdictions, including England and Wales, my aim is not to replicate the GB model but to find a way forward that is right for Northern Ireland. The review will also need to reflect the findings of the Court of Appeal, which has been asked by the Director of Public Prosecutions to consider the tariffs handed down to Wootton and McConville for the murder of Constable Stephen Carroll. That will provide the opportunity for the Court of Appeal to consider the sentencing guidelines for the determination of tariffs.

The recommendations of the review will be published for consultation as soon as I have had time to consider the court's decision in the two cases referred to it and to take the views of the Justice Committee in light of them.

Mr Craig: I welcome the Minister's statement on that issue and the fact that the review will relate to Northern Ireland. There are some peculiar issues with regard to younger people's sentencing. Does the Minister agree that the House could send this out as a very positive message to the PSNI, who are under a very real and serious threat? It would be a very good

message that the entire House could send out to the members of the force that we really appreciate them, if we can speedily resolve the issue of sentencing for the murder of police officers.

Mr Ford: I certainly agree with Mr Craig that the House should send a message of support to police officers. I believe that that is what the response to the sentencing in the case of the murder of Constable Carroll did. It sent a message from throughout the House and the wider community of support for the work done by police officers.

I am not sure, however, that we can necessarily deliver as speedily as some Members might wish. I believe it is appropriate to wait until the Court of Appeal has issued its determination in the particular case that we are discussing before the Department can move on and work to the wider issues. That is why I asked that initial work start in advance of the Court of Appeal judgement, so that we can deal with it as speedily as possible to provide that encouragement.

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin.

I thank the Minister for his answer. Does he agree with me that perhaps the best way forward or the best model would be a sentencing council, which would bring both clarity and parity to all sentencing processes?

Mr Ford: Raymond McCartney and I could go back two and a half years to discuss the potential merits of a sentencing council. I believe that the work being carried through by the Chief Justice and the involvement of lay members in his work on developing sentencing guidelines, backed up by the work that the Department is prepared to do, is capable of providing the necessary consistency and reassurance to the community that we wish to see. I am reluctant to move forward on a formal sentencing council if it would not achieve any more than that work being done informally, given that there is always pressure on budgets and that it has been estimated to cost almost £500,000 a year merely to establish a statutory council rather than have the work done that is being led by the judges at the moment, which would be reasonable. That said, I am on record as saying that we will see how it goes. I am prepared to reconsider the issue if concerns

continue; however, we need to allow the Chief Justice to carry through the work that he has undertaken.

Mr B McCrea: Minister, do you agree with me that there is widespread public disquiet about sentencing for the murder of police officers and that public opinion needs to be taken very seriously? What steps does the Minister plan to take in his review to ensure that the public are fully informed about the reasons behind sentencing procedures?

Mr Ford: Public concern needs to be addressed, and that is why the review will be carried out in an open and transparent way. It will involve building on the work of the Court of Appeal in the case of Wootton and McConville. It will allow public consultation, and it will ensure that the views of the House, through the Justice Committee, are taken into account. It is also my belief that the ongoing work being developed by the Chief Justice on lay participation in his work should help to enhance confidence. We need to await the results of that and ensure that we build confidence rather than second-guess a process that is barely under way.

Mr McDevitt: Will the Minister elaborate on the sentencing group that the Chief Justice is organising? Specifically, is he engaging with that group and, if so, how periodically and on what matters? Does he anticipate its engaging more directly with any Committee of the House?

Mr Ford: Mr McDevitt makes a fair point about how confidence is provided. The judicial sentencing group is very much a matter for the judges, with the lay involvement that the Chief Justice has agreed to. He has a programme of action that is looking at options and has already produced a number of guidelines, particularly in the lower courts, where there is greater concern about inconsistency between district judges in different courts. That is part of an area where there is already the opportunity to build up confidence and to ensure that we have transparent and open sentencing benchmarks. I should be cautious, as Minister, of suggesting either that members of the Executive or members of the legislature should get too closely involved in work that, at that level, is properly the role of the judiciary. I will seek to develop a community engagement strategy, which, I believe, is part of the role of the Department of Justice, to ensure that we get a proper two-way flow of information on

sentencing, which, I believe, will address the points that Mr McDevitt and Mr McCrea have just made.

Criminal Justice: Bereaved Relatives

3. **Mr G Robinson** asked the Minister of Justice what provision is made for the relatives of a deceased victim of crime to be kept updated on the progress of a subsequent court case. (AQO 2226/11-15)

Mr Ford: Addressing the needs of victims and their families has been high on my list of priorities since becoming Justice Minister. Where a victim is unable to act for themselves, through injury or incapacity, the PPS and the Police Service will often work with the victim's next of kin or nominated representative to ensure that the interests of the victim are properly represented. They will take all steps to ensure that the person they are working with is the most appropriate. The PPS and PSNI are also jointly working on a project to introduce a witness care unit in Northern Ireland. In establishing a single point of contact for victims and witnesses, the unit will provide information for those attending court and updates on how a case is progressing. The witness care unit will also aid referrals to other organisations, if a victim or witness requires specialist help.

More generally, I plan, later this year, to publish for consultation a new five-year strategy for victims and witnesses of crime, one of the key themes of which is likely to be improving communication with victims and their families. I have given a commitment that the proposed new strategy will be substantially informed by the outcome of the Justice Committee's recent inquiry into services for victims and witnesses, and I look forward to receiving its report later this week. I also advise Members that my officials are happy to discuss individual cases privately.

2.45 pm

Mr G Robinson: I thank the Minister for his answer. Will he give assurances that relatives of deceased victims of crime will be treated as the victim of the crime to ensure that justice is carried out?

Mr Ford: I am well aware of the particular point that Mr Robinson makes. It is a very serious point. There are difficulties in continuing to provide the services that would be provided to a victim to the relatives of a deceased victim,

especially in a case where the victim has died from causes unrelated to any crime. However, if Mr Robinson has concerns about a particular case, I certainly hope that my officials can provide reassurance to him. We will see what can be done.

Mr Molloy: Go raibh maith agat, a LeasCheann Comhairle. Is the Minister committed to bringing forward a victims' charter? Is that likely to happen in the near future or is it on the long finger?

Mr Ford: Since devolution, a number of initiatives have been taken forward around the services for victims. Indeed, work is under way at the moment. The range of work probably needs to be spelt out. However, I certainly hope that we will see the new victim and witness strategy published in draft in the autumn of this year and in place by the summer of next year. I am looking to place the victim code of practice on a statutory footing, probably in the faster, fairer justice Bill, which is planned for next year. The work that has been ongoing will continue, because it is absolutely clear that there is a recognition that, in the past, we have not treated victims and witnesses of crimes as well as they should have been treated.

Mr A Maginness: The situation in relation to victims seems to have improved as regards information and the general conduct of the prosecution towards victims. Is the Minister fully satisfied with the process? If not, would he consider the introduction of some sort of statutory improvements?

Mr Ford: I suppose the only answer I can give to a question such as Mr Maginness has just posed is that we can never be satisfied that we are doing as much as can be done. However, I believe that the direction of travel is a significant improvement on where we were a few years ago. For example, the guides I launched just after I became Minister — a guide for victims and witnesses and a specific guide for those who are bereaved by murder or manslaughter — are clear indications of positive work being done. The publication of the code of practice and the possibility, as I have just said, that we will put that on a statutory footing are indications that the Department is seeking to make the best possible arrangements for victims and witnesses to help them to overcome the experience they have had. In some cases, that is to enable them to give best evidence,

but it is also to enable them to recover from the effects of the crime.

Legal Aid

4. **Mr Elliott** asked the Minister of Justice how much money has been recovered over the last two years from people who received legal aid but were later found to have sufficient finances to fund their legal costs. (AQO 2227/11-15)

Mr Ford: The Legal Services Commission collected £271,000 in 2010-11 and £191,000 in 2011-12 by way of costs from litigants. Costs recovered include debt arising from revocations but also costs directed by the court and assisted persons' contributions to legal aid. I propose to make new regulations before the summer recess to enable costs to be recovered from convicted defendants in the Crown Court, where such defendants are found to have had the means to pay for the costs of their defence.

Mr Elliott: Has the Minister any idea of the real outstanding moneys in this? Are there any estimates for what could likely be recovered? Why are sufficient mechanisms not in place to stop this happening in the first place?

Mr Ford: The answer to Mr Elliott's second question is absolutely clear: there are not sufficient mechanisms in place because, under direct rule, they were not given legislative competence. That is something that we are seeking to catch up with by the regulations that are now being made. At the moment, it is extremely difficult to assess what level of fraud there may be in the legal aid system and whether all payments are made properly. We are also looking at taking powers to allow, for example, the inspection of account books on the part of solicitors and barristers to ensure that the kind of checks that have been identified as being required are put in place. The system we inherited is certainly not suitable at the present time.

Mr Campbell: Can the Minister spell out how seriously he takes the issue of persons who deliberately try to fraudulently abuse the system while knowing that they would not qualify for legal aid? Can he also tell us what he is going to do to spell out a deterrent that would prevent people from doing exactly that?

Mr Ford: The Department and I clearly take extremely seriously any attempts to defraud the public finances, whether that is through legal

aid payments or anything else. It is clear that, at the moment, we do not have all the powers that are required to ensure that proper audits can be carried out, although we have things such as inspection visits and the ability to examine books in general rather than specific papers for particular cases. We are looking to take forward all those issues in the next available justice Bill, which, I believe, will help to stamp out the level of fraud that may exist.

Mr Dickson: I thank the Minister for his answers thus far. Minister, you detailed for us much of what will be done to deal with legal aid fraud. Can you assure the House that you will bring forward appropriate regulation in the next justice Bill?

Mr Ford: I can certainly assure the House that I would seek to bring forward an appropriate level of regulation in the next Bill, but I cannot guarantee that either the Justice Committee, the Executive or the House as a whole will allow it to proceed. However, it certainly appears to me from what is being said by members of the Justice Committee, which includes my colleague, and others that there is a real need to ensure that not only should we continue the work that has been done on tightening legal aid payments, including the significant changes that have been made in criminal legal aid over the past year and the changes that are still to come in civil legal aid, but we should ensure that every pound that is spent on legal aid is spent properly. That is something that I believe the House ought to support, and I trust that it will.

Mr Deputy Speaker: Question 5 has already been answered.

Human Trafficking

6. **Mr D Bradley** asked the Minister of Justice what plans he has to address the needs of victims of human trafficking. (AQO 2229/11-15)

Mr Ford: The Department of Justice funds a package of support for all adult victims of human trafficking recovered in Northern Ireland. It includes safe and appropriate accommodation, help with day-to-day living expenses, access to healthcare, counselling and other specialist services. It is delivered by Migrant Helpline and its delivery partner, Women's Aid Federation, and is overseen by a stakeholder group, with representation from the Department, the PSNI, UKBA, Migrant Helpline, Women's Aid Federation Northern Ireland and DHSSPS.

The Department of Justice's other victim-centred initiatives, carried out through the Organised Crime Task Force, include a 'Visitor or Victim?' leaflet and poster, the Blue Blindfold campaign to raise awareness and encourage the public to report suspicious activity and draft guidance on working arrangements for adult victims that the Department is developing with DHSSPS. My Department is also working with Amnesty International to develop a multilingual leaflet for victims. It is working towards a communications strategy to change mindsets and to drive down the demand for goods and services from organised crime, including those offered by victims of human trafficking. Support for child victims of trafficking is a matter for the DHSSPS.

Mr D Bradley: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht a fhreagra, agus tá ceist thánaisteach agam dó.

I thank the Minister for his answer. Can he assure us and give us confidence that, when the police release, as it were, the victims of human trafficking from captivity, they will be properly looked after and not subjected to the immediate threat of deportation?

Mr Ford: I certainly assure Mr Bradley that victims of trafficking are not subjected to the immediate threat of deportation, but there are significant issues. In many cases, they will have a family at home who may be subject to some sort of coercion by the gangs responsible for the trafficking. There are real problems when, even after a period of reflection, individuals cannot gain the confidence to give the evidence that enables us to proceed against those responsible for the trafficking. People frequently end up being returned to their country of origin because the evidence is not fully forthcoming. However, I believe that the agencies treat the victims of trafficking as best they can, although the ongoing issue of the coercion to which victims and their families are subjected is a matter of real concern for all of us.

Mr Lynch: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. Given the increase in human trafficking, coupled with the low conviction rate, how does the Minister intend to deal with the practice and those involved in it? Should they face the full rigours of the law and be given appropriate sentences?

Mr Ford: I can assure Mr Lynch that appropriate sentences are given out when people can be subject to the rigours of the law. I have just said to Mr Bradley about the difficulty in getting people to give appropriate evidence, but I believe that good work is being done, particularly though the OCTF subgroup that is concerned with trafficking and immigration issues. There is extremely good cross-border work and good cross-channel work with those responsible in Scotland, England and Wales. A joined-up approach is needed on the part of a number of Departments and agencies here and their opposite numbers throughout these islands, and there is absolutely no doubt that there is a growing public concern and demand that everything possible be done to stamp out trafficking.

Mr Copeland: Will the Minister confirm what co-operation that he knows about, if any, is taking place with other countries and their immigration authorities in an attempt to stop this corrupt practice?

Mr Ford: I am afraid that I cannot give Mr Copeland the details of what is going on. I know the level of co-operation on these islands between all the relevant agencies. When issues arise from elsewhere in the world, different things largely become operational matters for the relevant agencies here and overseas, and I cannot give many details on those practicalities.

Criminal Justice: Whistle-blowers

7. **Mr Murphy** asked the Minister of Justice what protection and rights are offered to whistle-blowers within the criminal justice system. (AQO 2230/11-15)

Mr Ford: I can confirm that the criminal justice agencies comply with the Public Interest Disclosure (Northern Ireland) Order 1998. Protections for whistle-blowers are in place as required under that legislation, which ensures that employees making protected disclosures in good faith in the circumstances described in the legislation are protected against dismissal and other detriment.

Criminal justice agencies have internal arrangements for raising issues of concern, and I strongly encourage members of staff to use those when any such issues arise. However, the legislation also allows for protected disclosure in some circumstances to an external body.

Mr Murphy: I thank the Minister for his answer and welcome his encouragement to staff. He will be aware that the former chief executive of the Office of the Police Ombudsman resigned in order to blow the whistle on interference in that office. We now find that senior PSNI members have tried to discourage trade union representatives from blowing the whistle on the policy of rehiring police officers, sometimes within days of their retirement.

Mr Deputy Speaker: Will the Member ask a question, please?

Mr Murphy: In light of the Minister's earlier answer, does he have any comment to make on that?

Mr Ford: I thank Mr Murphy for that point. He needs to be careful how exactly he defines whistle-blowing in the context of the order. I am not sure that, where individuals have sought to raise matters outside the established structures, they necessarily qualify as whistle-blowers. Some of the wider points that the Member makes seem to be more about policy matters than whistle-blowing.

Mr Swann: Does the Minister accept that much more support could be provided to staff working in front line services in the criminal justice system?

Mr Ford: I am not sure what Mr Swann is particularly hinting at. I believe that the current arrangements around whistle-blowing are adequate, but, if he has particular concerns and wants to write to me, I will follow them up.

Prisoners: Prescription Drugs

8. **Dr McDonnell** asked the Minister of Justice what actions he intends to take to ensure that the Northern Ireland Prison Service implements measures to prevent the misuse of prescription drugs within the prison estate. (AQO 2231/11-15)

Mr Ford: I recognise the high level of substance addiction in the prison population which has often been developed in the community over many years. I also acknowledge the devastating effect that the misuse of prescription drugs in the prison estate can have.

Prisoners are provided with prescription drugs just like any member of the community and are expected to behave responsibly. The South

Eastern Trust is responsible for the delivery of healthcare in our prisons and has developed a policy of "in possession" medication. That policy is based on the equivalence principle, the notion that prisoners should have access to the same quality and range of healthcare services as the general public receive from the NHS.

3.00 pm

Experience has shown that prescription drugs can be open to abuse in a prison setting, therefore, the Prison Service has a range of measures in place to address this problem. These include a drugs and alcohol treatment and counselling service; multidisciplinary case reviews; development of a revised anti-bullying policy; provision of individual safes for storing prescription medication; mandatory drugs tests; regular cell searches; the deployment of drugs dogs; and disciplinary action and removal from association with other prisoners where warranted.

The trust introduced in-possession risk assessments for all prisoners in September of last year. I can now confirm that both the trust and the Prison Service are fully committed to addressing the concerns raised in relation to in-possession medication, in particular, to consider supervised-swallow arrangements for certain categories of drugs.

Regional Development

A6: Public Inquiry

1. **Mr Molloy** asked the Minister for Regional Development whether the A6 dualling public inquiry is still scheduled to begin in the late summer. (AQO 2239/11-15)

Mr Kennedy (The Minister for Regional Development): I am pleased to inform the Member that I approved the holding of a public inquiry into the A6 Londonderry to Dungiven dualling scheme. Letters will issue shortly to objectors to inform them that the inquiry will be held at the Roe Park Hotel, Limavady, during the last week of September and the first week of October 2012.

Mr Molloy: I thank the Minister for his reply. Is there any report on the short inquiry that was held in relation to the Castledawson bypass? What is the likelihood of a bypass for Dungiven,

given the high emissions there in relation to European standards?

Mr Kennedy: I am grateful to the Member for asking two supplementary questions for the price of one.

The public inquiry into the construction of the junction to connect the Annaghmore Road and Bellshill Road at Castledawson to the proposed A6 Toome to Castledawson dual carriageway was held, as the Member will recall, on 13 and 14 February 2012. I am pleased to inform him that the inspector has produced his report, which is being carefully considered by officials in Roads Service. I hope to make a statement on that report in the next few months.

I am aware of the concern in Dungiven and the local council area about the issue that the Member raised about fumes. I can confirm that it will be possible to bring forward the draft statutory Orders for the construction of the bypass at Dungiven ahead of and without compromising the future delivery of the remainder of that scheme. However, this is, of course, all conditional on available funding.

Mr Campbell: The Minister will be aware that a number of landowners between the Dungiven and Claudy areas of the preferred route for the A6 are concerned about their properties and the land acquisition process. Is he satisfied that everything that can be done to try to alleviate their concerns has been done?

Mr Kennedy: I confirm that there are some 122 objections to the entire scheme, with 11 letters of comment. Objections mainly concern landowner issues such as severance, loss of land and environmental issues. Therefore, I think it is important that we move to the public inquiry stage, which will give a further opportunity to concerned landowners and objectors to raise points of concern, not only with the inspector and his team but also with my officials, who will also listen carefully. I hope that we can work together to make progress on that very important scheme. I think that the scheme is accepted across this House and by local representatives as one that would benefit the local economy and people in general.

Mrs Overend: Does the Minister agree that the ongoing delay in publishing the 2011-21 investment strategy will make it difficult for his Department to identify and prioritise additional

capital funding projects, such as those along the A6?

Mr Kennedy: I am grateful to the Member for her supplementary question, and her interest in this scheme and in other roads matters in her constituency. Obviously, the production and agreement of the investment strategy for Northern Ireland will be of huge importance and relevance to my departmental budget and to those of Executive colleagues. Therefore, it is in everyone's interest that we move forward on it as quickly as possible.

Mr Dallat: I congratulate the Minister on his announcement to hold a public inquiry into the A6 scheme. I encourage him to write his name into history by also announcing the decoupling of the bypass at Dungiven. That is something that his predecessor failed to do, and the people of Dungiven would deeply appreciate it. It is the most polluted town in this part of Ireland.

Mr Kennedy: I am grateful to the Member for his supplementary question and for his invitation to pass into the annals of history on that issue. I can confirm that it is possible to decouple, which is an important difference from previous arrangements. If there are funding opportunities that can be availed of, it may be that we will carry forward that scheme. However, it is all dependent on finance.

Traffic Congestion: North Belfast

2. **Mr A Maginness** asked the Minister for Regional Development what proposals his Department has to reduce traffic congestion in residential areas of north Belfast.
(AQO 2240/11-15)

Mr Kennedy: Roads Service has advised that traffic congestion in residential areas is usually caused by the high usage of available kerb space for parking. The normal means of dealing with traffic congestion of that nature is through the introduction of waiting restrictions. However, that is often contentious in residential streets, as such restrictions do not discriminate between residents and other vehicle drivers.

Where congestion is caused by non-residential parking, a more appropriate means of parking control may be the introduction of residents' parking schemes. You will be aware that progress on the development and implementation of those schemes was delayed for some considerable time, as there was insufficient community

support to allow them to be taken forward. However, following a number of reviews of some policy issues, such as the proposed cost of a parking permit, I believe that those contentious issues have now been largely resolved, and officials are working with local residents' associations in several areas in Belfast.

The areas under consideration are those where the problems of commuter parking are the most serious and long-standing. Officials hope to follow up that work with the creation of similar schemes in other areas where a need has been identified. If the Member wishes to provide me details of any streets where he feels that congestion is a significant issue, Roads Service will be happy to consider what, if any, remedial measures would be appropriate.

Mr A Maginness: I thank the Minister for his very comprehensive reply. It is good news that there has been significant progress on residents' parking schemes, and I wish the Minister well in bringing them about. In circumstances in north Belfast —

Mr Deputy Speaker: Will the Member ask the question, please?

Mr A Maginness: Thank you, Mr Deputy Speaker. Would the Minister consider extending those schemes to residential areas in north Belfast rather than just commuter routes?

Mr Kennedy: I am grateful for the Member's very positive response. I am genuinely interested in carrying forward the creation of residents' parking schemes. I have recently held meetings with a large number of Assembly Members and local representatives in various parts, including one with my party colleague Michael McGimpsey and your party colleague Conall McDevitt on issues in south Belfast.

There have been problems in the past, and I hope that we will be able to overcome those. I think that an early success, even in a relatively confined area, may have the spin-off effect of other residents in other areas wanting to benefit from those schemes. It is on that basis that I want to see progress on residents' parking schemes.

