



# OFFICIAL REPORT

## (Hansard)

Volume 3  
(29-30 November 1999)

Volume 4  
(6 December 1999 to 11 February 2000)

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# **Volume 3**

(29-30 November 1999)



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## ASSEMBLY MEMBERS

(A = Alliance Party; NIWC = Northern Ireland Women's Coalition; PUP = Progressive Unionist Party; SDLP = Social Democratic and Labour Party; SF = Sinn Féin; DUP = Ulster Democratic Unionist Party; UKUP = United Kingdom Unionist Party; UUP = Ulster Unionist Party; UUAP = United Unionist Assembly Party; NIUP = Northern Ireland Unionist Party)

Adams, Gerry (SF) (West Belfast)  
Adamson, Dr Ian (UUP) (East Belfast)  
Agnew, Fraser (UUAP) (North Belfast)  
Alderdice, The Lord (Initial Presiding Officer)  
Armitage, Pauline (UUP) (East Londonderry)  
Armstrong, Billy (UUP) (Mid Ulster)  
Attwood, Alex (SDLP) (West Belfast)  
Beggs, Roy (UUP) (East Antrim)  
Bell, Billy (UUP) (Lagan Valley)  
Bell, Eileen (A) (North Down)  
Benson, Tom (UUP) (Strangford)  
Berry, Paul (DUP) (Newry and Armagh)  
Birnie, Dr Esmond (UUP) (South Belfast)  
Boyd, Norman (NIUP) (South Antrim)  
Bradley, P J (SDLP) (South Down)  
Byrne, Joe (SDLP) (West Tyrone)  
Campbell, Gregory (DUP) (East Londonderry)  
Carrick, Mervyn (DUP) (Upper Bann)  
Carson, Joan (UUP) (Fermanagh and South Tyrone)  
Close, Seamus (A) (Lagan Valley)  
Clyde, Wilson (DUP) (South Antrim)  
Cobain, Fred (UUP) (North Belfast)  
Coulter, Rev Robert (UUP) (North Antrim)  
Dallat, John (SDLP) (East Londonderry)  
Dalton, Duncan Shipley (UUP) (South Antrim)  
Davis, Ivan (UUP) (Lagan Valley)  
de Brún, Bairbre (SF) (West Belfast)  
Dodds, Nigel (DUP) (North Belfast)  
Doherty, Arthur (SDLP) (East Londonderry)  
Doherty, Pat (SF) (West Tyrone)  
Douglas, Boyd (UUAP) (East Londonderry)  
Durkan, Mark (SDLP) (Foyle)  
Empey, Sir Reg (UUP) (East Belfast)  
Ervine, David (PUP) (East Belfast)  
Farren, Dr Seán (SDLP) (North Antrim)  
Fee, John (SDLP) (Newry and Armagh)  
Ford, David (A) (South Antrim)  
Foster, Sam (UUP) (Fermanagh and South Tyrone)  
Gallagher, Tommy (SDLP) (Fermanagh and South Tyrone)  
Gibson, Oliver (DUP) (West Tyrone)  
Gildernew, Michelle (SF) (Fermanagh and South Tyrone)  
Gorman, Sir John (UUP) (North Down)  
Hanna, Carmel (SDLP) (South Belfast)  
Haughey, Denis (SDLP) (Mid Ulster)  
Hay, William (DUP) (Foyle)  
Hendron, Dr Joe (SDLP) (West Belfast)  
Hilditch, David (DUP) (East Antrim)  
Hume, John (SDLP) (Foyle)  
Hussey, Derek (UUP) (West Tyrone)  
Hutchinson, Billy (PUP) (North Belfast)  
Hutchinson, Roger (Independent Unionist) (East Antrim)  
Kane, Gardiner (DUP) (North Antrim)  
Kelly, Gerry (SF) (North Belfast)  
Kelly, John (SF) (Mid Ulster)

Kennedy, Danny (UUP) (Newry and Armagh)  
Leslie, James (UUP) (North Antrim)  
Lewsley, Patricia (SDLP) (Lagan Valley)  
Maginness, Alban (SDLP) (North Belfast)  
Mallon, Séamus (SDLP) (Newry and Armagh)  
Maskey, Alex (SF) (West Belfast)  
McCarthy, Kieran (A) (Strangford)  
McCartney, Robert (UKUP) (North Down)  
McClarty, David (UUP) (East Londonderry)  
McCrea, Rev Dr William (DUP) (Mid Ulster)  
McClelland, Donovan (SDLP) (South Antrim)  
McDonnell, Dr Alasdair (SDLP) (South Belfast)  
McElduff, Barry (SF) (West Tyrone)  
McFarland, Alan (UUP) (North Down)  
McGimpsey, Michael (UUP) (South Belfast)  
McGrady, Eddie (SDLP) (South Down)  
McGuinness, Martin (SF) (Mid Ulster)  
McHugh, Gerry (SF) (Fermanagh and South Tyrone)  
McLaughlin, Mitchel (SF) (Foyle)  
McMenamin, Eugene (SDLP) (West Tyrone)  
McNamee, Pat (SF) (Newry and Armagh)  
McWilliams, Monica (NIWC) (South Belfast)  
Molloy, Francie (SF) (Mid Ulster)  
Murphy, Conor (SF) (Newry and Armagh)  
Murphy, Mick (SF) (South Down)  
Morrice, Jane (NIWC) (North Down)  
Morrow, Maurice (DUP) (Fermanagh and South Tyrone)  
Neeson, Sean (A) (East Antrim)  
Nelis, Mary (SF) (Foyle)  
Nesbitt, Dermot (UUP) (South Down)  
O'Connor, Danny (SDLP) (East Antrim)  
O'Hagan, Dr Dara (SF) (Upper Bann)  
O'Neill, Éamonn (SDLP) (South Down)  
Paisley, Rev Dr Ian (DUP) (North Antrim)  
Paisley, Ian Jnr (DUP) (North Antrim)  
Poots, Edwin (DUP) (Lagan Valley)  
Ramsey, Sue (SF) (West Belfast)  
Robinson, Iris (DUP) (Strangford)  
Robinson, Ken (UUP) (East Antrim)  
Robinson, Mark (DUP) (South Belfast)  
Robinson, Peter (DUP) (East Belfast)  
Roche, Patrick (NIUP) (Lagan Valley)  
Rodgers, Bríd (SDLP) (Upper Bann)  
Savage, George (UUP) (Upper Bann)  
Shannon, Jim (DUP) (Strangford)  
Taylor, Rt Hon John (UUP) (Strangford)  
Tierney, John (SDLP) (Foyle)  
Trimble, Rt Hon David (UUP) (Upper Bann)  
Watson, Denis (UUAP) (Upper Bann)  
Weir, Peter (UUP) (North Down)  
Wells, Jim (DUP) (South Down)  
Wilson, Cedric (NIUP) (Strangford)  
Wilson, Jim (UUP) (South Antrim)  
Wilson, Sammy (DUP) (East Belfast)