Mr G Kelly: Gabhaim buíochas leis an Aire as an fhreagra sin. Is the Minister aware that the Cliftonville Road in north Belfast is being closed for two months? There will be only one-way traffic on what is a main arterial route. Was

there consultation with residents, community groups, black-taxi drivers or Translink? It is a very long road, it is a main arterial route and happens to be the safest way into Ardoyne, Marrowbone and Cliftonville. Closing such a long road will also affect people of a certain age.

Mr Kennedy: I am grateful to the Member for his supplementary question. It may well be that he will have an issue about the Cliftonville Road and its impact on local parades in the coming marching season. That may not be the case.

Mr G Kelly: I presume that that is not the road that is closed. *[Laughter.]*

Mr Kennedy: I have a bass drum that I can bring along if you really want it.

It is my understanding that NI Water is about to carry out works there or some kind of cabling scheme. The issue was raised earlier this morning by one of the Member's party colleagues at a meeting with me on other issues. We are endeavouring to find out the detail of the closures and the impact on the local community. Obviously, work of this nature is important. It is not possible to make omelettes without breaking eggs, and there is always inconvenience. However, we will seek to establish the detail, and we will keep the Member acquainted with developments.

Mr Copeland: I thank the Minister for his answers thus far. Will he confirm that the use of residents' parking schemes to tackle traffic congestion could be applied not only in north Belfast but elsewhere in the Province?

Mr Kennedy: I am grateful to the Member for his supplementary question; he makes a very good point. We want to move to the implementation of parking schemes. Where communities want to make progress and can overcome issues, such schemes will have a very positive impact. Therefore, if the Member has suggestions or ideas, even within his own constituency, I am happy for my officials to look at them and seek to progress them.

M2: Belfast International Airport

3. **Mr Kinahan** asked the Minister for Regional Development for his assessment of the current connections between Belfast International Airport and the M2 motorway.
(AQO 2241/11-15)

Mr Kennedy: The programme of strategic road improvements has been identified as part of a process that has evolved over the past decade and is based on a number of key strategies and documents, namely the regional development strategy, the regional transport strategy and the regional strategic transport network plan, all of which were subject to public consultation.

The subsequent programme of improvements, which has been assessed against the five key criteria for transportation, focused primarily on the key transport corridors as identified in the regional development strategy and includes a significant number of priority projects. Schemes identified as part of that process have improved accessibility for passengers travelling to Belfast International Airport from across Northern Ireland and indeed from the Republic of Ireland. Those schemes also provide benefits for passengers travelling to George Best Belfast City Airport and the airport in Londonderry.

The recently completed scheme between Beech Hill and Cloghogue at Newry has completed the dualling of the A1 from Sprucefield to the Republic of Ireland, which has significantly improved access along the route to Belfast International Airport as well as to George Best Belfast City Airport. Accessibility to Belfast International Airport through Belfast has also been significantly improved following completion of the M1/Westlink and M2 works. Major dualling schemes are also planned for substantial sections of the A6 between Londonderry and Randalstown and for the A26 between Coleraine and Ballymena. That will provide greater accessibility for passengers travelling to Northern Ireland's three main airports.

Unfortunately, it has not been possible to include an upgrade of the link to Belfast International Airport from the M2 in the roads programme. However, that can be reviewed when funding levels next permit an expansion of the roads programme.

Mr Kinahan: I thank the Minister for his answer and look forward to that link between Belfast International Airport and the M2 being upgraded one day. Similarly, though, will he expand on the concerns for George Best Belfast City Airport and how he assesses the future for links to that airport?

3.15 pm

Mr Kennedy: I am grateful to the Member for his supplementary. Roads Service has proposals to improve the A2 Sydenham bypass to provide three traffic lanes in each direction over a 2.5 km length between Tillysburn junction and the M3. That proposed improvement is an upgrade to the strategic highway network and provides improved access to George Best Belfast City Airport. As I stated in my original answer, passengers travelling to Belfast City Airport have also benefited from improvements to the A1 and, in future, will benefit from the proposed schemes on the A6 and A26.

Mr Lynch: Gabhaim buíochas leis an Aire as a fhreagra. What assessment has been carried out on rail connections to any of the North's three airports?

Mr Kennedy: I am grateful to the Member for his supplementary question. The issue of a rail link has been considered over many years, certainly well before my involvement as Minister for Regional Development. A study undertaken as far back as 2006 on extending rail links to Belfast International Airport concluded that it would not be economically viable. It is estimated that passenger numbers at the airport would have to double from their current level for that to change. I am not aware of similar studies undertaken in respect of the other two airports, but we will check that and get back to you.

Dr McDonnell: Pursuant to the last question, surely the issue of the report being accurate has to be raised because the railway runs along the end of the runway at Aldergrove airport and, therefore, it should not be wildly expensive to put a halt on it. It may be more expensive, though, to have adequate numbers of trains running. Worse than that, we have a railway line running beside the City Airport and —

Mr Deputy Speaker: I think the Member has asked his question.

Dr McDonnell: Why can we not get a proper halt adjacent to the City Airport rather than two halts, one half a mile each side of the airport?

Mr Kennedy: I am grateful to the Member for his supplementary question. The question that he poses has been reflected upon and considered. There are issues of costs and economic viability. Whilst it would be very desirable to have rail links to all Northern Ireland's airports,

the economics of it at this point simply do not stack up. The pragmatic arrangements of linking the road network effectively and safely into the strategic road network also provide additional concerns.

Pelican Crossings

4. **Mr Ross** asked the Minister for Regional Development how many pelican crossings across Northern Ireland are not functioning properly. (AQO 2242/11-15)

Mr Kennedy: Roads Service has advised that all 440 pelican crossings in operation across Northern Ireland are functioning properly. A crossing at Lonemoor Road, Londonderry, has been turned off temporarily as part of a temporary traffic management arrangement to facilitate a Northern Ireland Water sewer replacement scheme.

Mr Ross: I thank the Minister for that answer. I am glad that they are functioning correctly but I am sure the Minister will acknowledge that they do cause a degree of concern, particularly for the elderly and those with disabilities and mobility issues, who feel that they do not have adequate time to cross the road safely. Will the Minister look at the time that members of the public have to cross these and determine whether that could be extended to make it safer for elderly people, particularly in areas with a high volume of elderly residents?

Mr Kennedy: I am grateful to the Member for his supplementary question. I can confirm that pedestrian crossing timings are set in accordance with national guidelines. My Department's officials are, of course, aware of the most recent research into pedestrian walking times, which will be included in any future consultations on the proposed changes to current timings. I will seek to further reflect on the Member's concerns.

Mr Allister: When the Minister is not considering the weighty matter of the number of pelican crossings that are functioning properly, has he had an opportunity to consider whether ministerial appointments are now functioning properly in his Department, following last week's finding of religious discrimination against his predecessor?

Mr Deputy Speaker: Clearly, that is not relevant to the question. I call Kieran McCarthy.

Mr McCarthy: You are a gentleman, Mr Deputy Speaker. I thank the Minister for his response to my colleague Alastair Ross's question and for being very attentive to the needs of the elderly population.

He recently launched the introduction of puffin crossings, and I am delighted to say that his Department has relented and will provide such a crossing in my village, on Main Street in Kircubbin, which will, hopefully, help elderly people to cross the street. Is there any advantage in converting pelican crossings into puffin crossings so that elderly people can cross the road safely?

Mr Kennedy: I am very grateful to the Member for his supplementary question. We had a few in mind in Kircubbin, so that he would be able to cross safely and help others.

On a serious note, there are issues to do with improving road safety and the strategic management of traffic on the road network. Puffin crossings offer enhanced safety and traffic flow features. Since September 2011, Roads Service has upgraded 28 existing pelican crossings to puffin crossings and has installed 24 new puffins.

The major differences between puffins and pelicans are that — *[Interruption.]*

This is not a black and white issue, Mr Deputy Speaker. *[Laughter.]* The difference is that puffins have the red/green man on the push button unit beside the pedestrian. I hope that Mr McCarthy is listening to this, because it is important. *[Laughter.]* There is no flashing amber signal to drivers, who are held on a red signal until pedestrians have completed their crossing. The time for pedestrians to cross the road can be extended by sensors, which detect people who are still on the crossing.

Drivers also derive benefits from puffin crossings. For example, when a pedestrian pushes the push button and moves away, the demand for the green man is cancelled so that drivers do not experience an unnecessary delay. I am grateful for the Member's attention. *[Laughter.]*

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. I was nearly tempted to ask the Minister: what was that again? *[Laughter.]* We have a crossing in Cookstown that we call a kangaroo crossing, because it is difficult to get across it without injuring yourself.

On a serious note, the Safe Routes to School project, which is very valuable and has been very useful, particularly for many schools in rural areas where there have been traffic problems. Has there ever been an evaluation of the usefulness of incorporating some form of pedestrian crossing into that project in certain areas where it has been determined to be of worth? I can think of a few myself.

Mr Kennedy: I am grateful to the Member for his supplementary question. Like him, I value the benefits that schools and local areas are gaining as a result of the implementation of those measures. I will take his suggestion on board about whether it can be or is already part of the consideration for inclusion in schemes, and I will write to him accordingly.

Mr Deputy Speaker: The Member is not in his place to ask question 5.

Belfast on the Move: North Belfast

6. **Ms P Bradley** asked the Minister for Regional Development what plans his Department has for north of Belfast city centre as part of the Belfast on the Move master plan. (AQO 2244/11-15)

Mr Kennedy: My Department's proposals for the Belfast on the Move transport master plan are focused on providing improved public transport services, better facilities for walking and cycling, and a reduction in the dominance of travel by private car. It is concentrated at this time on the core streets around City Hall. However, in the north-west section of the city centre, as part of the proposals and with the full support of the local residents, my Department will close several streets in the Barrack Street area to through traffic. That will prevent motorists using those streets as a rat run to and from the city centre area.

As the project progresses, the transformation of the city centre ring road around Belfast will be examined in line with proposals set out in the Belfast metropolitan transport plan 2015. My Department will endeavour to reduce the scale of the roads system in the northern section of the city centre ring, including Millfield, Frederick Street and the Dunbar Link, such that it is more appropriate to the streetscape and does not form a barrier between the core of the city and surrounding residential areas. In addition, my Department will work closely with other parties that may have an interest in development in the

area, such as the University of Ulster, which has proposals to relocate its campus to the York Street area.

Ms P Bradley: I thank the Minister for his answers thus far. Will he advise whether his officials are considering an integrated approach? Will he update the House on the introduction of the rapid transport system in north Belfast?

Mr Kennedy: I am grateful to the Member for her supplementary. Of course, it is essential that all these systems are properly integrated and that there is a consistency of approach in our proposals.

The Member specifically asked about the Belfast rapid transit network and the opportunity for it to be extended to north Belfast. As she will be aware, my Department is developing plans for a pilot Belfast rapid transit network that links east Belfast, west Belfast and Titanic Quarter with and through the city centre. The outline business case for that pilot network is currently with the Department of Finance and Personnel for approval. Subject to Executive approval, which I will seek later this year, the project will move into the detailed design and implementation phase. Subject to the success of the pilot network and the availability of funding, my Department intends to extend the network to include north and south Belfast.

Mr McDevitt: I encourage the Minister to continue to address the needs of sustainable transport, particularly cycling infrastructure, while he is at the Belfast rapid transport plan. Is he satisfied that he has sufficient legislation in place to properly deliver on the different master plans, not just in Belfast but in towns and cities across our region?

Mr Kennedy: I am grateful to the Member for his supplementary question. At this point, I am satisfied with the processes that are in place and available to me. Of course, if additional requirements are made, we will seek to bring them through the House.

Railways: Belfast to Derry

7. **Mr Ó hOisín** asked the Minister for Regional Development what progress has been made on shortening the timescale predicted for the work on the railway line to the north-west by additional work being carried out overnight and on Sundays. (AQO 2245/11-15)

Mr Kennedy: During the feasibility stage of the Coleraine to Londonderry renewals project, Translink produced a feasibility study that considered a number of alternatives by which the works could be completed. The three methods that were examined in the feasibility study were a total blockade, with daytime working on a 12-hour working day; night-time possessions; and weekend possessions. However, from past experience with railway contractors on the Bleach Green to Whitehead renewal and the Knockmore to Lurgan renewal feasibility study, Translink does not believe that 24-hour working on large-scale renewals provides the optimum value for money solution. Following engineering discussions with the contractors on those earlier projects, continuous 24-hour working was not taken forward by Translink as a costed option. Clearly, Translink has to pay due regard to the budget announced for the project. Having explained the position to the Executive on 6 October, I made a statement to the Assembly on 10 October last year that set out the timetable for the works and that closure of the line was planned from July 2012 to April 2013.

An economic appraisal was produced by Translink in spring 2010. At that time, it was submitted to the Department for Regional Development for consideration. In September 2011, an addendum document for the proposed phasing of the works between Coleraine and Londonderry was submitted to the Department for consideration.

As a result, in October 2011, two letters of offer were issued for the Coleraine to Londonderry renewals project phase 1 and the Coleraine to Londonderry renewals project phase 2. The operations of the economic appraisal did not include 24-hour working. The appraisal has been approved by DFP, but Translink will continue to work closely with the contractors to ensure that the project remains on track in respect of both cost and timescales for delivery.

3.30 pm

Questions for Urgent Oral Answer

Social Development

Benefits: Ulster Bank

Mr Deputy Speaker: Mr Phil Flanagan has given notice of an urgent oral question to the Minister for Social Development.

Mr Flanagan asked the Minister for Social Development what actions his Department is taking to support benefit claimants who are affected by the ongoing problems accessing funds with Ulster Bank.

Mr McCausland (The Minister for Social Development): Up to Friday 22 June, approximately 27,000 Social Security Agency customers have been affected by the technical problems within the Ulster Bank that have prevented customers' accounts being credited with benefit and other payments. The Social Security Agency is making payments as normal. The current problem lies entirely within the banking system. The Social Security Agency has properly processed payments to customers' accounts.

Social Security Agency officials have been in contact with the Ulster Bank. The bank has put in place arrangements whereby any customers who present at their local branch will be provided with funds, subject to a limit. Where customers have contacted their benefit payment branch, the Social Security Agency is referring those customers to their local bank, where funds will be made available. The Social Security Agency has also placed an advisory note on the NI Direct website advising customers of the Ulster Bank's contingency arrangements. Social Security Agency officials continue to liaise with the Ulster Bank on an ongoing basis.

Mr Flanagan: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer and, indeed, for coming to the Chamber to answer questions on this very important issue. I am sure that he shares my dismay and disappointment that the crisis is continuing into a second week.

Is the Minister satisfied with the Ulster Bank's reaction to the crisis, bearing in mind the devastating impact that it is having on people who are living hand to mouth? It is affecting people who are reliant on social welfare and those who cannot access their salaries in their bank accounts and who have loan and mortgage repayments to make. Does he agree that it is shocking that it has come out only today that people can present at the bank with a payslip or some sort of a notification from the Social Security Agency and collect money?

Mr McCausland: I think that everyone recognises the seriousness of the Ulster Bank situation for customers, not just here in Northern Ireland but, because of the nature of bank arrangements, throughout the United Kingdom and, indeed, in the Irish Republic. It is a very widespread problem. From listening to an Ulster Bank representative speaking on the radio, it is clear that the Ulster Bank recognises the seriousness of the situation and the impact that it is having. Ulster Bank is obviously very concerned about it. I hope, as I am sure the Member does, that the situation can be resolved and that we get back to normal as quickly as possible.

I assure him that the Social Security Agency and the relevant bodies elsewhere in the United Kingdom and the Republic have been monitoring the situation carefully. The Social Security Agency has the arrangement in place with the bank. When concerned members of the public have contacted us, they have been advised to contact their Ulster Bank branch and that the payment will be made on proof of identity — that is the key — up to a certain limit. In exceptional circumstances, the agency will provide the customer with proof that he or she is entitled to a benefit payment. However, the normal situation is that these are regular payments that customers receive but that have not been made available to them. In those situations, nothing additional is required other than customers going to the bank with their identification.

Mr Campbell: In addition to the points raised, will the Minister raise with the Minister of Enterprise, Trade and Investment the importance of this issue being resolved this week? Tens of thousands of employees are due to have their monthly salaries paid into their account this week, and many small businesses, whose employees are not Ulster

Bank customers, but because those small companies are, are also dependent on it. Will he ensure that pressure is applied so that the Ulster Bank senior management knows that we, the taxpayers, own the parent of the Ulster Bank and demand immediate answers from the Ulster Bank as a matter of utmost urgency before Thursday or Friday?

Mr Deputy Speaker: The Member has asked his question.

Mr McCausland: The Member makes the very important point that this is primarily and, indeed, entirely a matter for the Ulster Bank to address as quickly as possible. I am sure that it will be very much aware of the questions and comments in the Chamber this afternoon and of the Member's comment. I am also sure that my colleague in the Department of Enterprise, Trade and Investment will convey the concerns to the bank, and, in the meantime, the agency will continue to process benefits as normal and keep in contact with the bank.

Mr Copeland: Does the Minister consider, with the support of the law, that a benefit is considered as paid when it leaves the public purse or when it is available to be spent by the claimant?

Mr McCausland: I am not a lawyer, and the Member, who is smiling when I look in his direction, is not a lawyer either. He asks a technical legal question. My assumption is that the arrangement is that when the payment is made to the bank, the payment has been made. Someone could have an alternative arrangement, and a customer, at any point, can request to have their payment made to an alternative bank. It is very much in the hands of the individual who makes the choice of a particular bank. Therefore, the legal situation is as I indicated, but I will confirm that matter. It is a technical point. I suggest that we are doing all that we can, through the Social Security Agency, to make sure that people are informed of their opportunity to go to the bank and claim some money to cover them.

Mr Durkan: I thank the Minister for his answers and commend him on the work of the Department on the issue thus far. Does he believe that his Department could do anything to facilitate access to crisis loans for non-benefit claimants affected by the crisis while it lasts?

Mr McCausland: Our system of discretionary payments is there at all times for people who are in need, and it depends on individuals' circumstances and situations whether they can or wish to avail themselves of that.

Health, Social Services and Public Safety

Royal Victoria Hospital: X-rays

Mr Deputy Speaker: The Chairperson of the Committee for Health, Social Services and Public Safety, Ms Sue Ramsey, has given notice of a question for urgent oral answer to the Minister of Health, Social Services and Public Safety.

Ms S Ramsey (The Chairperson of the Committee for Health, Social Services and Public Safety) asked the Minister of Health, Social Services and Public Safety what action he will take to ensure that the 17,000 X-rays taken at the Royal Victoria Hospital, which were not reported on by an appropriate clinician, will now be assessed urgently in order to ensure patient safety.

Mr Poots (The Minister of Health, Social Services and Public Safety): I regret any distress or anxiety caused to patients and their families affected by the backlog of unreported X-rays at the Royal Victoria Hospital. I am advised by the Health and Social Care Board (HSCB), which has been working closely with the Belfast Health and Social Care Trust, that urgent actions are in hand to address the backlog, including arrangements to increase radiological capacity through the use of external providers in addition to trust staff. I am informed that the backlog is likely to be cleared in early August. My Department will be seeking assurances from the HSCB and the Public Health Agency that relevant X-rays have been reported on by an appropriate clinician and that no further backlogs exist.

Ms S Ramsey: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer. This is deeply concerning, and it is important that we all have a duty to reassure people that, up until this point, they will get urgent care and that X-rays will be looked at urgently. Minister, I am concerned that this follows similar incidents in a number of other

trusts. You asked the Regulation and Quality Improvement Authority (RQIA) to report on that, and the Belfast Trust said that, at that time, it had no X-rays that were unreported. Over the weekend, we have seen that that was clearly not the case and that 17,000 X-rays had not been reported. I would like to know where they were.

Was the information that the Belfast Trust gave to the RQIA and which, in turn, was given to you, accurate? If it is a fact that the Belfast Trust gave the RQIA inaccurate information in a specially commissioned report for you, how can we take that assurance today and the assurance of the Belfast Trust and other trusts so that we can reassure our constituents that things are working, and working well?

Mr Poots: We could possibly answer some of the questions, and we could speculate on some of them. We have sought to carry out a root-cause analysis of what has happened. I understand that, earlier this year, a new departmental head instigated a course of work, looking at X-rays. It was not something that would have immediately sprung to mind in what had actually happened. It was only on having that critical research that it was identified that a number of X-rays had been unreported. Once that was revealed, further courses of work were done that identified that the number was just short of 19,500.

Clearly, a system failure took place. In this instance, I do not think that there was any deliberate attempt to mislead anyone, but it is another embarrassing issue that Belfast Trust is having to deal with. We will try to support and assist it in dealing with it, because it is important that everyone has the assurance that their X-rays have been read and that no one has suffered as a consequence. Of the first 1,800 that have been analysed, from 2011-12, it has been found that there was no adverse impact on individuals as a result. That is good news. Many of the X-rays were on parts of the body where other tests and examinations have been carried out in conjunction, so we will have to see what the outcome is. It is important that, in the next six to eight weeks, we get this work conducted as quickly as possible to enable us to move forward and give the public that assurance.

Executive Committee Business

Inquiry into Historical Institutional Abuse Bill: Second Stage

Debate resumed on motion:

That the Second Stage of the Inquiry into Historical Institutional Abuse Bill [NIA 7/11-15] be agreed. — [Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister).]

Mr Humphrey: This is a hugely sensitive and difficult issue for many people in Northern Ireland and must be treated in that context by every Member who speaks on it, and all who would speak on it, whether politician or journalist.

It is vital that any inquiry or investigation must provide confidence to the community, particularly for the victims and their families. To assist in this investigation or inquiry, I and my party believe that it is important that the findings of the inquiry are known as quickly as possible. Therefore, once the legislation is passed and the inquiry is put in place, reporting on the investigation should be as speedy as possible. There are two reasons for that: first, to provide confidence to the people involved and to the victims, in particular; and, secondly, the cost implications. The costs of the investigation should be met by the Catholic Church, at least in part, because it is clergy and laypeople in the Catholic Church — on this one — who are partly responsible, and the leadership of the Church is culpable in dealing with it. Therefore, those costs should be met appropriately.

3.45 pm

The legislation that we will pass in the House must include measures to control costs and minimise costs to the taxpayer. At the same time, however, we must ensure that the investigation and the report that will come from it are clearly robust and provide that surety to the victims. It is my party's view that the nature and type of the inquiry is absolutely important. It is not a matter for the investigating authority to decide on compensation or redress: it is a matter for the Executive.

I have been involved in youth work for all my adult life. When you become involved in youth work, you take it on yourself to do all that you can for the spiritual, mental and

physical development of the young people who are placed in your care by their parents. For those who abuse that trust, whether in youth organisations, the clergy or any other sphere or facet of life, it is an appalling breach of trust and an appalling breach of faith.

Although we believe that the legal costs and lawyers' fees should be kept to an absolute minimum, we also believe that the investigation or inquiry should be time-limited and robust. However, it should also be thorough. It is essential that the process is victim-centred, because it must provide the victims and their families with confidence, address their grievances, expose wrongdoing and provide closure if, indeed, closure is possible. Very clearly, at this stage, we in the Chamber do not know, nor do those who will sit on the investigation body, how many people will come forward, the gravity of the allegations or their dreadful experiences.

I have been appalled by the inadequate and slow response by the hierarchy of the Roman Catholic Church. It has lacked robustness. It is very clear that the Archbishop of Armagh, the bishops and those with responsibility must step up to the plate and co-operate absolutely with any investigation, and because they are responsible for covering up on occasions, and because they are culpable because they are in positions of leadership, it is the bounding duty of that Church — or any Church involved in such cover-up or such evil activity, for evil it is — to co-operate. We, as a community, as a society and as a House, should expect full co-operation from the Church and its leadership to ensure that the investigation is brought to a conclusion as quickly as possible. As I said earlier, confidence must be given to the people. Those of us who have not been involved cannot understand or empathise with the harrowing effect that this will have had on the individuals concerned, but we can absolutely sympathise. The House owes it to the people out there to ensure that the investigation is robust, thorough and will bring the completion that, hopefully, will deliver closure. Therefore, I commend the legislation.

Mr A Maskey: Go raibh maith agat, a LeasCheann Comhairle. On behalf of Sinn Féin, I support the Bill and its provisions. Once again, I put on record my absolute gratitude to all the victims and survivors of this type of abuse for courageously campaigning over a fairly lengthy

period. They did so very successfully, if I can use that word. Under those circumstances, they have secured an inquiry for which we are now being asked to process the underpinning legislation. I acknowledge junior Minister Bell and former junior Minister Anderson who, with their range of officials, have taken the issue forward. I also acknowledge the newly appointed junior Minister, Jennifer McCann.

I thank all the people who have engaged with the families and with the victims and survivors. They have spearheaded the campaign. As I understand it, the junior Ministers, in particular, and their officials consulted routinely with those people to get to where we are. I also thank the Chairperson of the Committee, Mike Nesbitt, for his remarks. He elaborately described the way in which the Committee came at the issue, which was through briefings from officials. As a Committee, we discussed the issue to some extent, but, last week, the Committee felt that it was not in possession of all the relevant information that would have allowed it to take a definitive view. We look forward to our meetings, which will start again tomorrow morning and at which we will take further briefings. We will go into a consultation period, during which we will speak to victims and survivors, who, undoubtedly, will want to speak to the Committee on relevant matters.

People have raised issues and questions about the format of the inquiry, the acknowledgement forum, and so on. We will take advice and representation from a wide range of stakeholders who may have concerns. Our party's involvement is clear. The party has spoken to victims and survivors, listened to a range of other stakeholders and taken counsel from people who have been involved in such inquiries elsewhere, and our intention is to give full expression to the best interests of victims and survivors. The inquiry must be about that.

I am little bit surprised that Mr Humphrey focused on one institution. It is wrong of him to do so, because the inquiry is set up to look at all institutions, organisations or bodies that have had responsibility for and have abused young children. It would be wrong for any of us to single out any institution. That is the work of the inquiry. Without any shadow of a doubt, I share Mr Humphrey's remarks about the behaviour and attitude of at least one organisation. My senior party colleague Martin McGuinness and others spoke at length on the

matter recently. However, I believe that we are here to establish legislation that will underpin the inquiry and allow victims and survivors to record their abuse and have it reported properly and diligently, regardless of where they received their abuse. I am satisfied that the Bill provides for that.

I am absolutely satisfied that, thus far, the victims and survivors who have been consulted have been satisfied with the process. I also believe that they would be satisfied with the intent to make sure that the inquiry goes right to the heart of any abuse that they tragically, unfortunately and scandalously had to endure as wards of any particular institution on behalf of the state or, for that matter, anyone else.

My party colleagues on the Committee for the Office of the First Minister and deputy First Minister and I look forward to our role in scrutinising the Bill at Committee Stage. We will listen to all representations as diligently as possible. As I said, for us, the outcome has to be about making sure that the voices of those victims and survivors are heard properly and that the iniquity of the abuse that they endured will be exposed. The legislation will provide for recommendations to be brought forward on the basis of evidence brought to the inquiry, which, I believe, will be comprehensive, because, unfortunately, a litany of such abuse has pertained in our society for too many years. Therefore, we look forward to hearing the ultimate recommendations of the inquiry, which, hopefully, will enable victims and survivors to recount the abuse that they had to endure and will make a number of recommendations. We look forward to ensuring that those recommendations will be put in place and acted upon in the best interests of those victims and survivors. Go raibh míle maith agat.

Mr Deputy Speaker: The sound system has been picking up some interference. Please check that mobile phones are switched off.

Mr McDevitt: This is, without a shadow of a doubt, a momentous day for this House. The survivors of institutional abuse have been campaigning for three and a half years to get us to this point. It is only right that we remember that the journey in this House started off in 2009, when my predecessor Carmel Hanna led an all-party motion on this issue. That motion received widespread support and triggered a debate that was long overdue in our region.

It challenged us all to think more deeply and more strategically about the real challenges that we would face as a state in responding to the appeal of survivors of institutional abuse for some sense of truth and justice at last in their individual cases and in those of the many people who went before them. Margaret McGuckin, John McCourt, Conor Ryan, Paul Toner, John Meehan, Patrick and William Murphy, John Leatham, George McKee, Valerie Mullan and Bernie O'Hara are just some of the people who have stepped into the public limelight to advocate the need for a process to deal with this terrible period in our history and this terrible indictment of our state and of the orders and others who were given responsibility for the care of children. The Bill deserves to be as good as they need it to be.

Like others, I acknowledge the First Minister and deputy First Minister's dedication to seeing this process forward. I had the privilege of accompanying some of the people whom I mentioned to meet the First Minister and deputy First Minister in July 2010. When they left the meeting, they reflected to me that it was the first time in their lives that they had been asked through the front door of an institution. They were still struggling to come to terms with the fact that the state that had so fundamentally let them down was now willing to acknowledge them as individuals, to take seriously their allegations and to commit to responding to them.

As others have said, that response has been led by Jonathan Bell, Martina Anderson and now by junior Minister McCann as well. The response has been a good one. The Executive have responded appropriately, identifying the three distinct needs that had to be addressed: the need for a support framework for survivors; the need to allow people to tell their stories; and the need for a formal public inquiry into the events that occurred in institutions in this region since the foundation of the Northern state.

The Bill is one with exceptionally noble intent. In fact, I will argue that it is probably the Bill with most noble intent that this House has had the opportunity to debate since powers were returned to it, but it is not perfect.

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

It is our job as legislators to properly scrutinise it, challenge those who sponsor it — not for partisan reasons but for the sake of the best

possible type of inquiry — and use the period of its scrutiny in the House to see if we can take whatever steps are possible to improve it. In that context and spirit, I will make some specific remarks about the Bill and some of the areas where, we believe, further work could be done and matters could be improved or strengthened.

4.00 pm

The current terms of reference do not provide for the inquiry to make recommendations, including changes in law, political or administrative procedures or practice to ensure that such abuse is effectively prevented in the future. Such recommendations could or should be of fundamental importance to securing for individuals their rights to adequate and effective reparation, which include guarantees of non-repetition. In that sense, the terms of reference should be more flexible to enable the inquiry itself to determine in more detail the matters that come within its scope, including whatever matters it considers relevant to the issues it is investigating.

There are also some concerns about the scope and time frame of the proposed inquiry. Victims of institutional child abuse in the years before 1945 or after 1995 face exclusion from the inquiry. Of particular concern must be victims who are now of a very advanced age, who face, if we continue as designed, exclusion from the inquiry. Some could argue that that amounts to indirect discrimination based on age. One victim known to those who have been supporting the survivors over the past several years is now in her 80s and would find herself outside the framework if we retained the 1945 commencement date.

It is true that it is proposed that the panel for the acknowledgement forum strand of the inquiry is to be granted some discretion in hearing stories from outside the time frame. That is to be welcomed, but it seems to be a second-class form of inclusion in the acknowledgement forum. The Bill grants no such discretion to the research and investigation team or the investigation and inquiry panel to take evidence and consider individual cases or systemic abuse outside the 1945-1995 period. Again, that allocates a different status to those who suffered abuse, say, in 1944, rather than 1946. The creation of the welfare state in 1945 does not lessen the abuse suffered or

the institutional or state responsibility for that abuse in the period before 1945.

Mr Humphrey is not in his seat at the moment, but I want to reflect on some of his remarks with regard to the duty on religious orders or the people who ran or owned institutions in the context of the inquiry. There is a basic duty, of course, on all those individuals and organisations, but we have argued from the very first day and will continue to argue that the principal duty lies with the state. It had the fundamental duty of care towards the young people entrusted to institutions, and it failed, fundamentally, in that duty of care. I have huge sympathy for Mr Humphrey's arguments about the responsibility that must be laid at the door of religious orders, and this inquiry will include religious orders of several denominations. One of the things that may surprise individuals is that there are similar issues in institutions run by many denominations. However, we should not in any way, as a legislature, take away from the primary duty of the state. In that sense, I welcome the architecture of the Bill, because it is designed to acknowledge that primary duty.

The Bill also, as currently drafted, postpones a decision on redress, including compensation, for consideration by the Executive until after the inquiry reports. That is likely to mean that no decision on redress, including compensation, will be taken by the Executive until 2016 at the earliest, with a further process of possible consultation and implementation to follow before victims are able to receive redress. We know that that is an issue of concern to many victims, some of whom are now, as I said, of an advanced age and fear that they will not live long enough to enjoy redress or receive any compensation to pass on to their families, who have also suffered as a result of the abuse that they experienced.

Another point that is worth making at this stage concerns the extensive powers and authority that are granted to the Office of the First Minister and deputy First Minister over the inquiry process by the Bill. The Bill gives OFMDFM wide-ranging powers to intervene or, potentially, interfere in the running of the inquiry. Each such power must be closely scrutinised to ensure that it is justified in the context of ensuring an independent and effective inquiry that can guarantee the confidence of victims and the wider community. I appeal to colleagues on the Committee for the Office of the First

Minister and deputy first Minister to pay great attention to that part of the Bill in Committee.

Such powers — I will outline them, if that is OK, Mr Principal Deputy Speaker — appear to include the power to amend the terms of reference of the inquiry at any time; the power to terminate the inquiry; the power to withdraw funding from the inquiry; the power to terminate the appointment of an inquiry panel member; the power to withhold the payment of expenses of an inquiry panel member; the power to set terms by which a witness may or may not be eligible for expenses, including legal representation; the power to determine whether and when the inquiry report should be published, rather than that power sitting with the inquiry chair; and the power to decide if the inquiry report shall be published in full and whether to withhold sections from publication. The terms of reference do not currently provide for the inquiry to make recommendations, as I said, including changes to law, political or administrative procedures and practice to ensure that such abuse will never happen again. That is a potentially weak aspect of the Bill and one that we should fully reflect on.

There are several other technical points. There is the time limit for application for a judicial review. The reduction to two weeks of the time limit for applying for a judicial review of a decision made by OFMDFM in relation to the inquiry or by a member of the inquiry panel is a significant reduction from the normal three-month period. That could restrict access to justice for those who feel unjustly treated by such a decision. I accept that there is a need to treat the inquiry as an urgent matter and that we do not want to create a situation in which you could have judicial reviews continually being applied for, but, on the other hand, we need to reflect to the House whether reducing it to such a short time frame is a fair and just thing to do.

Access to legal representation is also an issue that I would like to raise with the House at this stage. Victims, witnesses and other interested parties, including those who may be implicated, are entitled to legal representation. The provision of legal representation to meet that entitlement must be made clearer. It must be made clearer that it is possible for criminal investigation and prosecution to flow from evidence uncovered during the inquiry process. Prosecutions must not be precluded, should sufficient evidence be available. If the inquiry

obtains information indicating that identified individuals may have been responsible for human rights abuses, that information should be passed to the relevant law enforcement bodies for investigation.

The Bill does not cover victims of clerical child abuse outside the setting of residential institutions. I understand and accept why. I appreciate that, in order to get this far, we had to collectively take a decision to focus in the first instance on victims and survivors of institutional abuse within this jurisdiction. However, I repeat, in summation, the appeal I made last week to the deputy First Minister. There are many people, potentially thousands, who have suffered at the hands of abusers in the community. They are as entitled to an inquiry and the truth as those who suffered in institutions. The only way that we, as a region, will ever be able to meet their needs is in a co-ordinated fashion across Ireland. Again, it is a matter that urgently needs addressed by the North/South Ministerial Council in order to explore how the diocesan-level inquiries that are taking place in the Republic are rolled out across the island of Ireland. Colleagues will know that nearly all our Catholic dioceses cross the border. In those situations, we must ensure that there are no loopholes and no escape hatches but a fully robust and harmonised inquiry system.

I am exceptionally glad to have the opportunity to debate the Bill. I trust that the remarks I have made will be seen for what they are: important observations about the need to get this absolutely right. I hope that Committee Stage provides an opportunity to explore them further.

Mr Lyttle: On behalf of the Alliance Party, I welcome the introduction of the Bill by the junior Minister as a means of addressing the needs of those who have been affected by such heinous acts of historical institutional child abuse in our society. It is my hope and the hope of the Alliance Party that the Bill will provide an opportunity for the voice of victims and survivors to be heard and their needs to be met so many years after such unimaginable suffering.

There are, however, some concerns that victims have raised with me. Given this opportunity, I will speak to those today. As Mr McDevitt said, the terms of reference, as they stand, do not appear to provide for the inquiry to explore further recommendations. That should be looked at in

more detail. The terms of reference should be considered to be more flexible in that regard. The scope for the time frame of the inquiry has been mentioned. Currently, it focuses on 1945 or after, with no provision for after 1995. Those who have suffered outside those dates should be considered for consideration by the acknowledgement forum panel.

A concern has been expressed that the Bill effectively postpones a decision by the Executive on redress. That is a serious concern of victims and survivors. Concern has been expressed about the powers provided to OFMDFM by the Bill. Although the junior Minister set out well-intentioned concern for good governance in relation to the inquiry, the powers to terminate the inquiry, withdraw funding and decide whether the inquiry report shall be published in full are issues that the OFMDFM Committee will want to look at in more detail and scrutinise with officials, if nothing else, to make sure that the independence and effectiveness of the inquiry can be guaranteed and the confidence of victims and the wider community secured. From hearing the Minister today, I know he is keen to ensure that that is central to the process.

Concern has been expressed about the judicial review time limit reduction, from three months to two weeks. Although there is urgency around the time limit for the inquiry, we will want to look at that in more detail. Concerns have been expressed about the need for greater information and clarity on legal representation and the criminal investigation process that will be available as a result of the inquiry. We need to look at that in greater detail. I am not aware of any plans for a similar process of inquiry for victims of clerical child abuse outside institutions. The Assembly and the Executive need to return to that in more detail.

Notwithstanding those concerns, the Alliance Party hopes that the Bill, once processed by the OFMDFM Committee and the Assembly, can deliver the process and action that the victims and survivors of historical child abuse are so long overdue.

4.15 pm

Mr Campbell: The issue of the abuse that so many Members and the junior Minister alluded to is one of the utmost seriousness. I think that we have all heard the harrowing tales of the many victims who have spoken candidly

and clearly about their experiences. Nothing, of course, can eradicate the memory of their experiences, but, if this Bill can ultimately help them to come to terms with the aftermath of those experiences in some way, the time spent on it will be time well spent.

The victims and their families are paramount in our thoughts and concerns as we begin the progress of the Bill. I want to turn a little later to issues that a number of Members raised, including the power to withdraw funding and the judicial review times. As we begin the process, there will be a deep font of goodwill for it right across Northern Ireland and in every section of society. There will be a desire to see the Bill progressed as quickly as possible so that people can be brought to the point where they begin to see their story told and where they can come to terms with the aftermath of the terrible abuse that they suffered and all of that can begin as quickly as possible. I understand that mere recognition is something that begins to bring a sense of relief to victims, some of whom are in the Public Gallery, as well as the sense that, finally and eventually, somebody is beginning to listen to and take heed of what they have had to live with, which, in some cases, was for many years. If we bear that in mind as the Bill progresses, we will hopefully be able to get to that point much more quickly and expeditiously.

In conclusion, the wider issue that I want to turn to concerns something that I know will come to fruition not now and not, perhaps, in the next month or two, but eventually. That is the concern in the wider community about the Bill's cost implications. Almost inevitably, whenever anyone raises the issue of cost, the rhetorical question is this: what price the truth? Of course, a cost label cannot be put on the truth. The point is, however, if we get to the point where we have expended £5 million, £10 million or £15 million, at some stage in the future — maybe not today, next week or next month — many people will begin to ask how long the process will go on and how much it will cost. I understand several Members' comments about not attributing the issue exclusively or in any particular way to one denomination or another. I take those points, which are relevant and well made. However, let us be accurate: many of those who have suffered abuse have been very clear about where they lay the blame. The concern that many people have relayed to me is that, although they are not of the same faith

as some of those who were abused, they may be expected to pick up the tab for millions upon millions of pounds of expenditure.

So, I hope that we can get to the truth and get to it quickly and expeditiously and that we can do that in a way that brings the victims to the point where they are as content as they can be, given their awful experiences. I also hope that we can get to that point in a way that does not open a cost floodgate that leaves us in six months' or two years' time asking when we should call a halt to a sort of Pandora's box that has been opened, in terms of cost, not of the truth.

Ms Ruane: Go raibh maith agat. Cuirim fáilte roimh an fhiosrúchán seo, agus gabhaim buíochas le Jonathan Bell as a ráiteas agus le Martina Anderson agus le Jennifer McCann as an obair atá siad a dhéanamh ar a shon. I welcome the Bill. I thank Jonathan Bell for his statement, and I pay tribute to Martina Anderson and Jennifer McCann. I welcome the tone of all parties in the debate. It is fair to say that everyone in the House supports the victims and survivors and wants to see them get truth and justice, and it is a credit to everyone that all parties are working together in that. Obviously, as Conall McDevitt said, parties have the right to raise issues and scrutinise: that is our job.

I pay tribute to the parties and to the First Minister and the deputy First Minister. I saw at first hand when I was on the Executive in my capacity as Minister of Education their leadership and the decisive action that they took, and we need to recognise and give credit to that leadership. At that time, as Minister, I pledged my full support, and I have no doubt that each and every Minister on the Executive will do that in the coming times. We will work with everyone, in the Committee and at different levels, to ensure fairness and justice and openness and transparency. I note the make-up of the panel and wish its members well when they begin their work.

Like many Members, I have met families, when they visited Stormont, with Martina, and I heard their harrowing stories. I salute their bravery and courage. It is often much easier not to deal with the trauma and pain of the past. It takes courage to deal with it, and I pay tribute to the families. We pledge our support to work with everyone, and we thank all parties for their work to this point.

Mr G Robinson: I begin by commending the Bill and the innocent individuals who have spoken out and relayed the events that occurred in their life. They are indeed courageous people and should be fully acknowledged and supported.

Due to the extent of the abuse and the number of lives that it has damaged, an inquiry is an appropriate method of exploring the issue. The individuals who have spoken out are only a small number of those affected by institutional abuse. Our society should not tolerate a child being used and abused in such a horrendous way, and those who have committed such disgusting acts should be identified and punished. The perpetrators were ready to commit the crime, so they must now take the consequences of committing that horrific crime, which will have a lifetime effect on individuals and their families.

The inquiry should be robust and thorough and should commence as soon as possible. As time moves on, it can be adapted to deal with whatever findings are made. I want to show my support for the victims in a tangible way, and the only way in which I can do that is to support the setting up of the inquiry, providing that the full cost of it is not funded out of the public purse.

Mr McCallister: Like colleagues, I support the Bill, with the caveat that I have concerns over some of the issues. I am quite sure that all in the House will be supportive and want to see what we can do for the victims of this terrible, terrible crime. As Mr Robinson said, we will want to see what support mechanisms we need to put in place. Particularly once the inquiry is rolled out and up and running, many of the events will be brought to light, which may raise problems for many of the victims and survivors of the abuse.

I wish to raise some points about the legislation. I hope that, during its scrutiny, the Committee will consider and perhaps challenge the Department on the time frame and even the ability of the First Minister and deputy First Minister to change the terms of reference with limited consultation with the presiding officer and, indeed, to change the presiding officer. I have some concerns about whether that gives too much power over the inquiry to the First Minister and deputy First Minister, but I am sure that the Committee will make a judgement on that.

Other matters have to be looked at and clarified, and I look forward to hearing what the

Committee will say. I think the Committee will have an important say on the Bill, and I hope that, when the Minister responds, he will assure us that he will listen not just to the concerns raised during this debate but to any issues brought up by the Committee during the Bill's passage. I hope that its passage will not be rushed and that the Committee will be given time to make its determination and to make sensible proposals if it feels that changes should be made around the timescale.

In relation to the desire of the First Minister and deputy First Minister to limit the time, I think we are all conscious of how the Bloody Sunday inquiry went on much longer and cost much more money than was originally envisaged. There is a need for some restrictions, but we must in no way stifle the inquiry or hinder the search for the truth.

Mr Eastwood: I welcome the Bill. It is clear that this legislation is long overdue, and it is essential that we move quickly to set the inquiry up. Other Members have spoken eloquently about the deep hurt experienced by many victims of abuse across this country. I am glad that we will now, hopefully, begin to address some of that hurt.

I cannot begin to imagine how difficult the experience has been for so many victims of abuse. Not only were they denied their childhood, but the abuse was compounded by the denial of justice to the vast majority of victims. Many victims have died, and many are at an advanced age. I encourage the First Minister and deputy First Minister to do all in their power to ensure not only that the inquiry is set up quickly but that it carries out its duties efficiently and reports as quickly as possible. Undoubtedly, we will have some constructive discussions in Committee.

It is essential that the inquiry has the flexibility and the power to call for witnesses and papers. We need to ensure that no person or institution can hide from the inquiry. It is essential that all victims are afforded the opportunity to find out the truth about everything that happened in all the institutions involved. I also ask that the inquiry is not restricted by jurisdictional boundaries. We need to be confident that the inquiry can deal with the cross-border dimension of historical institutional abuse. The case of the Bethany survivors' group gives an example of children being moved across the border

without proper authorisation or adherence to the completion of proper documentation. I ask that that issue is also considered.

We must also consider who will be held responsible after the inquiry has reported and how any issue of redress and compensation will be handled. That will have to be dealt with at a later stage, but it is essential that the state does not shirk its responsibilities.

I look forward to working with the Department in Committee, when we can, hopefully, address some of the issues around the Bill, including those raised by Mr McDevitt and others. I hope that the victims of historical abuse can now have hope that their long journey towards truth and justice will soon be at an end.

4.30 pm

Mr Allister: Some interesting things have been said thus far in the debate, but I think that the most apt comment came from Mr McDevitt, when he said that, in judging the legislation, it needs to be as good as the victims need it to be. That is a distinct and appropriate test for the legislation. I have to say that, when I apply that test to the Bill, I feel that it comes up considerably short.

The first place that it comes up short is in its ambit, which is restricted to investigating only institutional abuse. We all know that much of the abuse was, in fact, clerical abuse, which falls outside the ambit of the Bill, unless it was carried out in an institutional setting, arguably. Mr Nesbitt spoke about there being an appropriate distinction, and, in part, there is. He said that the distinction was that there was a breach of trust in one circumstance, but I would respectfully suggest that there is a breach of trust in both. If someone is abused in a clerical setting by someone they should be able to respect and in whom they should be able to put faith, there is equally a breach of trust in that setting.

Mr Nesbitt: Does the Member accept that the distinction that I was making was between an individual who was non-aligned and an institution?

Mr Allister: I am not quite sure what “non-aligned” means in this matter. However, if a member of the clergy abuses a child who comes across his path, in whatever way, there is likely to be as much of a breach of trust as there would be if that abuse were carried out in an institution. I suppose the point that I am really

making is that when we look retrospectively over the sorry history of abuse and pick out some of the low points — for example, the behaviour of Fr Brendan Smyth — and ask whether this legislation would permit the investigation of that abuse, we see that the answer would be no, it would not. That suggests that the legislation is not sufficient or adequate because it puts clerical abuse outside its ambit. I have heard various reasons for that, but it seems to me that there is a readily straightforward solution, which would be to provide that the Bill shall extend to all abuse, clerical or institutional, that took place in the jurisdiction of Northern Ireland. That would be within the legislative competence of the Assembly, and it would not cross the lines of church jurisdictions, etc. It would establish a clear and neat basis upon which the Bill would investigate. I have yet to hear a persuasive reason why the Bill does not apply to clerical abuse as much as to institutional abuse and why it does not apply to all such abuse in the jurisdiction of Northern Ireland.

The second point is that, when one comes to a Bill that establishes an inquiry into matters as seminal and important as this, one recognises straight away that the terms of reference for that inquiry are fundamental and crucial. In fact, they will be that which, ultimately, may be litigated upon, if someone chooses to do so. Therefore, we would look to the Bill to see the precise terms of reference so that we could decide as an Assembly whether we are satisfied with them, whether we want to change them, whether we want to nuance them and whether we want to make some alterations. However, when we come to this Bill, we amazingly discover that the terms of reference are not in it. Instead, they have been set somewhere else, where there was no scrutiny whatsoever. They are set in the words of a written statement that was issued to this Assembly but not made in it, thereby denying the opportunity for the Assembly, at that very basic starting point, to interrogate the issue, to ask questions about it and to pose to the Minister various issues about the terms of reference.

In this Bill, you simply have in clause 1 a declaration that the terms of reference are those set out in the statement that was made by the First Minister and deputy First Minister on 31 May 2012. That does a number of things. First of all, it says to this Assembly, “We are going to ask you to pass legislation on this important issue, but we are going to deny you

the right to determine the most important issue in that legislation, namely the terms of reference". Those terms of reference are written in some supposed tablets of stone, handed down by the First Minister and deputy First Minister, and we can never change them. We were not even allowed to question or interrogate them. They are there, and they are unalterable.

That is, at best, a strange way to legislate. It is a Bill that sets itself apart on that particular: it does not set its own terms of reference. When you go to the Ministers' statement to try to identify and tease out the terms of reference, it is a most befuddled document. It has a subheading, "Terms of Reference", under which it states:

"The NI Executive's Inquiry and Investigation into historical institutional abuse will examine if there were systemic failings by institutions or the state in their duties towards those children in their care between the years of 1945-1995."

It then goes on to tell you what a child is and what an institution is. That is the apparent end to the terms of reference. I pause there and look at the adequacy of that as a term of reference. It states that the investigation will:

"examine if there were systemic failings by institutions or the state in their duties"

You might have thought that the starting point would be to establish what systems were in place in the institutions in the state, how the practice varied from those expectations and whether, as a consequence, there failings in respect of those duties. There is no obligation to establish as, you might think, a chronological necessity, what the arrangements were in the institutions, whether they were adequate and where the failings were.

The terms of reference deficiency goes much further than that, because it is quite clear when you read the rest of this befuddled document that although they have not stated it, there obviously are other expectations as to the terms of reference. When you get towards the end of the statement, it says that it will advise us on an apology, but nowhere in the terms of reference is the inquiry asked or given the reference to compose an apology.

It then goes on to make recommendations about the memorial or tribute and all those issues. One would have thought that if those are terms of reference and that is something

the inquiry is being set up to do, that would appear in clause 1, which would say, "Here are your terms of reference. You shall do x, y and z." Instead, there is none of that. You simply get a reference to another document that was never subjected to scrutiny, handed down in the rather befuddled style that I suggested, without any of the scrutiny that would come with legislative scrutiny, and simply incorporated by default into the Bill. That is, I would suggest, a wrong and very foolish way to draft legislation.

I wait to hear why the terms of reference, fulsome and effective, are not in the Bill; why they are elsewhere, and why, in consequence, it is beyond the legislative power of this House to change the terms of reference. Of course, we can be told by clause 1 that the terms of reference can be changed by the First Minister and deputy First Minister. So, this House has no say in determining the terms of reference. We are not even due the courtesy of putting them in the Bill, but Ministers, unilaterally, can change the terms of reference as the matter proceeds. Is that the proper way to proceed with legislation? I respectfully suggest that it is not. The absence of terms of reference is compounded by this unilateral right of the First Minister and deputy First Minister, on a whim or anything else, to simply change them. They can do that with no reference to the Assembly, except maybe just another written statement to tell us they have done it, and with no authority sought from this House and no consultation with the House or the Committee, just a unilateral doing of it. That seems to me to be fundamentally flawed.

Another thing that struck me as most odd when I started to read the Bill is that although it is to deal with institutional abuse, nowhere within it is an institution defined. One would expect to find that in the interpretation clause. Why not? Again, we simply refer to the definition that appears in the written statement from the Ministers. Why not have that in the Bill? What is this magic about deferring everything to what the Ministers said as if it is some document of infallibility? I suggest that that should be in the Bill.

We then come to the panel that is to be set up. We are going to set up a panel, but the Bill does not tell us how many will be on the panel. I thought that the Bill would tell us that it will be a panel of a certain size and that we would know the number on the panel. We are setting up an inquiry by legislative Act without ever specifying

the number of people who will sit on that panel. I must say that I find that odd. I find it odd that there is no express provision in the Bill for appointing the presiding member. Silence again in the Bill. There are no criteria for appointing extra members. There is a power in the Bill to appoint extra members. Again, it is a power for the First Minister and deputy First Minister, but there is no criteria by which they will do that. Clause 2(3) states:

“The First Minister and deputy First Minister acting jointly may at any time during the course of the inquiry appoint an additional member to the inquiry panel—

... (b) to increase the number of members of the panel.”

Again, they can do that on a whim. There are no criteria by which they would do it. It amounts to a very strange legislative vehicle indeed.

4.45 pm

Then we come to clause 3, where, perhaps, some of my greatest concerns arise. Clause 3(3) tells us:

“The First Minister and deputy First Minister acting jointly may at any time by notice terminate the appointment of a member of the inquiry panel—”

on the grounds of physical or mental incapacity. That is fair enough. However, clause 3(3)(b) says that they can do so:

“on the ground that the member has failed to comply with any duty imposed on the member in relation to the inquiry”.

In whose view, one might ask? Who determines that a member has failed to act on their duty, whatever it is? Quite obviously, it is the First Minister and the deputy First Minister, acting alone.

Members can also be stood down on the basis, in clause 3(3)(c), that they have:

“(i) a direct interest in the matters to which the inquiry relates, or

(ii) a close association with an interested party”.

One would wonder, then, how they ever came to be appointed in the first place. Clause 3(3)(d) says that a member can also be stood down:

“On the ground that the member has, since being appointed, been guilty of any misconduct that

makes the member unsuited to membership of the inquiry panel.”

What does that mean? Again, it is in the gift or at the whim of the First Minister and the deputy First Minister that they can remove a member on the grounds that, it seems, they think that the member has been guilty of any misconduct that makes them unsuited to membership of the inquiry panel. What is “misconduct”? Have they been too interrogating or too thorough, or have they not been thorough enough? Have they been caught drink-driving or have they been convicted of something else? We just do not know, because this Bill, like so much of the rest of it, is drafted in as blasé and bland terms as possible in order to maximise the powers of the Ministers.

One of the things that strikes you most when you read the Bill from start to finish is the free hand that it gives to political appointees, namely the First Minister and the deputy First Minister. This is not going to be Mr Justice Hart’s inquiry. This is going to be the inquiry of the First Minister and the deputy First Minister. Why do I say that? Well, because of things in this Bill. Let me go over some of them. They determine the number of panel members; they can revise the terms of reference; they can increase the panel membership; and they can remove panel members. They can terminate the inquiry, under clause 5. There is a power that Mr Cameron might have liked for the Leveson inquiry, but Mr Robinson and Mr McGuinness are going to have that power. Why? They can tamper with restriction notices that are issued under clause 8. Clause 11 allows them to decide who gets legal representation costs. By way of clause 12, they can rein in and thus control the panel by stopping paying it if they think that it is acting outside its terms of reference. Perhaps most significantly of all, under clause 18, it is not Mr Justice Hart who writes the rules that deal with matters of evidence and procedure, but the First Minister and the deputy First Minister.

This is a charter for control of the inquiry by politicians. It will not be an independent, free-standing, uninhibited inquiry. This is an inquiry, so-called, that is strictly reined in by the political control of the Department.

What about clause 5? When the original ministerial statement was issued, it talked about the inquiry covering a 30-month period. Clause 5 does not say that. Perhaps the junior Minister, in replying, will tell us where now it sits in the

matrix of the perceived 30-month time limit. There is no time limit in the Bill as drafted. Clause 5 states:

“For the purposes of this Act the inquiry comes to an end ... on any earlier date specified in a notice given to the presiding member by the First Minister and deputy First Minister”.

They can decide to serve a notice that says, “Mr Justice Hart, your inquiry is over. It doesn’t matter that you have still evidence to hear or that there’s still a list of people wanting to be heard; we have decided, because we’ve been given the power by the Assembly, that your inquiry is over.” Is that the right way to do business? That is the way in which clause 5 wants to do business. I find it rather surprising. If it is still OFMDFM’s agenda that the inquiry is to be a 30-month exercise, is clause 5(1)(b) there so that it can simply blow the whistle and say that it is over? It is a strange sort of inquiry if that is how it goes.

Clause 6 is interesting. It seems to give the presiding member the right to take evidence on oath, and all of that, as you would expect. It states:

“Subject to any provision of this Act or of rules under section 18, the procedure and conduct of the inquiry are to be such as the presiding member may direct.”

The problem is in clause 18, because, as I referred to, it gives all that rule-making power to OFMDFM. Clause 18 states that OFMDFM may:

“make rules dealing with ... matters of evidence and procedure”.

Anything, obviously, that the chairman does has to be subject to the rules that are made for him in that respect. Strangely, the rules that are made under what will be clause 18 can be made without ever consulting the presiding member. One might have thought, “OK, someone has to make the rules; perhaps they have to be made under a Department.” At the very least, you might have thought that you would impose an obligation on those making the rules to consult with the presiding judge to see whether the rules were suitable for his purposes. No, not in this Bill because this Bill seems to be about maximising the powers of the Department.

I made reference to the fact that, under clause 11, OFMDFM — not the tribunal — will be able to decide the extent of the legal representation

costs. Again, it gives the controlling interest to the Department. Interestingly enough, the EFM says that the presiding member will advise on individual cases. However, the Bill does not say that. It is all very well for the EFM to say that, but if it is not in the Bill, it is meaningless. Why is that restraint not in the Bill if the presiding member is supposed to give advice on individual cases? There is no provision in clause 11 about that.

Clause 12 contains the draconian power for OFMDFM to rein in the inquiry and control it by controlling the money supply. Of course we do not want an inquiry that runs away with itself on expenditure. However, we do want an inquiry that does the job that it is given to do. Therefore, we cannot unduly curb the inquiry’s freedom of action and independence. Under clause 12, you might have the situation of the presiding officer thinking that money needs to be spent on something but OFMDFM saying, “No. We know best.”

This Bill is addressing a necessary inquiry situation in Northern Ireland, but I submit that it is addressing it in a less than perfect manner. I hope that, when the legislation goes to Committee, the Committee will make sure that it emerges from that process as a much better piece of legislation than it is in its present draft form and that, in the words of Mr McDevitt, it will be as good as the victims need it to be.

Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister): I thank all the Members who contributed. Most were thoughtful and considered and displayed a depth of analysis, a strength of feeling, and empathy with the situation. It is evident that the Assembly cares passionately about victims and survivors of historical institutional abuse. I welcome the fact that the Members who spoke did so overwhelmingly in support of the Bill and talked about the need for it. I will take some time to go through the issues that Members raised. I thank the Chair of the Committee for the Office of the First Minister and deputy First Minister for engaging on the Bill before the beginning of the formal stages. Minister McCann and I and our officials look forward to working with the Committee on the Bill. We will do whatever is required to assist and support the Committee in its work.

Mike Nesbitt, speaking personally, mentioned that the terms of reference are not part of the Bill and that the Bill allows for them to

be amended. It is important to note that the terms of reference were agreed with the inquiry chair and the Executive Committee and communicated to the Assembly in a written statement. Any amendment would also need to be agreed with the chair and the Executive, and Members would have to be informed. We will be happy to discuss that issue further at Committee Stage.

As regards lost opportunities, many victims and survivors have told me about their lost childhoods and the impact that their abuse has had on every aspect of their lives. The terms of reference capture all forms of abuse, including physical abuse, sexual abuse, emotional abuse and abuse through neglect.

William Humphrey raised the issue of clerical abuse and the concern about religious orders. It is clear that this inquiry will not be narrow. Its terms of reference will be right across where there has been historical institutional abuse. The issue of clerical abuse is no less important or emotive. We are mindful of the equally destructive impact that it has had on many individuals. As such, the Executive will have to give careful consideration to how that should be dealt with following the inquiry into historical institutional abuse. Revelations of rape and beatings by members of religious orders have, in many ways, shattered the dominant role of the Catholic Church in Ireland and rocked the Church's reputation worldwide. It is in order to appeal to members of the Church hierarchy and to other groups involved in institutional abuse to give their full support and co-operation to the inquiry.

Mr Humphrey put it very well, and those of us who worked for 21 years of our lives with children who were sexually abused know very clearly the betrayal that they have suffered.

It has had effects on their lives and relationships, and, often, during flashbacks, they self-anaesthetise with alcohol and drugs because of the pain that they suffered. They also self-harm. That was discussed with many of the victims and survivors of abuse. We pay tribute to those who have lost their lives in many ways and, indeed, at times, through suicide, which has been contributed to by the fact that they were abused. It is important that we pay tribute to those people today.

5.00 pm

Lawyers' fees and the victim-centred approach was mentioned. Clause 6 of the Bill dictates that the inquiry chair will have due regard to cost in his deliberations and will avoid unnecessary expenditure. Victims have indicated that they have no desire, in their words, in many cases, for the inquiry to be over-lawyered. This is about the victims, not about lawyers, and that message came through very clearly during hours of consultation with victims and survivors. I emphasise, however, that the clause also requires the chairman to act with fairness, and that means making sure that witnesses have the opportunity to put forward their best case and, where necessary and appropriate, that they have the full legal advice and representation appropriate to their circumstances.

Alex Maskey raised the issue of placing the needs of victims and survivors at the centre and the importance of ensuring that recommendations are acted upon. We have consulted victims and survivors throughout this process, and we have designed a process that has victims at its centre. At the end of the inquiry, the report will be thoroughly considered by the Executive, and the Executive will decide on the way forward.

Conall McDevitt raised the issue of the duty on the state and the responsibility for abuse. The terms of reference mean that the inquiry will make findings and recommendations about systemic failings on the part of the state or institutions, and it is right and appropriate that we leave the inquiry to do its work and do not attempt to pre-empt its decisions. Conall McDevitt also raised the issue of compensation, and we have asked the inquiry to make findings and recommendations on that. The Executive will consider those recommendations and decide what will happen as a result, but it is far too early to speculate about what the inquiry will find and recommend. I should also add that some of the victims and survivors that we have spoken to have mixed views on compensation. Some have told us that they would not have anything to do with the inquiry if it was an issue about compensation being given in advance. It is about acknowledgment, tracing the patterns and gaining justice for what occurred.

Chris Lyttle raised the issue of judicial review. The clause on judicial review gives people two

weeks from when they know about the decision on which they are applying for leave. The reason that it is two weeks is to prevent people holding up the process. Victims and survivors have waited long enough for an inquiry, and, while the inquiry is fair and we have taken considerable time in consultation to come to where we are today, the two weeks are to ensure that it is not used to prevent people holding up the process.

Conall McDevitt also said that the redress decision was unlikely to be taken until 2016 at the earliest. We have set up the inquiry to investigate the historical institutional abuse and to make the recommendations, and we must allow the inquiry to do the work, reach a measured consideration of its issues and reach its conclusions. It is inappropriate, as I said earlier, to pre-empt the work of the inquiry.

In terms of what was raised about reported incidents of child abuse, let me be very clear that the law requires that, where allegations of child abuse come to light, they must be immediately reported to the PSNI and social services for investigation. The inquiry is not intended to replace the PSNI or the courts in investigating criminal activity. Anyone who has information should report it so that it can be investigated, so that steps can be taken to protect children as necessary and so that, where appropriate, the alleged perpetrators can be brought before the courts.

It was raised that the legislation is well-intentioned, and I am pleased that people have recognised the good intentions of the Bill. I welcome the Alliance Party's support for the Bill, which it gave in the debate. Chris Lyttle listed important issues, and we look forward to discussing those further at Committee. I have dealt with the issue that he raised about clerical abuse. Chris Lyttle also raised the issue of the Minister's power to make appointments or change the terms of reference. Members will understand that it is only sensible to include a clause to allow Ministers to remove the chair or panel members in the very unlikely event that this is necessary. Such circumstances could include an inability to perform the role due to illness or the emergence of a conflict of interest, and I emphasise that such clauses are purely safeguards and will be subject to the scrutiny of the Executive should such a situation arise.

Gregory Campbell asked us to make progress and, as quickly as possible, come to conclusions. We agree that it is vital to bring

closure for individuals and for society. We are keen to work with the OFMDFM Committee to ensure that the Bill is scrutinised efficiently and with all due energy. We have set a clear time frame for completion of the inquiry: two and a half years for investigation and six months in the reporting period.

Caitríona Ruane said that it is important to recognise that it takes a lot of courage for people to come forward to this inquiry. In conversations with Martina Anderson and, subsequently, in discussions with junior Minister Jennifer McCann, we have often talked privately about the courage that it takes for people to come forward and to confront what were horrors of the past. We salute and pay tribute to the courage of the victims and survivors, and we want you to know that you have been crucial to the progress of the Bill so far.

The issue was raised of why 1995 was chosen as a cut-off point. Members will know that the enactment of the Children (Northern Ireland) Order 1995 made the welfare of children the paramount consideration and legislated that all children's homes would operate within established processes and an established regulatory framework. Furthermore, the legislation since 1995 has significantly enhanced the safeguards that are in place for making sure not only that, if employees harm children, they are removed from the workplace by placing them on the barred lists but that they are prevented from entering into employment with children in the first place.

John McCallister raised the important point about the help and support that would be available to victims. A witness support service will be established to support victims and survivors through their contact with the inquiry process. Separate from the inquiry, the Office of the First Minister and deputy First Minister have established the wider victims support service to provide support and advice to victims before, during and after the inquiry. Victims and survivors have indicated that they need support in many areas, including housing advice; information on benefit entitlements; support on how to search records relating to their time in institutions; information on training and employment support and opportunities; trauma counselling and support; and for police referrals for those who wish to pursue criminal proceedings against perpetrators of abuse. Interim support is available for victims

and survivors through Lifeline, which can be contacted 24 hours a day. For those listening, that number is 0808 808 8000. All Lifeline staff are trained counsellors who have expertise in dealing with many issues, including trauma, suicide, self-harm and depression. Lifeline counsellors will help callers to get through the initial crisis and refer them to other support to match their needs.

Colum Eastwood raised the issue of the power of compellability. The need to provide the chair with powers to compel witnesses and evidence was central to our intentions in bringing forward the Bill. The chair will be able to issue the formal notices that can be enforced if people are convicted of breaching a notice. As I said, the law states that there will be a fine of £1,000, six months' imprisonment or both.

Colum Eastwood was concerned that the inquiry should not be restricted by jurisdiction, boundaries or the cross-border element. Victims who no longer live here will have the opportunity to speak to the acknowledgement forum. We expect the inquiry chair to advertise the inquiry in other countries and to put in place the appropriate arrangements to facilitate the victims who do not live here. As I said, reasonable travel expenses will be reimbursed.

I turn to some of the points raised by Jim Allister. I do not think, if I am being honest, that he has any real understanding of the legislation. It is apparent from what was put forward today that he has very limited understanding of the legislative process. Robust legal advice has been obtained, including advice on the drafting, to ensure that the legislation is strong and independent and that there will be a fully adequate investigation and inquiry. We took that robust legal advice, we talked about it with many of the victims and survivors directly, and we tested it out against the advice that we were given. I am convinced that the Bill allows for that strong and independent investigation and inquiry that victims and survivors deserve.

I look forward to continued engagement with the Committee and Members as the Bill progresses through its various stages.

Question put and agreed to.

Resolved:

That the Second Stage of the Inquiry into Historical Institutional Abuse Bill [NIA 7/11-15] be agreed.

Budget (No. 2) Bill: Second Stage

Mr Principal Deputy Speaker: I inform Members that confirmation has now been received from the Committee for Finance and Personnel, in accordance with Standing Order 42(2), that the Committee is satisfied that there has been appropriate consultation with it on the public expenditure proposals contained in the Bill. The Bill will, therefore, proceed under the accelerated passage procedure.

Mr Wilson (The Minister of Finance and Personnel):

I beg to move

That the Second Stage of the Budget (No. 2) Bill [NIA 8/11-15] be agreed.

Today's debate follows the approval of the Supply resolution last Monday by the Assembly for the expenditure plans of Departments and other public bodies as detailed in the 2012-13 Main Estimates and the second Supply Resolution for the excess resources for two Departments in 2010-11.

As Members are aware, accelerated passage of the Bill is necessary to ensure Royal Assent prior to the end of July. If the Bill did not proceed by accelerated passage and receive Assembly approval before the summer recess, Departments and other public bodies may have legal difficulty in accessing cash, and public services would, therefore, be significantly affected prior to our return to the Chamber in September. However, I am glad to note that the Bill can be given accelerated passage, because the Committee for Finance and Personnel has confirmed that, in line with Standing Order — *[Interruption.]*

From a sedentary position, the Member says that he told me so. It was my powers of persuasion and nothing more that ensured that this would happen. The Committee is satisfied that there has been appropriate consultation with it on the public expenditure proposals in the Bill.

5.15 pm

The Committee of the previous mandate took evidence on several occasions during the development of the Budget 2011-15, of which this Bill represents the second year, and played a useful and constructive role in co-ordinating the responses of all the Committees at that stage.

I had a constructive meeting with the Committee last week, and I thank the Committee for its agreement to accelerated passage for the Bill. I also acknowledge that the approval process is rather convoluted; it lacks transparency and is open to delay — a point that the Finance Committee and Members have made to me repeatedly. Members will be aware that I have initiated a review of the financial process that would improve the Assembly's scrutiny considerably. I can only hope that my Executive colleagues expedite that review and allow me to bring about the process amendments desired by the Committee and, indeed, by many in the House.

Standing Order 32 directs that the Second Stage debate should be confined to the general principles of a Bill. I shall endeavour to keep to that direction and, at this relatively late stage of the day, encourage others to do likewise. That is probably a futile request, but let us hope that it happens.

The main purpose of the Bill is to make further provision of cash and resources for use on services, in addition to the Vote on Account, provided in the Budget Act in March up to the requirements of Departments and other public bodies set out in the Main Estimates of 2012-13. In addition, the Bill makes provision for excess expenditure by two Departments in 2010-11 over the amounts approved in the 2010-11 spring Supplementary Estimates and the related Budget Act. Copies of the Budget Bill and the explanatory and financial memorandum have been made available to Members today, and the 2012-13 Main Estimates and the 2010-11 Statement of Excesses were laid in the Assembly on 11 June.

The Bill will authorise the issue of a further £8,203,787,000 from the Northern Ireland Consolidated Fund and the further use of resources totalling £8,424,156,000 by Departments and certain other bodies listed in schedules 1 and 2 to the Bill. The cash and resources are to be spent and used on the services listed in column 1 of each schedule. Of course, those amounts are in addition to the Vote on Account passed by the Assembly in March, bringing the total amount of cash provided for 2012-13 to just over £15 billion. In addition, the Bill sets out for the current financial year a limit for each Department on the use of accruing resources. Accruing resources are current and capital receipts totalling £2,160,054,000. Therefore the resources authorised in the Vote

on Account in March and the resources and accruing resources now provided in this Bill bring the total resources for use by Departments in 2012-13 to just over £18 billion. Of course, the amounts of resources include not only the departmental expenditure limits (DEL) on which our Budget process mainly focuses, but departmental demand-led annually managed expenditure (AME).

Clause 2 provides for the temporary borrowing by my Department of £4,101,893,000. That is approximately half the sum authorised by clause 1(1) for the issue out of the Consolidated Fund. I must stress to the House that clause 2 does not provide for the issue of any additional cash out of the Consolidated Fund or convey any additional spending power, but it enables my Department to run an effective and efficient cash management regime and ensures minimum drawdown of the Northern Ireland block grant on a daily basis. That is very important when contemplating the daily borrowing by our Departments.

Clause 5 makes provision for the excesses of approximately £2.8 million of resources by the Department of Culture, Arts and Leisure (DCAL) and an excess use of resources of some £10.2 million by the Department for Social Development. The Public Accounts Committee (PAC), in its seventh report on the 2011-15 mandate, has recommended, on the basis of its examination of the reasons for excesses, that the Assembly provides the necessary amounts by means of Excess Votes.

Finally, clause 6 removes from the statute book two Budget Acts from 2009 that are no longer operative.

The Budget Bill is admittedly technical, and, on the surface, it can be hard to translate the figures that it contains into real world public services. However, it is important to emphasise that every school and hospital and, indeed, every public service provided for under the authority of this Assembly is affected by this Bill and requires the legislation to operate legally in this financial year. So, while it may not appear so, it is crucial legislation for our public services. On that note, I will conclude. I will be happy to deal with any points of principle or detail of the Budget Bill that Members may wish to raise.

Mr D Bradley (The Deputy Chairperson of the Committee for Finance and Personnel): Go

raibh maith agat, a Phríomh-LeasCheann Comhairle. Tá áthas orm labhairt ar an Bhille, ar son an Choiste ar dtús báire agus ansin ar mo shon féin. I rise to speak first on behalf of the Committee and latterly on behalf of myself and my party. As outlined, the Bill makes provision for the balance of cash and resources required to reflect the departmental spending plans in the 2012-13 Main Estimates. The Bill also includes provision for excess cash and resource requirements by the Department of Culture, Arts and Leisure and the Department for Social Development for 2010-11.

On the latter issue, the Committee noted the work undertaken by the Comptroller and Auditor General and the Public Accounts Committee, which recommended that the necessary sums be provided by Excess Votes by the Assembly. Both Committees have indicated that they are content in that regard.

Members will be aware of the delay in the Bill receiving accelerated passage. The reason for that was well aired in the debate on the Supply resolution. Therefore, you will be pleased to hear that I do not intend to rehearse that here today. Following provision of the necessary papers by the Department of Finance and Personnel (DFP) after the Committee's meeting on 6 June, the Committee took evidence from departmental officials on 13 June, which was followed by a ministerial briefing on 20 June.

On behalf of the Committee, I acknowledge the steps taken by the Minister to reassure the Committee, and I thank the departmental officials for their prompt responses to a series of written questions that were issued for reply before the briefing from the Minister on 20 June.

The engagement last week will, no doubt, help to restore the constructive working relationship that has existed between the Committee and the Department, and I can now say that we have shed our differences — no pun intended. In any case, the evidence from the Department has provided explanations for a series of allocations, reductions —

Mr Wilson: Will the Member give way on that point?

Mr D Bradley: Yes, of course.

Mr Wilson: I am glad the Member did not use the phrase “kissed and made up”, otherwise Mr

Allister would have been very happy just to have heard his phrase being cast back at him.

Mr D Bradley: I thank the Minister for his intervention. I am sure that Mr Allister will duly take note of that.

The evidence from the Department has provided explanations for a series of allocations, reductions, technical adjustments and transfers with GB Departments that have been made since the Budget allocations were initially set out in Budget 2011-15. Clarification has also been received on the borrowing provisions included in the Bill, and the level to which similar provisions have been used in the past.

Members also questioned the use of terms such as “miscellaneous” as a Budget heading. At the evidence session on 20 June a range of issues were also discussed with the Minister, including asset realisation, capital receipts and funding that is held at the centre. Further queries around the reallocation of funding between Departments were also addressed. By scheduling two additional sessions into its work programme, the Committee was able to take detailed evidence on the Main Estimates and the Budget (No. 2) Bill. Therefore, following the Minister's briefing, the Committee agreed that there had been appropriate consultation with it on the public expenditure proposals contained in the Bill in accordance with Standing Order 42(2). The Committee was therefore content for the Bill to proceed by accelerated passage procedure. The Chairperson informed the Speaker of the Committee's decision on 20 June.

Though the Committee is satisfied that the requirements of Standing Order 42(2) have been met, there remains a wider issue: the scrutiny of the related estimates by other Committees. In evidence to the Committee, the departmental officials have advised that:

“the Estimates are not completely new. They are just a further evolution in the Budget process that kicked off a year and half ago.”

Any changes that have occurred since the initial allocations were made in the Budget 2011-15 have been notified through monitoring rounds and other statements to the Assembly.

I reiterate the point previously made by the Chairperson that Statutory Committees will not have had an opportunity to consider the cumulative effect of those changes in their

entirety, particularly given that there is just one week between when these complex documents are laid in the Business Office and the Assembly debate.

The Committee questioned why it was necessary to embargo or restrict the Main Estimates 2012-13 until 11 June, and the Budget (No. 2) Bill until after its introduction on 18 June, and asked whether that has the effect of curtailing scrutiny by other Statutory Committees. Members also queried whether it would be possible for other Departments to provide their Committees with draft Estimates for scrutiny in advance.

In response to those queries, DFP advised that the embargo:

“has been the convention for a number of years”

— and that, while that relates to the combined Estimates document, individual Departments are encouraged to provide their departmental-specific information to their respective Committees for analysis at any stage during the process, bearing in mind that it is not final until agreed with the supply divisions within DFP. The other Statutory Committees may, therefore, wish to note this point, with regard to the potential for them to undertake scrutiny of Estimates in the future.

The Committee made a comprehensive response to the Executive’s review of the financial process on behalf of the Assembly, and we look forward to seeing how that work is progressing. In tandem with this, the Committee itself recently issued a discussion paper entitled ‘Maximising the Assembly’s Contribution to the Northern Ireland Budget Process’ to key stakeholders. Indeed, responses are due back today.

The Committee will seek to ensure that the Assembly and its Committees can add real value to the Budget process and that they are afforded the time and the information to enable them to undertake scrutiny and exercise influence at the most appropriate stages in the process.

In the meantime, in respect of the more immediate issue before us, on behalf of the Committee, I support the general principles of the Bill.

5.30 pm

I will now make some points on my behalf and on behalf of my party. The Minister has noted that I am in the habit of questioning him about

revenue-raising issues. I note that, earlier in the year, we were told that £1.3 million had been realised by February of this year. Last week, during the Supply resolution debate, the Minister informed us that that had leapt to a figure close to £200 million, which was £29 million in excess of the target that was set. That is a huge increase. I see the Minister nodding. Maybe he thinks I have got it wrong, but those are the figures that I have in my notes. I remember that, last time, Mr McCarthy asked him where that money came from, what was sold, by whom and for how much. The Minister, not being encyclopaedic in his knowledge, was unable to answer, but I would like to see more detail on those figures in the future, and I am sure that the Minister will reassure me by providing me with those figures.

In the course of examining the Estimates, it was noted that a figure of £198,000 was set against the Northern Ireland Events Company in the DCAL chapter. I believe that that is accounted for by legal fees involved in the winding-up process. We have to bear it in mind that DCAL initially commissioned two separate reports on the demise of that company that were paid for out of the public purse. The matter was referred to the PSNI, which could find no grounds for prosecution. Still and all, DCAL officials, supported by the Minister, insisted on referring the matter to the DETI investigation unit, incurring further costs. We could get into a situation in which the winding up and the inquiry into the facts behind the company will cost us more than the initial loss. That is somewhat ironic. Perhaps the Audit Office needs to inquire into that when the DETI investigation has been completed.

Moving on, I recall that, initially, the Minister told us that he hoped to raise £125 million from the reserves of the Harbour Commissioners. As yet, we have had no reports of progress on the realisation of that money. I think it was said that legislation would be required in order to remove that amount of money from the Harbour Commissioners. Has the Minister made any progress on that issue, or is it dead in the water? Again, no pun intended.

The Minister also told us that the Executive had agreed to reclassify £250 million of current expenditure as capital spending over the budgetary period. He predicted that capital spending would reach, I think, £1.5 billion

by 2014. What is the Minister's view on the progress that has been made in that respect?

We have discussed on a number of occasions the effects that welfare reform would have on our citizens here in Northern Ireland. A figure of £450 million being taken out of the economy was mentioned. Originally, the Minister disagreed with that. Perhaps, later on, he came round to closer agreement to that. That obviously has a huge effect on the most vulnerable in our society, with a knock-on effect for the retail trade. My concern is for the most vulnerable people. Unfortunately, this Budget does not contain any obvious measures to mitigate the effects of those cuts. We had a social protection fund of £20 million. That has already been spent. In my view, the most vulnerable remain open to the effects of these drastic cuts. We hear the Prime Minister today speaking of making the cuts even more stringent. It is with regret that I say that the Budget does not deal with welfare reform. However, perhaps there will be time during the coming year to improve that situation. I hope that we will be able to do that.

Mr Girvan: I support the Second Stage of the Bill as presented to the House. I want to come back on a few points. A document has been put together for Members to read and browse. In some ways, it works, but in some ways, you may think that it was designed as a cure for insomnia. I will go into more detail of what has happened. In Committee, we have been kept informed, not just at this stage but right through the process, of how we are progressing with budgets, Estimates and spending reviews — the whole process.

One good thing is that we are not handing back any money. The Minister made representation to Her Majesty's Treasury to allow us to hold on to £49.5 million in resource and £13.6 million in capital. This year, we have underspent in those areas: £46.3 million in resource and £5.8 million in capital. Historically, we have had a problem with hundreds of millions being handed back that should have been spent in Northern Ireland. Departments are to be congratulated on how they have managed their budgets this year. That fiscal responsibility has been borne out. Some Departments have done it better than others, but, on the whole, it has been better than in the past.

The debate is a good opportunity for us to discuss things that are of some significance and interest to us. In South Antrim, a bit of noise has been made about our accident and emergency department. Accident and emergency departments are and have been very much under pressure. Noise has been made about the allocation of funds and how those funds will be spent. Some of that will be spent in 2012-13. Waiting times in the accident and emergency department have been quite long. I welcome the newbuild accident and emergency department at Antrim Area Hospital. Building has already started on that. I appreciate that it will take some time for that to be completed, but we will benefit from that.

I appreciate that the capital receipts that were received during the past financial year were mentioned, what they were and how they calculated out. I welcome the £29 million that was not accounted for, in that we got receipts for £171 million, which is £29 million more than the original prediction. So it is good that we have some additional moneys that we can make use of.

In anyone's estimation, £18 billion is quite a large amount of money, but let us be truthful: if we did not have our link to the United Kingdom and Great Britain, we would be nowhere near having a receipt of that amount. I do not think that we could get that at all through the amounts that we raise through taxes here. We are doing exceptionally well with what we have, but that does not mean that we cannot do better. We are trying to grow our economy, but there was an issue about that in our draft Estimates and those for 2012-13. The only way to grow our economy is to focus on small and medium-sized businesses in Northern Ireland, as they are the core employment provider. We do not have many large companies involved in that, so we must focus on supporting and increasing small and medium-sized businesses. I congratulate Invest NI and the Department of Enterprise, Trade and Investment on their work in encouraging new schemes and new programmes. I also congratulate them on their work in encouraging inward investment, which will do much to grow our economy and possibly reduce our reliance on public sector employment. I appreciate that that may not be a message that everybody wants to hear, but we need to reduce our public sector to a level that allows us to sustain it with some of our private sector employers.

I agree with Members about the work that the Committee did; it was intense at times, but we did it nonetheless. One of the issues mentioned today was scrutiny of the Estimates when they come through. Some areas were dealt with in the Estimates prior to their being presented to the House and placed in the Library on 6 June this year, but we now need to see whether we can have more openness and transparency in how those areas are presented. The Estimates include too many bland areas where items come under miscellaneous headings. As the Deputy Chairperson of the Committee said, those areas need to be tightened. We want a totally open and transparent process so that there is traceability not only of what we are doing but of the areas on which we are ensuring that the public can see spend. That is vital. Some Departments have more work to do on that than others, and that body of work needs to be carried out to give us more accountability and to ensure that there is such awareness. After all, one of the Committee's jobs is to ensure that we have accountability for what is presented. We want to see that work progress.

I welcome the work on improving the processes that we, as a Committee, are dealing with. That work has to be done. I feared that we would not get to this stage this week, as one of the hiatuses appeared when someone commented in Committee last week that there was much of a hullabaloo about "a puff of smoke". We all know what that refers to, and, to be honest, it achieved nothing except to delay the process further. However, we are here today, and I support the Bill. I also hope and pray that this will create a way forward, because it allows Departments to move forward with the confidence that they have Members' support. They can also now commit their spend, not having to worry about spending up to 95% or whatever the percentage might be. Those are the facts. By going forward with this process, we can release the money and make sure that we can deliver the full spend.

The Department for Regional Development has committed to a few major spends on major projects. One of the things that it has failed to look at is maintenance of the existing infrastructure, which causes us major concern. I appreciate the need for new roads in certain areas, but the focus that DRD has on roads maintenance has caused concern. A number of roads are falling into a serious state of

dereliction, and that is something that we have to address.

5.45 pm

Mr Mitchel McLaughlin: Go raibh maith agat. Speaking on behalf of my party, I make it clear that we also support the motion.

I acknowledge the Minister's efforts to deal with the issues that the Committee wished to discuss, as well as the co-operation and assistance that we got from his departmental officials. The Committee has focused for a number of years now on trying to demystify the Budget process to achieve a level of engagement and understanding right across these Benches. The situation is significantly improving. In the past, very significant sums were not even voted for expenditure but were being spent by Departments or their third-party organisations in the delivery of public services. They were not actually voted through during the Budget process. That is an issue that the Minister and his officials have responded to and have worked with the Finance Committee to improve.

The Deputy Chair comprehensively set out the issues raised with the Department and the Minister in direct discussion and in correspondence, as well as the responses that we got that satisfied the Committee. However, we are very conscious that other scrutiny Committees are still somewhat outside the process owing to time constraints. Those Committees reported to us when the Finance Committee was making a consolidated report to the Assembly that they were very dissatisfied with the time and opportunity that they have to scrutinise their departmental budgets. More work needs to be done in that respect. However, I think that developments are positive, and Paul mentioned what I consider to be a very strong positive: in the lifetime of the Assembly, going back to the first mandate, as it is known, significant improvement has been made in financial projection and management. Departments now regularly achieve their targets.

Another issue arises, and it is one that would affect any Administration, in good times and in bad. Of course, we are operating in difficult economic circumstances, and the issue that I wish to see developed as we reform and refine the budgetary process here is that we become able to track the cost of administration against the delivery of programme priorities. If we can do that, we can be satisfied that, when we set

ourselves efficiency targets, they will actually be that, as opposed to cuts to vital front line services. I felt that we got a fair enough reception from the senior departmental officials on that point, and I look forward to that happening in the years ahead. You have to operate on more than a one-year canvas; you need to be able to address the issues over four or five years, possibly even cutting back from one mandate to the previous one to track the impact of measures. They are cumulative, so it can be difficult to keep a perspective. In setting out the Programme for Government targets and matching them to the available Budget, we can be satisfied that a genuine effort was made. That makes it all the more important that the process is as transparent as we can make it. We may never be able to totally satisfy opinion, because critical discussion and engagement is very important for ensuring that we have the most rounded perspective. However, I record my appreciation as a member of the Committee. I have been a member of this Committee since the earliest stages and have seen the changes and responses. I think it is proper to put that on record.

We also dealt with the issue of the Excess Votes. Again, an explanation was given by the Department and referred to by the Minister last week, which is very acceptable. That set out the circumstances and the responses. We also got the detail that was required on reallocations and transfers and the issues that can affect or amend the starting position of the budgeting process. Members of the Assembly can take some assurance that they have the up-to-date picture now, and that the motion is worthy of support.

Mr Cree: I am pleased that we are in a position to debate the Budget Bill today. I think it was right that the Committee took the stance it did, and the Minister well knows that we should have had more time to consider and scrutinise the information. However, it was also right that the Minister came before the Committee last week to explain the situation. I commend him for doing so, and, although I was unable to attend due to a prior engagement, my colleague Roy Beggs was there, and I am fully aware of the content of that meeting.

We are all conscious of the fact that, under Standing Order 42(2), the Committee must be satisfied that there has been appropriate consultation with it on the Budget before accelerated passage is granted. We were not satisfied that the consultation was appropriate

at this stage last week; however, the Minister will have learned that, if he works with the Committee in a constructive manner, we can resolve most of our difficulties.

The Finance Minister's attitude has at times not been helpful. He accused various members of the Committee of being truculent, petulant and opportunistic. My opinion is that the Committee was simply seeking to do its job in carrying out the obligations placed on it. We were also given conflicting stories as to whether the delay was caused by the Minister or by an oversight in his private office. Some doubt still remains over the root of that problem, although I think we have probably heard enough about that.

I also want to record my disagreement with the Minister's comments that 95% of the Budget was already outlined in the four-year Budget and that, as a consequence, we should not have had much to talk about. That is wrong. Each Budget year is a stand-alone Budget year. Each Budget year, which authorises the spending of some £8.2 billion, should be given the necessary scrutiny both in the Finance Committee and in the Chamber. The public, rightly, expect that to be the case. The precedent set this year is that each year's Budget will be given the proper consideration and not glossed over because some in the House previously agreed a four-year Budget. From the changes that have been made from the 2011-15 Budget document to the figures dealt with today and in the Main Estimates it is clear that allocations have been altered in respect of the 2012-13 Budget year. For example, the Department of Agriculture and Rural Development has just under £8 million less resource, the Department of Education has £30 million and the Department for Employment and Learning has nearly £40 million more in resources. Those are just a few examples that illustrate the point. However, I reiterate that I am pleased that we have reached the Second Stage of the Budget Bill and that the Committee felt able to grant accelerated passage.

In addressing the Budget Bill, I will concentrate on the Department of Finance and Personnel, which has a sum of £132,585,000 granted for its general purposes. That includes the Central Procurement Directorate, which is responsible for reviewing and developing procurement policy up to a £3 billion annual spend. The Finance Committee conducted a worthwhile and useful inquiry into public procurement in Northern Ireland that resulted in 41 key conclusions

and recommendations, and the Minister will be aware that the inquiry has subsequently been debated on two occasions in the Assembly. Minister, in the context of the Budget Bill for 2012-13, what reforms will we see for public procurement during the coming year? What efficiencies and value for money will be delivered in that area, and how will that affect the Budget in monetary terms?

The Minister should seek to raise revenue in his Department, and I am interested to learn how that is factored into the Budget. The Department has economists and legal, advisory and business consultancy professionals at its disposal, and we must be creative in the current economic climate. Another issue raised by the Minister was the prospect of Land and Property Services using its expertise to collect money in the private sector. I would appreciate a response on where we are with projects of that nature over the coming year.

I also note in the Budget Bill that the Department is responsible for the sponsorship and provision of secretariats for other independent bodies, and, as far as I can see, that is not covered in any detail in the Main Estimates. Perhaps the Minister will enlighten the House on what specific bodies are covered and how much is afforded to each. I realise that the Minister may not have that level of detail today, and, if that is the case, I ask him to write to me.

Lastly, the equal pay claims for the Northern Ireland Civil Service remain unresolved. I understand that £26 million has been set aside for the purpose of meeting the equal pay claim and that that will still be available this year. However, there is an urgency to the issue, given that, as far as I am aware, there are no assurances that those funds will be in place indefinitely. The Minister has a duty to ensure that those claims are settled equitably, and I ask him to provide an update on the stage at which proceedings are.

Mrs Cochrane: I welcome the opportunity to speak in support of the Budget Bill, following last week's successful passage of the prerequisite proposals on the Supply resolutions for the 2012-13 Main Estimates and the 2010-11 Excess Votes. As stated, the Bill provides for a balance of cash and resources required to reflect departmental spending plans in the 2012-13 Main Estimates. Others have described the process that has brought us to

this debate, so I will limit my comments to a few specifics in the Bill.

I turn first to social development matters, as I serve on the Committee for Social Development. I do not know what the implications will be, given that there are now likely to be significant delays in the welfare reform legislation, with no introduction expected before recess. However, I believe that responsibility and due diligence are required from Members in advance of welfare reform, and proactive measures could and should be pursued if we are to address the potentially negative consequences of the changes.

Our community and voluntary sector plays a vital role in providing services to our community. It often offers considerable value for money and is uniquely positioned as a sector that is not only innovative but effective and efficient. However, that does not seem to guarantee its protection when it comes to departmental reductions. Arguably, the current impact of the recession, combined with the future impact of welfare reform, calls for more services in the voluntary sector rather than fewer. Vulnerable people in our society already face money problems, and an increase in advice services to assist with financial planning would go a long way. There is an evident need for enhanced financial education through organisations such as Citizens Advice and others in our community and voluntary sector, and we must be willing to shoulder the burden of responsibility for the fiscal competency of our society and to enhance the financial opportunities and status of our most vulnerable people.

With reference to the expenditure programme for OFMDFM, it is worth noting the support pledged in the Bill to develop and implement the new childcare strategy. That strategy will be imperative, especially in light of the overlapping nature and potential impact of welfare reform legislation. Providing an exceptional level of service and support to our children and young people should be at the heart of any progress that we want to achieve in the financial year. It may be worthwhile considering alternative initiatives that have proved successful in other parts of GB and Ireland. In England, for example, the London borough of Tower Hamlets has recently piloted a scheme that seeks to provide up to 15 hours of funded childcare for two-year-olds from low-income families. That is in addition to the nursery provision already in place for three- and four-year-olds, which

guarantees a funded place for a maximum of up to six terms or two academic years.

Such allowances enable those who might not otherwise be able to afford adequate childcare to benefit from this enhanced support mechanism, empowering them to better balance work and family life, as well as giving these children a head start through preparing them for primary school and their formative childhood years.

6.00 pm

Another issue of particular interest in my analysis of the Bill and the figures detailed within is the mention by most Departments of provision for settling outstanding Civil Service equal pay claims. Having met a wide range of constituents directly affected by this issue, it is my sincere hope that, in this financial year, we may, at last, be able to adequately address any unresolved claims once and for all. I believe there is a moral obligation to do this.

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

Finally, so as not to disappoint the Minister, I will mention the costs of maintaining a divided society. These costs manifest themselves across all Departments and spending areas, and our Executive and Assembly must ensure that the provision of good facilities and services reflect the changing attitudes to, and preferences for, sharing and integration. We must make a genuine commitment to addressing such matters. I support the Bill.

Mr Hilditch: I support the Budget Bill and the agreed principles within it, although I do appreciate that there are various views on how some of the departmental budgets are spread and distributed throughout.

With the economic difficulties that we continue to face in every sector, it is crucial to support the process before us as we attempt to balance our economy. I am pleased that the issues that dominated last week's Estimates debate have been resolved, and, as a member of the Finance and Personnel Committee, I am pleased that the battle lines that had been drawn were quickly erased. Peace broke out, but not only that, a way forward was found.

Hopefully, that joined-up working can continue throughout this budgetary period, as this Assembly strives to improve the financial process and we look forward to the outcome of the Budget review work and the financial review process.

That said, I do welcome the provisional out-turns of each Department and the work that has gone on in Departments, particularly aided by the useful and sensible approach in the monitoring rounds, with Departments reaching their targets and achievements. I hope that will continue over the budgetary period and, indeed, the mandate.

The Committee has undertaken considerable work, and I will not go through that again, as it has been highlighted by other Committee members. Previously, I had highlighted, within this year's spend and Budget, some of the benefits of devolution locally and some of the issues that Members would be supporting and lobbying for. I welcome some of the Department for Regional Development's (DRD) major infrastructure projects being delivered through this year's spend in my constituency, such as the A2 and A8 projects; the major environmental improvement schemes that are under way in town centres throughout the Province through the Department for Social Development (DSD), in conjunction with other measures that the Finance Minister has initiated to help our retail and small businesses; and the stadium projects that will progress our main sports. I, personally, hope that many others will benefit from these schemes as they progress and that DCAL will not inadvertently create a hierarchy of sport. I am confident that it will not.

There are, however, some areas of the Budget that cause me concern in relation to local delivery. One is the reduction to be borne by the Northern Ireland Environment Agency in the Department of the Environment. Over time, in my constituency, I have witnessed a reduced service delivery on the part of that agency, specifically in the section that deals with monuments and buildings of special interest — our built heritage. I refer, in particular, to a landmark on Belfast lough, Carrickfergus Castle. We have just learned that, due to this year's financial projections, the very popular Lughnasa Fair, which attracts tens of thousands of people to the area, has been cancelled to provide a saving to the agency. This is purely a budgetary decision, and it has been met locally with disbelief. It is a major blow to the town, although that is perhaps not surprising, as we tend to play second fiddle to the only other walled settlement, Londonderry, when it comes to financial assistance for this type of cultural-heritage budgetary support. I hope that finance can be found in one of the monitoring rounds to reinstate that popular festival, which celebrated

its fortieth anniversary last year. There are other issues about the castle and its fabric, parts of which are in urgent need of replacement. However, as those are not in this year's spend, I will leave that argument for another occasion.

I would like to touch on a number of other areas of the Budget, one of which is the continued provision of effective firefighting and rescue and fire safety services. I pay tribute to those involved in that for their sterling work in the dangerous environments that they have to attend. That is an area of the Budget where we are witnessing a reduction. I am not saying that it cannot meet its requirements and needs, but I would like the Department to take a look at the provision of the service in greater Belfast locations and at getting the right balance between the work of the full-time and part-time service. I believe that such an exercise would be of benefit to that particular budget.

I note the uplift in the budgets for the Northern Ireland Commissioner for Older People and the Northern Ireland Memorial Fund. I welcome that and look forward to further detail from the Office of the First Minister and deputy First Minister (OFMDFM) over the coming months.

I support the Bill.

Mr McQuillan: I welcome the opportunity to speak on the Bill as a member of the Committee for Finance and Personnel and as a Member for the East Londonderry constituency. The Bill would see the transfer of the remaining moneys to the Departments and associated agencies to the end of the current financial year. The Bill is obviously necessary as it grants the Minister of Finance and Personnel the authority to do that. If the Bill were not approved, the Departments and agencies would not be able to function and would simply grind to a halt.

The focus of the remainder of this financial year and, I suspect, of many years to come is on the local economy. The moneys detailed and set out for transfer to individual Departments and associated agencies in the Budget (No. 2) Bill are vital in order to maintain the running of our health service, schools, universities and colleges and for the maintenance of roads, among many other services and resources provided for the people of Northern Ireland. It is important that the Executive maintain a standard of living for those suffering as a result of the economic downturn, never mind those suffering from long-term illness or disability.

The Executive must ensure efficiencies at this time. Much of this has been forced by the Government in London. They led a campaign based on cuts in 2010, which led to a reduction in our block grant. The Executive have already used their only fiscal power responsibility, that of raising additional moneys through increasing the regional rate. The Executive have ensured that the regional rate has remained the same in real terms and, hence, have limited the burden on households at a time when households' costs are soaring.

In the Programme for Government, the Executive committed to the reform of local government, reducing the number of councils from 26 to 11. It has been demonstrated that that will save money in the long term and, ultimately, will result in savings for those in East Londonderry, whom I am honoured to represent. The Executive have, therefore, demonstrated an ability to ensure efficiencies and to generate savings, while investing in our future.

That investment is demonstrated by the Executive's decision to freeze student fees at their current rate, while plugging the gap resulting from that decision. Universities in Northern Ireland are, therefore, no worse off. That is encouraging for young people or even for mature students who are seeking to gain a qualification in order to advance or kick-start their career. However, there are many people out there who have exceptional qualifications but are unable to obtain a job. That is why I am pleased that the Executive have committed themselves to creating 25,000 jobs within this Assembly term. That is what we need in order to reduce unemployment, while offering our young people jobs that meet their expectations, ability and level of education.

At this time, demand outweighs supply, but we must make the best use of the resources we have and utilise them in order to assist those in need, to support training and education programmes and to support our private sector in order to generate growth.

I support the Bill.

Mr Beggs: Thank you for this opportunity to comment on our Budget.

The man in the street will find the Budget process rather difficult to understand. Indeed, many of us who do not come from specialist accounting backgrounds find it equally difficult

to understand the process involved. Let us take, for example, the requirement that, every year, the Budget Bill will be subject to accelerated passage and will not have a high level of scrutiny or accountability or significant input from Committees in suggesting alternatives or looking at options for how the money could be better spent. I think that there is a weakness there, and I welcome the fact that the Committee for Finance and Personnel has recommended improvements to the overall finance system, supported by the Minister and the Department. That area must be pursued. Clearly, there needs to be improved transparency and accountability.

At the bottom of this, we all need to remember that this is not our money. It is not the Minister's money. It is not the Finance Department's money. It is the public's money. We all have a duty to ensure that there is transparency and that the best use is made of that money in the interests of the public, not for some narrow purpose that an individual Minister may wish to pursue.

I urge that improvements be made to the system. During our evidence session on the finance, we learned that around that time the Education Minister was opposing the new process, and I understand that his party is reluctant to support it. There must be a clearer movement forward in this area, and there must be transparency and accountability in our Budget so that money is well spent. I hope that the entire Assembly will ensure that the process moves forward, even after the Budget. Huge sums are involved, which are difficult for any of us to visualise. Eight billion pounds has already been put through the Consolidated Fund; there is a further £8.4 billion for resources through schedule 2 to the Bill; and there is £2.16 billion for accruing resources. These are huge sums, and difficult to grasp.

I concur with the points made by the Deputy Chair earlier about the Budget. The Estimates were given to the Finance Committee, but why were they withheld from all the other Committees? What harm would there have been in giving that information to the other Committees to allow them increased scrutiny? I cannot see any difficulty that would have resulted. It would be interesting to know. For the sake of improved accountability, that would have been useful. I certainly asked some questions about the Budget figures in the Estimates for

which it was difficult to get answers. Other Committee members appeared not to be aware of some of the details that relate to the Budget.

Some changes in the summaries that were provided to the Finance Committee primarily concerned the Department for Regional Development with the changes to the A5: there is a minus £189 million but then a plus £123 million. The Department of Health benefited by £37 million capital, but there is a technical reduction of £3.7 million, so a net £34 million to the Department is, I understand, contained in the budgetary figures.

Accident and emergency departments are under considerable pressure. I certainly support additional capital moneys going to the Department of Health, which will help our Health and Social Care services and hopefully reduce some of the difficulties that they have been experiencing.

East Antrim is one of the constituencies without a hospital with an accident and emergency department. There is a minor injuries unit adjacent to us in Whiteabbey, which is valued by the local community. However, for Larne and Carrickfergus, there is little minor injuries provision, and that is an areas that I would like to be seen to be able to improve in the future. For accident and emergency, East Antrim is largely served by Antrim Area Hospital and the Royal Victoria Hospital. I hope that there will be continual improvement there. They have been unsatisfactory, with some of the longest A&E waiting lists in Northern Ireland. Clearly, that needs to improve. If some capital funding helps to do that, that will be good.

I think that this capital funding could be particularly useful because much of the pressure on our accident and emergency departments can be caused by patients who feel that they have no alternative but to go to an accident and emergency department. They frequently may, and ought to, be treated in other primary care settings, and Larne and Carrickfergus clearly fall into that category. With additional moneys, along with the co-operation of GPs and the new financial health models that are emerging within health in terms of an increased use of primary care, some of those patients could be treated in primary care, and critical A&E delays would be removed. As I said, I support additional capital moneys going to the Health Department, and I hope that some of it makes its way to my

constituency. East Antrim has a particular need for improved health and care facilities.

Two of our primary health centres — the one in Talyors Avenue and the one in Gloucester Avenue — are badly outdated. They have poor infrastructure and their layouts are not correct. Additional capital moneys to those centres in the Budget would help to right those problems, so I hope that that is the case. Certainly, this is an area that continues to need support, so that GPs, many of whom already have specialist capabilities, can take on more responsibility. With the right infrastructure, GPs will be able to assist in improving everyone's health, because more people will be treated locally, and the speed at which those who require accident and emergency facilities at Antrim Area Hospital or the Royal are treated will be increased. So, it is important that investment in our health capital infrastructure continues and that more responsibility is passed down to our GPs to enable them to treat more patients in their locality.

6.15 pm

One of the questions that I pursued during the Committee's consideration of the use of accelerated passage was the allocation of £4.9 million to the Middletown Centre for Autism in the Estimates, which related to the capital budget for education. When we pursued that allocation with the officials, we were advised that it has not been possible to move the money in the Budget process, even though the Department of Education had requested it. One of the officials indicated:

"When we seek to change the system and Budget allocations, we do so through exercises that are agreed by the Executive. We have not had an exercise on the 2012-13 allocations since the Budget. The first opportunity available to the Department to do that will be June monitoring, so we will seek to do it then."

I look forward to the statement tomorrow. However, why do the Executive not have a process for reallocating money earlier instead of allowing figures to follow forward when everyone knows that the moneys are not in the right place? I hope the Minister will be able to tell us why there could not have been a meeting of the Executive and some of those moneys reallocated, so that, ultimately, they would have been in their correct positions at an earlier stage instead of the movement occurring some three months into this financial

year. I understand from the officials that it has been known for several months that that allocation would not be pursued. So, for our Budget process and the Budget figures that we are presented with, there is clearly room for improvement. I just used the Middletown Centre for Autism allocation as one small example.

As a community, we need to ensure that we get the best for our funding, that we make the best use of it and that we make the time available to spend it as long as possible so that it can be well spent. There is a danger, if money has to be spent in a short time, that it may not be as well spent as it could be. I have heard horror stories about fax machines in the old days being very busy in March because Departments had to spend their budgets. Whether or not some of the items purchased in those days were entirely necessary is another thing, but, as an Assembly, as a Finance Committee and as an Executive, everyone needs to work together to ensure that we get the best value for our community from our Budget.

Mr Humphrey: It has been said by many that the key element in the Programme for Government and the Budget is the rebalancing of the economy. That is absolutely the case. It is pivotal to returning Northern Ireland to the economic success that we had a few years ago.

I support the Second Stage of the Budget Bill. I want to touch on a number of Departments and their work in my constituency of North Belfast and across the city of Belfast. This is a hugely important week for the city of Belfast and the people of Northern Ireland, with the visit tomorrow and Wednesday of the head of state, Her Majesty the Queen, to Northern Ireland and to this place, and, in the latter part of the week, the Irish Open in Portrush. Those hugely important events for our people are happening on the back of other significant events. Earlier this year, we had the launch and opening of the Titanic signature project in Belfast. Just last week in the Chamber, in response to a question I asked, the tourism Minister confirmed that 200,000 people had already visited the Titanic signature project. That is hugely welcome because those who come to Northern Ireland and the city of Belfast will, hopefully, go away with a positive experience having enjoyed their stay here and be persuaders for others to come and holiday in Northern Ireland.

We are on the cusp because next year we have the World Police and Fire Games, which, I think, is second to only the Olympics in the number who will participate and come along. Again, that is a hugely significant event for the city of Belfast. We are also in the first year of our decade of centenaries, which, again, will be hugely important, and significant with regard to the maturity of our society in Northern Ireland.

I also welcome the fact that the Business Improvement Districts Bill has been agreed by the Executive and will come before the House. That is hugely important because those of us who represent cities and towns across Northern Ireland will be aware of the concern among not only ordinary individual traders but chambers of commerce and city centre managers. This is a hugely difficult period for trade. I recently met Belfast Chamber of Trade and Commerce and walked around the city centre. When you take the time to do that, you see the effect that this period is having on the high street, and not in just Belfast. I recently visited Bangor, which has been hugely dealt a hard blow. So, business improvement districts, and the Department for Social Development working closely with local councils and chambers of trade and commerce, will be very important.

Very recently in north Belfast, we had investment from the Office of the First Minister and deputy First Minister in the new Titanic distillery at Crumlin Road jail. That is tremendous in that it is a new brand and a significant year for Titanic whiskey to be launched, if I can use that term, and also to see that investment coming to a part of the city that is very run-down and deprived, and giving that old building, which is significant to our history, a new lease of life, in one of its wings anyway.

Also in north Belfast, the Office of the First Minister and deputy First Minister and the Department for Social Development have been working with elected representatives and Assembly Members, led by the Member of Parliament, on a range of issues. We got agreement on a cultural corridor that will pass up Donegall Street through Crumlin Road and up to Clifton Park Avenue, taking in all those lovely, old and architecturally significant buildings and raising the profile and streetscape of that area. The development of the North Foreshore is hugely significant and key for north Belfast.

We look forward to Crusaders Football Club, which had a significant season winning the Setanta Sports Cup and are all-Ireland champions, and winning the League Cup. They just missed out to Linfield for the Irish FA Cup.

Girdwood is a site that will be of significance in the years to come. Again, despite the antics of some in recent weeks, we have had agreement on Girdwood and on taking that site forward for the benefit of the communities that will live cheek by jowl and abut the Girdwood site, and that is to be welcomed. I raised this issue in the Chamber last week and I have to say that there was absolutely no dirty deal done around Girdwood and the Maze. Those who peddle that lie, for a lie it is, simply do a disservice to all four parties in north Belfast.

One of the blights in north Belfast is Crumlin Road jail. That causes concern to the people who live in the area and those who represent it. We have to work with local and regional government, the Environment Agency, the Belfast Buildings Preservation Trust and historic buildings organisations to secure that lovely old building and restore and return it to new use.

A collaborative approach is absolutely vital as we move forward. For too long in Northern Ireland, we have had a situation whereby local councils have had their facilities and regional government, education and library boards and private clubs have had theirs. This country is too small, and there needs to be economies of scale. We need to share facilities and we need to share the cost. I see no reason why that cannot happen.

It is important to provide some reassurance to the general public and to taxpayers and ratepayers that we have that collaboration so that we can get the joined-up approach that will deliver cost-effectively. That is why it is important that the Assembly works with local councils and bodies such as the Special EU Programmes Body (SEUPB), the universities and the education and library boards to ensure that we get that joined-up approach. We will see that work tremendously well when we host the World Police and Fire Games.

Education is a hugely significant and difficult matter in north Belfast, particularly in the greater Shankill area, which I represent. Educational attainment, preschool provision and a poor schools estate are three of the key issues. Therefore, I was very disappointed

earlier today when it became clear that the new school that was promised some years ago to the principal and the board of governors of Glenwood Primary School on the Shankill was not included in the Minister of Education's announcement. A new school had also been promised to the principal and the board of governors of Springhill Primary School in west Belfast, which is in a very poor state of repair, but it has not been delivered.

Too often, I hear politicians talking about what needs to happen in the greater Shankill area. They talk the talk, but they do not walk the walk. We need to tackle the issue in working-class areas, not just in north Belfast but across the city, because educational attainment and preschool provision are hugely important and will be on the desk of every MLA who represents the city.

I warmly welcome the announcement of the relocation of the University of Ulster campus to north Belfast. That will provide a huge boost to the lower part of the constituency, in and around the Shore Road and York Road. That area will be completely revitalised and will link in well with the Cathedral Quarter and the north-west part of the city centre around Royal Avenue, North Street and Donegall Street. The relocation is hugely welcome, and I look forward to it.

My colleague Nelson McCausland and I met the chief executive of Belfast Metropolitan College last week. The college faces a huge challenge, because it must provide courses and make them available and relevant to the young people who live in the area. We cannot simply deal with the issue of education in isolation from vocational training. There are lots of young people, particularly young males, in working-class areas across the city who are not getting a fair deal. The Department for Employment and Learning, in conjunction with Belfast Metropolitan College, needs to step up to the plate so that we have the training and provide the skills to produce joiners, sparks, plumbers, and so on, not just for the world of industry, but so that they can go and set up their own businesses as well.

As a member of the green and white army, I welcome the investment that will refurbish Windsor Park football ground. As the new manager starts his work with the national team, I hope that the refurbishment will provide the impetus for a new era. As a long-

standing Northern Ireland supporter, I take this opportunity to express my sympathy to the family of Alan McDonald on his very untimely and sad passing at the weekend.

Earlier, I mentioned the architectural significance of some of the buildings along the cultural corridor. One of the key buildings in north Belfast is the former Carlisle Memorial Methodist Church, which used to be known as the Methodist cathedral.

Last week, I was very pleased to go along with some council colleagues to look at the work that has been being done to ensure that the building is stabilised and has been weathered. I pay tribute to the Department of the Environment and the Minister for providing money to do that.

6.30 pm

North Belfast, again, and the Crumlin Road prison provides an opportunity for the location of a digital hub for Belfast. The digital hub can benefit small businesses. Ironically, the cell system in the prison can be used in a very positive way to provide units for those small businesses. It makes sense in the economic situation in which we find ourselves, but the prison also lends itself well to the arts, computers, electronic industries and so on. The Department should give consideration to that.

I started off by talking about tourism, and I will conclude by talking about tourism. Often, this place is portrayed nationally in a very negative way. We have come a long way. By no means is Northern Ireland perfect, but we stand here in an Assembly questioning a devolved Minister who has responsibility for the finances of this place. I am pleased that that responsibility rests with a unionist. He has done an exceptional job. I said last year in Committee and in the Chamber — we see it again today — that Minister Wilson is a “no surrender” Minister in the sense that he makes sure that money does not go back to the Treasury in London. We should all welcome that; surely everyone across the Chamber, as we come to this time of year, agrees that he is a “no surrender” Minister.

Tourism figures reflect the progress that we have made. In 2011, the city of Belfast had 7.9 million visitors, 1.6 million of whom were overnight stays. They spent £401 million, £168 million of which was spent by the overnight visitors. Hotel occupancy last year was 65%. This year, it is up by a further 13%. By any

stretch of the imagination, that is a good news story for Belfast and Northern Ireland. What is better than the fact that those people come and then go away and are persuaders for Northern Ireland is the fact that so many people are employed. This reflects the import of tourism and hospitality to our Northern Ireland economy: somewhere between 10,000 and 15,000 people are employed in the tourism and hospitality sector in the city of Belfast. That is huge progress. Belfast is now nationally and internationally seen as a must-see destination. It is also a very popular place to come for city breaks. That is a positive story; it shows progression and development. It shows that this local Assembly is working and delivering for the people of Northern Ireland.

Mr Deputy Speaker: I call Mr Jim Allister.

Mr Allister: You take me by surprise, Mr Deputy Speaker. I thought that, some having resisted accelerated passage, this would be a most protracted process. Here we are at the end of the debate; if I am being called, I assume that it is the end of the debate. Of course, last week's sham fight turned out to be exactly that. Shrinking violets like me had to listen to all sorts of bellicose trading of insults across the Chamber. We had the Minister talking about the Committee being truculent and petulant. He was told by Mr Murphy to wind in his neck and that he was talking himself out of accelerated passage and all of that. I assured the Minister at the time that they would kiss and make up. It was indeed all bluff and bluster that signified nothing. Where is Mr Murphy — "Discriminator" Murphy? He is off to become the crown steward of somewhere or other in the United Kingdom. What an end for the man who was leading the fight against the oppression of the Department and all of that. He melted away spectacularly.

When the Minister went to the Committee on Wednesday morning, far from it being a no-holds-barred, daggers-drawn encounter, the Committee just collapsed and did not ask him the hard questions. The Minister had come to the House and said that he took responsibility for an oversight, but no one seemed to trouble to press him on what exactly that oversight was. When did your Department issue the papers? When did you receive them? Where were they in between? What was the oversight to which you referred? If ever a Minister was let off the hook, it was the Finance Minister on that occasion.

Of course, it was always only a little bit of play-acting, and so it turned out.

We now have accelerated passage, whereby it takes all of just over one hour's debate to get the weighty matter of a Budget through the House. Things go on as they always do. There was I a week ago thinking that it was another occasion of "never, never, never", with the Committee never, never, never going to roll over. Yet there they were like pussycats on Wednesday morning. All was forgiven when they kissed and made up. Mr Humphrey referred to the Minister as a "no surrender" Minister. It was certainly not a "no surrender" Committee, that is for sure. It surrendered spectacularly last Wednesday morning.

Therefore, we have a Budget with a plethora of expenditure to which I object once again. That includes the bloated expenditure on this bloated structure of government in which we have four Ministers in one Department, joint First Ministers, and far more Departments than we need. We will continue to have far more Departments than we need. Out of political expediency, we just might get round to getting rid of one of them some day. That Department will go, not because it is the most deserving one to go but because it happens to be the one held by the Alliance Party, which had two Executive seats unjustly. I do not know what would have happened if the Alliance Party held the Health Ministry. I suppose that we would have had to just abolish the Department of Health, such is the political expediency of all this. I have not seen that Bill. Maybe it has reached some hitch, but I am sure that it is coming. I am sure that it will also have super-acceleration through the House.

In the meantime and thereafter, we will continue to squander whatever it takes to keep the extravagant structures of this House in place, including all those Departments and, of course, 108 MLAs, which is far more than this House needs. Judging by the workload of this House, I think that it is certainly a lot more than this House needs. We will pour fresh money into keeping all that going. We will pour money into those useless North/South bodies. We will keep priming that pump and pouring the money down the drain. You talk about leakage, but there has never been such leakage of valuable resources than those that flow down the drain of the North/South bodies.

As I said last week, we will squander more on spin doctors, photographers and hospitality. Never mind; it is supposedly a period of recession, but there is not much sign of it when it comes to all that. And, oh yes, the Maze shrine will certainly get whatever it takes. Mr Humphrey says that there has been no deal about the Maze shrine, but his problem probably is that, if there was a deal, it would have been done well above his head and he would be one of the last to know about it. There certainly was a radical road to Damascus conversion from Mr Humphrey's party about the Maze shrine from the days when he and others, such as his deputy leader, Mr Dodds, were telling us how utterly unacceptable it was. Now it is to be built with the buildings as an integral part. If they were not an integral part, it would not be being built there whatsoever. One Member of this House, Mr McCartney, has already told us how those buildings will be used for storytelling the type of nightmarish stories that his party wants to tell. So, this Budget has the money for that.

We hear a lot of talk that the Budget is about rebalancing the economy. How many years have we not heard that? I walk down the main street of Ballymoney or Ballymena and see a lot of rebalancing, but it is rebalancing in the wrong way. It is another shop closed, another set of shutters down and another business driven off the street. Yes, there is much need for rebalancing the economy, but it seems that there are priorities far beyond that such as the Maze shrine, the North/South bodies and all that essential squander that lies at the heart of government in this place.

I say, without repeating all the points that I made, that this Budget does not have its priorities right. As long as it continues to highlight and prioritise such squander, it will be a Budget that shows itself with no real interest in turning round the economy and the fortunes of Northern Ireland. It has a greater interest in sustaining the political process that is this place, and that is the top priority of this Budget and this Executive. It is not about turning around the economy of Northern Ireland but about sustaining, at whatever price it takes, the structures of misgovernment in this Province, and, whether that will ever be admitted, it is undoubtedly the truth. With those few stumbling remarks, I make my contribution to the Budget debate.

Mr Kinahan: I am pleased to speak on the Budget because it is the lifeblood of everything

that goes on in Northern Ireland, and we need to consider whether it is being spent in the right way. We listened to Mr Humphrey earlier and heard about all the things happening in Belfast, and those of us from other parts of Northern Ireland are beginning to wonder why it all goes to Belfast. However, it is our capital, and it deserves it. However, you have to be careful when promoting your own place so much that others do not want more in their areas.

One thing that puzzles me about the Budget process is the amount of time that we spend debating it, the Estimates and other issues in the Chamber. We seem to go round and round with petty point-scoring. There are good debates and poor debates, and we could do it better. I urge the Minister and this Assembly to look at how we can do that more efficiently.

As I am now Deputy Chair of the Committee, I want to speak more about education. A hefty sum of £1.083 billion is being spent on schools, yet we know that it is not enough. We recognise that times are hard and that money is limited, and we know that we all have to learn how to manage it best. We should maybe debate today and on other days how to try to get that done properly. Some £50 million is being spent on preschool education, yet some goes to crèches, nurseries and to other types of education. We really must find an efficient way to make sure that everybody who needs preschool education is getting their money and their chance. The Minister wants everyone to have a preschool education, yet, somehow, we have not found a way of doing it. It needs to be reorganised better, and I ask the Minister to pressurise the Education Minister when dealing with such matters, especially so that we deal with helping out the working poor and others who really need help in preschool education.

In the Committee, we saw that the proposals on early years were roundly opposed by almost all of the groups. We must find a way to deal with early years provision properly. It needs to be reviewed and reformed. It is possibly in the Department of Education's headings as "certain services for children" or even in OFMDFM's headings under "children and young people", but we must find a way forward, and I ask the Minister to push for it.

6.45 pm

In the UK, some 80% of the funding for schools is spent at the schools level, whereas here it is

some 49% or 50%, with a great deal of money going to other, smaller matters before it even gets down to the schools. Once again, I ask the Minister to keep the pressure up. The Education and Skills Authority is one possible way of resolving that, but we want that to be properly debated and consulted on to come up with a really efficient system that allows the schools to have better funding and finance at their fingertips.

In the future, we will have a mass of area planning and a mass of changes to schools. Yet, nowhere in what we are seeing are we learning the cost of area planning or the benefits. There must be costs at the beginning, and there must be savings later, but we have not seen any facts or figures. All of us need to get ready for the summer and the autumn as the area planning changes cause everyone to have concern about their children's schooling and to contact their MLAs. We will need to know what we will say about that and how much it will cost.

Buried in the Budget are hidden factors that we need to know more about. There is £13.77 million for miscellaneous educational services. We need to know what is in these figures and that it will be spent in a fair and proper manner and not just kept as a contingency fund, whether that is for more Irish schools or other purposes. We must know what it is being spent on. Another £5.5 million is also under the heading of "Miscellaneous Educational Services". In this Budget process, we need to know more detail on all of the figures. Too much is hidden.

Turning to council finance, I agree with my colleagues that we need a seeding grant or something up front to help the reorganisation of councils. Buried in the changes to councils is this concern that many councils have huge debts. If we are to look at proper use of public money and gearing it properly by borrowing from the Scottish system, which I have touched on before, we must learn how to make the best use of public and private finance. In response to a question that was asked previously, we were told that the councils would be best placed for that. We should consider whether they are going to be best placed if they are all borrowing to the hilt before we get there. Should we not be looking at how we do that ourselves at Stormont and not just at councils? Minister, I am looking to see whether we can make better use of public and private funding.

Lastly, I have a more minor point on the jargon that is thrown at us throughout all of these Estimates and budgeting processes. It made me smile when I found a heading entitled "Notional Charges in Non-Budget". Notional means that it is either a guess or it does not exist. If it is non-Budget, it is not in the Budget, so we have an empty figure or a guess of a figure that is in the Budget but not really there. Maybe I need to do a course. I did once have a Bachelor of Commerce degree in accounting, but we never came across non-Budget or notional charges.

Mrs Dobson: I welcome the opportunity to speak in the Second Stage of the Budget Bill. The debate really only follows on from last week to give effect to the 2012-13 Main Estimates, but, conveniently, we now have the time and the flexibility to raise a number of specific points. As the Ulster Unionist Party's spokesperson for agriculture and wider rural affairs, I will largely keep my comments to this area. I agree with a number of Members who expressed concern about the manner in which some of the information for the Estimates and Budget Bill has been presented. There are still a number of items of expenditure that few Members know the true purpose behind. I will raise a number of specific points on the Budget with the Minister. Although I appreciate that he does not necessarily decide where the money goes in the Agriculture Department, his opinion will be welcome.

At the start of the year, I called on the Minister to review the level of capital support available to farmers, and I used Scotland as an example of where a fair compromise seems to have been found. However, over the next 12 months, The Department of Agriculture and Rural Development (DARD) will be making even less grant funding available to farmers than in the previous 12 months. In addition, the Department has an absolutely awful track record of tackling TB in Northern Ireland. Over the past 15 or 16 years, the Department has spent well in excess of £300 million on its bovine TB programme. That programme has failed, given that, in some areas of Northern Ireland, incidences of bovine TB are rife and the overall rate remains far higher than it was in 1996. Rather than spending huge sums of money on compensation to farmers and fees to private vets, the Department could have resolved the problem by now if it had properly addressed the situation.

I have looked at where it is proposed that some of the money should go. In DARD this year, over

£50 million is going to the Veterinary Service alone. Until Minister O'Neill is prepared to listen to advice from experts in the industry, DARD will continue to spend huge amounts of money every year on an issue that it is not genuinely trying to resolve. That was seen clearly in the run-up to the publication of the Programme for Government. There is also continued significant investment in the Forest Service this year. Although that is welcome, my party is keen to further explore the utilisation of the agency's existing assets.

The Ulster Unionist Party is deeply concerned about the threat of infraction fines imposed by the European Union and the subsequent detrimental effect that that could have on the Northern Ireland block in general and on the budget for agriculture in particular. The Minister is already aware of the almost self-inflicted wounds in the Department of the Environment and DARD in relation to their inability to manage the horse mussels in Strangford lough. The danger is that that is likely to result in more fines. Of course, those could not have been budgeted for; nonetheless, it is something that the Finance Minister must think about.

Last year, it was proposed that the axis 1 expenditure in the rural development programme was to be £15.1 million. In reality, the Department managed to spend only £10 million. Although I acknowledge that the majority of axis 1 underspend related to schemes that were 100% EU funded and can later be reinvested and, therefore, are outside of the remit of the Bill, it still does not bode well for the financial competence of the Department.

The common agricultural policy, through the administration of the single farm payment, is another area that exposes total financial mismanagement at the heart of the Department. Legislative proposals for CAP reform post-2013 have now been published, but include a number of potential pitfalls, of which the Executive must remain conscious.

Since getting elected just over a year ago, I have strongly believed that the agrifood industry could be particularly valuable in driving forward Northern Ireland's economic regeneration, creating wealth and providing much-needed private-sector employment. It is one of the economy's greatest strengths and something that we should seek to constructively exploit at every opportunity. Although there

is little that they need through the Bill or the Main Estimates, it is vital that DARD and the Department of Enterprise, Trade and Industry retain their current interest in promoting that section of our economy and allocate the fairly minimal resources where necessary.

DARD, like every other Department in the Executive, has had to make some difficult decisions. Although, in cash terms, the line remains fairly level in the overall four-year budget, it actually means that the Department is being asked to find approximately £40 million of cash savings to help fund pressures, which is a decline of 11% in real terms when comparing 2014-15 with 2011-12. The Budget Bill merely reflects the tightening of resources in the Department.

Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister): I will say little in my capacity as Chairperson, except to thank the officials who, over the year, have given us occasional briefings and updates, and organised a visit by the Committee to the former army barracks at Shackleton in Ballykelly, which is something that I will to return to in a moment. The Minister very kindly suggested that if we had any specific queries he would be happy to address those for us. So, perhaps the Minister can enlighten me on a couple of issues that I have as a Member of the Assembly and a member of the Committee, and in a personal capacity.

First, there is the social investment fund. Originally, it set out with a budget of £80 million over a four-year period. That, of course, has not been taken forward on time. I know that the Committee is yet to see a timetable. Perhaps the Minister can clarify the situation. The Main Estimates last week and the Budget (No. 2) Bill today shed very little light on the situation of the £80 million. I know it may be considered a bit of a drop, given that the OMFDFM allocation in this year's Budget is £48,659,000.

I also want to bring up the childcare strategy, which is absolutely fundamental if we are going to make a genuine effort to rebalance the economy and empower parents and guardians with the maximum opportunity to gain and retain employment. As yet, we have no detail on the exact resources that OMFDFM plans to put into that vital strategy over the year in question.

As we all know, the victims' sector is undergoing some major changes, with changes in the commission, the introduction of a victims'

forum and the introduction of a Victims and Survivors Service. I wonder if the Minister will have any comment on the location of the Victims and Survivors Service. It seems to me that Millennium House on Great Victoria Street is quite an expensive location for the service and, perhaps, not the most appropriate, given that the entrance means that the victims more or less identify themselves just by walking down one of the main thoroughfares of Belfast to access the building. That is unlike Windsor House, for example, where the Victims' Commission is located. People could be visiting one of a large number of government and arm's-length bodies in that building.

Perhaps the Minister can also address the historical institutional abuse inquiry, which we were hearing about earlier today. When will the inquiry be factored into the Budget in a detailed manner? It is included in the Bill that is before us under the heading of support for the inquiry into historical institutional child abuse, but it was not contained in the Main Estimates.

The delivering social change programme aims to deliver a sustained reduction in poverty and associated issues. Unfortunately, as the Minister will know, the direction of travel is opposite to that planned, as is the case with fuel poverty, and again in both cases, sometimes for reasons beyond our control. Perhaps the Minister can enlighten us as to when we are likely to see a costed implementation plan for that programme, as it is not currently available.

I will finish by returning to the issue of Shackleton Barracks. Some weeks ago, I was surprised to discover that when the Ministry of Defence offloaded Fort George in Derry/Londonderry, it was, first of all, gifted to the Londonderry Port and Harbour Commissioners, which then sold it to the Department for Social Development, which discovered that it needed some remedial costs, particularly for decontamination. The Department for Social Development was able to claw back some £3 million to £4 million, from memory, from the Ministry of Defence. That was on the principle that the polluter pays. Surprisingly, that does not seem to be the case with army barracks that were "gifted" to the Office of the First Minister and deputy First Minister.

I know the Committee has visited Shackleton Barracks. It has looked at that vast site and

at some of the issues, such as the pumping station that no longer appears to be fit for purpose and some of the drains, the annual maintenance of which seems to have drifted somewhere behind optimum provision. There are annual costs for the maintenance and security for those sites, and then there is the much bigger issue of the cost of decontamination, which, apparently, will not be met by the Ministry of Defence but will have to be met by the devolved Government.

Perhaps the Minister can give us some clarity on the costs and timescales there. He will know that, specifically with Shackleton Barracks, the way forward is so contested and the disagreement between the key players so deep that it is now officially recorded. I wonder whether the Minister believes that, when the Ministry of Defence was withdrawing from Northern Ireland and no longer had need for those military sites, it realised the potential cost of making them fit for another purpose, be it housing, light industry or recreation, realised that it was looking at a multimillion pound bill and decided that it would see if it could hoodwink the Executive by saying that they could have the land as a gift, without pointing out the many millions of pounds that the Executive will now have to find to make the sites fit for a new life and a different purpose.

7.00 pm

Mr Wilson (The Minister of Finance and Personnel): There are still some Members here, and I will not detain them. I am sure that everyone wants to get home, but points were raised during the debate, and it is only right that I should respond to them.

First, I am glad that we did not have a repeat of last week's debate. Apart from Mr Allister and Mr Cree, no one mentioned the little dispute between the Committee and me. However, I wish to allay Mr Allister's fears that there was a cuddling session at the Committee and we all kissed and made up: I did not have to hug them, and I did not even have to air kiss them. We had a robust exchange. I explained my position, they explained their position, and then we got on with the job of doing what the Committee had to do, which was to ask questions about the thing. The one point I will make is that, last week, Mr Cree was very indignant about my treatment of him and the Committee, but he did not even bother

turning up to hear the explanation. Obviously, he was not that indignant about the situation.

Mr Cree: Will the Minister give way?

Mr Wilson: Yes, I will certainly give way.

Mr Cree: I know that the Minister is inclined to forget things, and he might not have been paying attention to what I said. However, I explained to him that I was at a previous appointment doing other work that was almost as important as that which detained the Committee. The rest of the Committee looked after it fairly well.

Mr Wilson: What could have been more important? He explained to the Assembly how he was offended at not being properly consulted, but he did not come along to hear the answer. Obviously, he had something more important to do than listening to me, and I can understand that. Anyhow, we have now got to the point where the Committee has agreed to accelerated passage. I was somewhat dismayed by the kind of response that there was, and I want to put it on record that the Committee has been well served by DFP officials and me. In fact, we have the best record at responding to papers and queries from the Committee and at getting papers to it quickly. Indeed, officials often go along to be asked about one subject but the topic wanders into other subjects. They still oblige, even though they have not been asked to do that. However, I will leave that aside.

I will come to some of the points that were made. Some points are common to a number of speeches that Members made. Mr Bradley spoke on behalf of the Committee. He talked about the consultation process and said that, because the Estimates were not made available at an earlier stage, Committees often could not scrutinise, and I had complained about them. There is no reason why Departments cannot share their Estimates with the relevant Committee when they are in draft form. That would ensure better and longer scrutiny. The problem is that the Department cannot force other Departments to share that with the Committees, but it would be a useful step forward.

Mr Bradley also raised the issue of the money that was paid out in respect of the Northern Ireland Events Company, even though it had been wound up seven years ago. He argued about whether it was necessary to have that amount spent. First of all, it is only a notional amount — in other words, it is an accounting

adjustment — so there is not a real resource cost. That will, perhaps, address the point that Mr Kinahan made about notional amounts of money. However, under ‘Managing Public Money’, where a departmental accounting officer has any fear that fraud has been committed, he is duty-bound to ask for a report and trigger an investigation. Mr Bradley said that it was perhaps something that the Northern Ireland Audit Office would be interested in. I suspect that, had the accounting officer not done that, it might be something that the Northern Ireland Audit Office would be interested in. So, it was a necessary step because of the accounting officer’s fear.

Mr Bradley also raised the issue of capital receipts and indicated this vast jump from £1.3 million, around January, to £171 million, which I had reported. There is some confusion. If I caused it, I accept responsibility for that. There are two sources for the receipts. First, there are receipts from asset management unit sales, which is the £1.3 million to which Mr Bradley was referring. The figure that was set for asset management unit sales for this year was £2.5 million, and the unit actually achieved £2.8 million. The other source was for capital receipts from sales made by Departments. The target there was £142 million, and £171 million was realised. That was a better performance than we had anticipated.

Mr Bradley also raised the issue of welfare reform and asked what there was in the Budget to deal with what he claimed would be a reduction in spending in Northern Ireland under welfare reform. He seemed to indicate that, somehow or other, I was coming round to the SDLP’s version of events as far as welfare reform is concerned. Let me make something very clear: there will not be a reduction in spending on benefits as a result of welfare reform. What will happen is that spending will not go up as quickly as was anticipated. Between now and 2015, the amount of money spent on benefits in Northern Ireland will go up by hundreds of millions of pounds. That is the first thing; the second is this: Mr Bradley asked what the Executive are doing to help people through the impact of welfare reform on the most vulnerable. The whole point about universal credit is that it is designed to address poverty through getting people who are workless at present and dependent on the state into work. I would have thought that that is something that everyone in the Assembly wants.

Why do we want a population that is dependent? Why do we want a population some of whom have no incentive to work? The whole point of universal credit is to address that problem. Let us get these two things straight. First, there will not be a reduction in the total amount of money available; there will be an increase. Secondly, I believe it is a worthy objective to get people into work and give them the dignity of employment —

Mr D Bradley: Will the Minister give way?

Mr Wilson: Yes, I will give way in a moment.

It is a worthy objective to stop the kind of dependency culture that, I must say, I have heard about from the SDLP time and again. There are people across Northern Ireland — we all represent them — for whose families worklessness has become a generational problem. The grandfather did not work, the father did not work and the son does not work. The argument is that that is a disgrace, and it is right: it is a disgrace. If we can move people away from that through reforming the benefits system and doing the work that the Executive have set for themselves on rebalancing and growing the economy, that should be a good thing.

Mr D Bradley: I totally agree with what the Minister says. It is certainly a laudable aim to get people back into work, but, unfortunately, there are no jobs for them. First, we have to get the jobs. That is my first point. Secondly, how does the Minister reconcile the fact that he says that there will be increases in benefit payments with what the Prime Minister said today at Westminster?

Mr Wilson: First, I was answering the Member's point that, as a result of welfare reform, Northern Ireland would lose hundreds of millions of pounds of spending. That is not the case. The projections are that we will get hundreds of millions of pounds of additional money but the increase will not be as fast as had been anticipated. Secondly, as I understand it and as all the commentators do — I was listening to the Minister for Work and Pensions on Radio 4 this morning, and he made it quite clear — the Prime Minister was today setting out his stall for what will happen after this Parliament and in the next Parliament. Even with that, there are a lot of caveats, but I am not here to defend the Prime Minister or the coalition Government; I am here to explain the impact of the Budget on the current proposals and to answer the Member's questions.

Mr Girvan, along with a number of other Members, raised the issue of the vagueness in some of the Estimates and especially the use of the word “miscellaneous”. I welcome that point from all the Members who raised it. Time and time again, I have said that I have absolutely no fear of transparency in the budgetary process and the figures that are given to the Assembly. There is no one who wants the money that we allocate to Departments to be well and properly spent and for Members to have an opportunity to ask why it is spent in a particular way more than me. If we are going to allocate money to Departments, I want to make sure of that, even if it is sometimes embarrassing and people find out that money is spent on things that cannot really be justified. That is the job of the Assembly.

During the Budget debate last year, I was the one exhorting Ministers to make sure that they gave their savings delivery plans to the Committees early so that the Committees could see where they intended to make their savings and what they intended to spend their money on. I do not think that any Finance Minister would want ambiguity with a Budget. I say this again to Sinn Féin Members, who are probably sick and tired of listening to me: we do review the financial process. It is stuck with the Executive. It is designed to improve transparency, and it is designed to streamline the whole system of scrutinising the Budget. For the life of me, I cannot understand why it is continually held up. I hope to meet the Education Minister tomorrow to discuss the issue, and I trust that I will get the same response from him that I got from the Committee last week. I am not talking about rolling over or anything like that. I am simply saying that we will have a good exchange of views. We will explain our position, and we will then move on constructively together, which is what the Committee and I did last week. I hope that we can also do that with the financial processes paper.

7.15 pm

Mr D Bradley: Will the Minister give way?

Mr Wilson: I will.

Mr D Bradley: The Minister is portraying himself as a knight in shining armour, a champion of scrutiny, transparency and accountability. That does not quite match up with his attitude to the Audit Office. He seems to want to control the

finances and the Audit Office and, indeed, usurp the role of the Audit Committee.

Mr Wilson: Totally to the contrary, I want to see the Audit Office live up to the strictures it places on Departments. For example, I want to see it be responsible for the money allocated to it; be accountable for the money allocated to it; not underspend consistently; and surrender money in time so that it can be used properly for spending on other services. I have made it clear that I am not against the Audit Office; I simply want to see the Audit Office apply to itself what it would like to see in Departments. When it makes recommendations, I want to see that those recommendations are not a box-ticking exercise. Members have complained, very often, about box ticking —

Mr Kinahan: Will the Minister give way?

Mr Wilson: I will give way in a minute.

Members have complained about the box-ticking exercises, the slowness and the caution that there is in Departments. Very often, of course, that comes as a result of recommendations that sometimes are not appropriate to the quick running of and quick decision-making in Departments.

You can be absolutely sure of one thing: when you mention the Audit Office, people pop up everywhere to defend it. All I am saying is —
[*Interruption.*]

Mr Deputy Speaker: Order.

Mr Wilson: — let us make the Audit Office as accountable and transparent as it wants other Departments to be.

Mr Hamilton: Here is the Chair of the Audit Committee.

Mr Kinahan: The very vicious Chair of the Audit Committee. No, not at all.

Does the Minister understand that a change of rules is needed so that we can report the answer to the question that is being chased? That information was available in a report. We just cannot pass it to him. At the same time, there has to be a fine balance between the Audit Committee's independence and the Finance Minister's wish for certain information. There will always be a battle between the two. However, instead of discomfort, there should be comfort in how it works.

Mr Wilson: I am not too sure about the balance that the Member refers to. The only thing I want — I do not think it an unreasonable request — is that the Audit Office be as open in its dealings and as efficient in its spending as it expects Departments to be. I am sure that that is what the Assembly wants. Maybe we will get round to that at some stage. We will, of course, debate this tomorrow afternoon. We will have plenty of time to discuss it then.

I express my appreciation of the way in which Mr McLaughlin has dealt with the Budget and of the leadership he has given in getting it moved along. He raised the issue of administration costs. I welcome his call for transparency in administration costs. One thing we said in the Budget last year was that, if we were going to have restricted budgets, we did not want the axe to fall on front line services. We wanted to see the more efficient running of Departments. If you look at the record for this year, with a £5.3 million reduction or £5.8 million — I cannot remember; I think it was £5.3 million — in the administration costs of Departments, you will see that by and large we have succeeded in doing that. That money has then freed up resources for front line services.

Mr McLaughlin also raised the issue of matching budgets to Programme for Government targets. Although I have some sympathy with that, we have to be realistic. Some of the key commitments in the Programme for Government do not match actual lines in departmental spend. Given the way in which Programme for Government targets and commitments are worded, high-level ones especially, they do not match up. Budgets are related more to the spend on specific things in Departments. So, matching the two is not always possible.

I mentioned Mr Cree, and I am glad that he confirmed that he was not snubbing me last Wednesday but had a prior engagement. He raised a number of issues, including the PSNI equal pay claim and the ring-fencing of the money for that. There is £26 million available for that. That money was available until the end of the previous financial year, and I made sure that it was carried over into this financial year. The Treasury has made that money available to us. Mr Cree will be aware that the PSNI equal pay claim is going to the courts; I think that the hearing is set for September of this year. So, it would not really be appropriate for me to discuss in this forum the exact nature of the

difficulties while a court case is pending. All I can say is that, as I have always expressed, I have no difficulty with the claim. First, as a party, we negotiated for the money to be put into the police budget for any equal pay claim when the devolution of policing and justice powers took place, and, secondly, if there is a legitimate claim, we will give it our full support. Indeed, our intervention to make sure that the money was rolled on, given that the issue had not been resolved, is an indication of our support for the claim. At the end of the day, however, before that money can be drawn down, it has to be shown that there is a legitimate claim. I do not want to say anything more about that.

Mr Cree also raised the issue of the timeliness of the Estimates. He said that they are important in providing the Assembly with the latest financial position. Again, however, he fails to understand that the Budget is a moving process and that, by tomorrow, the figures will be out of date, because we will, of course, have the June monitoring round. Three times during the year, Departments have to say whether they have reduced requirements, which we want to get as early as possible, and we then make reallocations. That, of course, then changes the amount of money in the Budget. Compared with what we agreed this time last year for the four years, such monitoring is one of the changes that will be in this Budget. The Assembly supported some movements that were made in the monitoring round statements to improve spending on various matters.

Ms Cochrane raised the issue of the preschool expansion programme. In the 2011-12 school year, 23,000 children received funded preschool education. The Programme for Government has a commitment to provide one year of funded preschool education for every child whose parents wish to avail themselves of it. That will be reflected in Departments' spending, and the childcare strategy will be part of that commitment.

Mr Hilditch went through a number of issues concerning his constituency. I think that doing that adds colour to the dryness of the Budget Estimates; indeed, other Members did the same. We talk about the billions of pounds that have been allocated to Departments and about what each one has, but we need to think about what that means for constituencies. For example, Mr Hilditch mentioned the A2 and the A8 in East Antrim, the improvements

to Carrickfergus town centre and the rates reductions that were made available to small businesses, which, again, enabled some such businesses to keep their head above water. He also mentioned the money that was spent on the Fire Service, and the incident at the weekend illustrates the importance of the service. We have to remember — in fact, I made this point at the end of my opening remarks — that this is not just about some complicated and technical legislation but about money being made available for services on the ground.

Mr McQuillan spoke about the regional rate, and I welcome his comments. I emphasise again the Executive's commitment to fair rates in our society. Rates have been the headline time and again, and a number of groups have latched on to that. It is worth emphasising that, in the previous four-year mandate and for this four years, there has been a dramatic change in the way in which we have viewed local taxation. Do not forget that, before the previous Assembly was set up, the last direct rule decision was to increase rates by 19%. Before that, the Assembly had increased the regional rate steadily. Indeed, when the SDLP held the Finance Ministry, rates went up by around 9%. We have held them — frozen them — for the past five years now and will do so for the next three years.

We have lower local taxes than anywhere else in the United Kingdom. We have concessions to manufacturing, to small businesses and to those who have properties that they cannot let that are more generous than those anywhere else in the United Kingdom. When people ask what the Assembly has done or how it has responded to the particular economic difficulties that we face, I can say that we have not dipped into the pockets of individuals or businesses in the way in which Administrations in other parts of the United Kingdom have. It is worth repeating that. At the same time, we have said that we will look for the savings required to do that. Do not forget that that is revenue forgone. We will look for that revenue in the kinds of efficiency saving that Mr McLaughlin referred to in his speech.

Mr Beggs spoke about Middletown and the timing of Budget changes. He asked why, if the decision was known before June monitoring, the Executive could not have agreed it sooner. The implication almost seemed to be that the Executive did not care and should have agreed

the funding at previous Executive meetings. We have a system for dealing with in-year changes to the Budget that is proportionate and enables Departments to have flexibility: it is called the monitoring rounds. We cannot have a monitoring round every month or at every Executive meeting. Departments consider what reduced requirements they have and what bids they want to make. Sometimes, people say that, even done three times a year, there is still not enough discussion with Committees about reduced requirements and bids for additional spending. If a monitoring round were done monthly, as Mr Beggs seems to be suggesting, in order to have that flexibility, it would not work. The reallocation of money is done at the beginning of the year, so, contrary to what he suggested, there is not a very short time to reallocate it — there is the rest of the year for that money to be spent.

The Member also raised the issues of the accident and emergency department at Antrim Area Hospital and capital funding for health. I suppose that the good news for Mr Beggs is that we now have a Minister who deals with health issues and has not, as the Minister from Mr Beggs's party did for four years, sat on his hands and fiddled while the health service went into decline and no decisions were made. We now have a Minister who is making decisions and making improvements to the health service. He has a long-term vision —

7.30 pm

Mr McGimpsey: Will the Minister give way?

Mr Wilson: Yes. I am glad that he is here.

Mr McGimpsey: On a point of order, Mr Deputy Speaker.

Mr Wilson: I think he is here more often now than he was when he was the Health Minister.

Mr Deputy Speaker: Sorry, Minister. Point of order.

Mr McGimpsey: On a point of order, Mr Deputy Speaker. Is it in order for Mr Wilson to say that I sat on my hands for four years? This is the Finance Minister who told me in a bilateral meeting that I had 4,500 more nurses than I needed when compared with England. This is a man who thinks that we need thousands fewer nurses in the health service. That is the sort of decision that he expects people to make.

Mr Wilson: I am glad that he has appeared, because I hate having a go —

Mr Deputy Speaker: Sorry, hold on. The Deputy Speaker has the opportunity to respond.

The Member has now had the opportunity to put his views on record. I am sure that we can leave the matter there and continue with the Budget debate.

Mr Wilson: Since the matter of health was raised during the debate, I am sure that you will allow me to respond to the points that were made.

I will just point out that we have now come through the first year of the Budget. We were told during the Budget debate last year that, given the allocation that was made, the health service would be on chapter 11 by the end of April this year. I still do not have a clue what American bankruptcy laws had to do with the health service of Northern Ireland, but I suppose he hoped that nobody would discover this. We were told, anyway, that the health service would have collapsed by this stage. Not only has the health service not collapsed, but decisions have been made that are turning it around and that will enable the health service to live within the budget that has been allocated for it for the next four years.

When I said that the previous Minister sat on his hands, I think I am probably being fairly generous to him. It is quite clear that no major decisions were made during his time. I suppose he could not have sat on his hands anyway, because all he ever did was hold his hands out for more money. He could not live within his budget. It took a DUP Minister to show how not only to live within your budget but to use that budget to improve the health service and have some kind of future for it. I bet that Mr Beggs wishes he had never raised the issue of the health service now.

I will move to the remarks of Mr Humphrey, who again went through a range of things that have been done. The one thing about Mr Humphrey's contribution was that he linked some of the projects that we have spent money on to the impact that they have had. I will take one example. He mentioned the amount of money that went into events to improve tourism and the impact that has had on room occupancy in Belfast. We are now nearly up to London levels of room occupancy and have 15,000 people employed in the hospitality industry. Some

people criticised the Tourist Board and the Department of Enterprise, Trade and Investment for putting money into events, but that is a good illustration of where that pump-priming of the tourist economy has reaped benefits in jobs, business, profits for business, return for investment in the hotel industry, and so on. That was a good illustration of the effectiveness of one area of government spending.

Mr Kinahan raised the issue of schools and area planning, and the Education Minister has stated that he will formally adopt the area planning exercise in the final quarter of this financial year.

Mr Allister's predictions are always wrong. The first thing he said was that this is a very short debate. He said:

"here we are, only an hour in, and I am being called, so it must be the end of the debate."

He got that prediction wrong, and the predictions kept going wrong the whole way through. I already mentioned the sham fight and the kissing and hugging and everything else. He raised a number of issues. He talked about the money that is spent on bloated government and the need to reduce spending on government, and I have absolutely no difficulty with him on that point. In fact the DUP has expressed its desire to bring the number of Members down to 72 and the number of Departments down to eight. However, he knows as well as I do that that will require bringing people and parties along in the Assembly. Therefore, from that point of view, we are singing off the same hymn sheet, but it is about how we get to the end result. Of course we want to bring the cost of government down.

Mr Allister also mentioned the bloated North/South bodies. All that I can say to him is that the Finance Minister in the South is supportive and is as insistent as I am in making a 3% reduction in the cost of running the North/South bodies. Indeed, the Special EU Programmes Body is already under notice that, by the end of the year, it must bring forward a plan to reduce the number of its employees from 65 to somewhere in the 40s. Where I have control, I have no difficulty in looking for ways of reducing the cost of North/South bodies or government bodies here in Northern Ireland.

Mr Allister also had the usual list of things, such as the North/South bodies and the Maze shrine. He told us that we should mark his

words, that the redevelopment of the Maze was a trade-off for the Girdwood site and that there would be a shrine at the Maze as a result. All that I can say is that Mr Allister's record shows that he has eaten his words many times in the past. When Sinn Féin agreed to the terms that we had looked for in the policing and justice settlement, we were told by Mr Allister that the trade-off was an Irish language Act. However, that trade-off has not happened. When police and justice powers were devolved, we were told that Gerry Kelly would be in charge of the police, that Martin McGuinness would appoint the judges and that policing would be under a North/South body. How many years have policing and justice powers been devolved for? Is it three? That has not happened. We are used to Mr Allister's predictions, but they are not the case. Eventually people will realise that people can say anything, but whether those words come true is another thing.

Mr Allister also talked about rebalancing the economy and asked why, if we are rebalancing the economy, he has walked down the streets of Ballymoney and Ballymena and has seen closed shops and everything else. There is a recession on, and I do not think that he can blame the closure of shops in those towns on the Executive not seeking to rebalance the economy. Indeed, as I outlined earlier, we have done many things, such as rejuvenation schemes, local taxation and the help that we give to promote towns by bringing events to them — this week, the north-west will benefit as a result of the money that the Tourist Board has put into the Irish Open and the money that has gone into the Giant's Causeway visitor centre. The Assembly has sought to try to counter the effects of the recession in many different ways, but there are limits to what can be done.

Mr Kinahan raised the issue of private funding, and asked whether we could find additional sources of private funding. We have had this discussion in the Assembly on a number of occasions. I have no difficulty looking for resources from other places. However, the problem is that any private funding that we bring in must not offset money that we get through the block grant. It is about finding ways around the Treasury rules, which are the big problem. Despite the fact that the construction industry has talked about that issue time and again, it has never actually come up with any ideas for drawing in private finance, and, of course, in the current climate, it is even more difficult for it to

do so. They want the Government to take all the risk. Once we take all the risk, it scores against Treasury rules.

Jo-Anne Dobson raised the issue of EU farm fines. I share her concern about DARD's ability to manage the CAP disallowance issue. The penalty in 2011-12 was in the region of £10 million. DARD was able to find that from its own resources. Do not forget that, at about this time last year, it was given some money to undertake a mapping exercise that will, hopefully, reduce any liability in the future as far as single farm payment and the proper mapping of fields is concerned. However, I expect DARD to address the issue of fines internally, and I hope that that will be a discipline on it to make sure that it does behave in lackadaisical ways that incur fines.

Mr Nesbitt raised a number of issues about OFMDFM. I have to say that all of them were issues that I would have expected to be not part of a Budget debate but part of the scrutiny that a Member would engage in with officials when they come along to the Committee. He talked about the historical abuse inquiry, Shackleton Barracks and other issues, including the social investment fund, childcare strategy etc, all of which are more appropriate to the OFMDFM Committee. I encourage him to make sure that when he has finished decimating his party by kicking people out, he gets along to the Committee and makes an effort to ask some of those questions, which can be properly addressed there.

The one thing I will say, because it is actually a Budget issue that he asked about, is that the historical abuse inquiry is not currently funded in the Budget. No allocation has been made. The costs, as was brought out in the previous debate, have not yet been clearly identified. However, I accept that it is an issue and it is worthwhile taking the opportunity to say to the Assembly that it is an issue that will have to be addressed at some stage in the Budget. It is an unfunded, as well as an unknown, pressure.

That concludes, really, the remarks that I want to make. I thank Members for their indulgence. Everybody will be glad to get home and, therefore, I commend the Budget (No. 2) Bill to the Assembly.

Mr Deputy Speaker: Before we proceed to the question, I remind Members that this motion requires cross-community support.

Question put and agreed to.

Resolved (with cross-community support):

That the Second Stage of the Budget (No. 2) Bill [NIA 8/11-15] be agreed.

Adjourned at 7.43 pm.



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