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**SHADOW EXECUTIVE COMMITTEE  
OF THE ASSEMBLY**

<i>First Minister (Designate)</i>	Rt Hon David Trimble MP
<i>Deputy First Minister (Designate)</i>	Séamus Mallon MP
<i>Minister of Agriculture and Rural Development (Designate)</i>	Ms Bríd Rodgers
<i>Minister of Culture, Arts and Leisure (Designate)</i>	Michael McGimpsey
<i>Minister of Education (Designate)</i>	Martin McGuinness MP
<i>Minister of Enterprise, Trade and Development (Designate)</i>	Sir Reg Empey
<i>Minister of the Environment (Designate)</i>	Sam Foster
<i>Minister of Finance and Personnel (Designate)</i>	Mark Durkin
<i>Minister of Health, Social Services and Public Safety (Designate)</i>	Ms Bairbre de Brún
<i>Minister of Higher and Further Education, Training and Employment (Designate)</i>	Dr Seán Farren
<i>Minister for Regional Development (Designate)</i>	Peter Robinson MP
<i>Minister for Social Development (Designate)</i>	Nigel Dodds

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## PRINCIPAL OFFICERS AND OFFICIALS OF THE ASSEMBLY

<i>Initial Presiding Officer</i>	The Lord Alderdice
<i>Office of the Speaker</i> <i>Private Secretary</i> <i>Special Adviser</i> <i>Counsel</i>	Ms Georgina Campbell Niall Johnston Nicolas Hanna QC
<i>Clerk to the Assembly Commission and the House Committee</i>	Tom Evans
<i>Board of Management</i> <i>Clerk to the Assembly</i> <i>Deputy Clerk</i> <i>Head of Administration</i> <i>Clerk Assistant</i> <i>Editor of Debates</i> <i>Keeper of the House</i> <i>Director of Research and Information</i> <i>Director of Finance and Personnel</i>	Vacant Vacant Gerry Cosgrave Murray Barnes Alex Elder Peter Waddell Allan Black  Dennis Millar
<i>Clerk of Bills</i>	Alan Patterson
<i>Clerk of Business</i>	Joe Reynolds
<i>Clerk of Committees</i>	John Torney
<i>Clerks</i>	George Martin Mrs Debbie Pritchard Alan Rogers Mrs Cathy White Martin Wilson
<i>Head of Research</i>	Dr Stephen Donnelly
<i>Head of Information and Events</i>	Ms Gail McKibbin
<i>Principal Doorkeeper</i>	Kieran Mullan

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# THE NEW NORTHERN IRELAND ASSEMBLY

Monday 29 November 1999

*The Assembly met at 2.30 pm (the Initial Presiding Officer (The Lord Alderdice of Knock) in the Chair).*

*Members observed two minutes' silence.*

## PRESIDING OFFICER'S BUSINESS

**The Initial Presiding Officer:** I have received from the Secretary of State a letter which reads as follows:

"By virtue of paragraph 1 of the schedule to the Northern Ireland (Elections) Act 1998, it falls to me to determine where meetings of the Assembly shall be held and when. I hereby direct that the Assembly shall meet at Parliament Buildings, Stormont, at 2.30 pm on 29 October 1999 until 6.00 pm on 24 December 1999."

Within the last hour I have received from the Secretary of State a revision of a Standing Order. Although we have attempted to ensure that all Members have a copy, the short time available may have made that impossible. Since this pertains to the first substantive item of business after the Initial Presiding Officer's business, I intend to suspend the sitting for 15 minutes to enable Members to read the revised Standing Order. Copies have been placed in Members' pigeon-holes, and more are available in the Members' Lobby.

*The sitting was suspended at 2.35 pm and resumed at 2.50 pm.*

**The Initial Presiding Officer:** At the last sitting of the Assembly a number of issues arose on which I have to report and which have implications for this sitting.

The first such matter arose during the conduct of d'Hondt. The question was this: what happens if a nominee for a ministerial position does not accept the nomination? Under the Act, it is clear that one moves on from that party but returns to it in the normal course of events. However, the Initial Standing Orders at that time did not take due account of the Act, and the refusal by a nominee to accept should, under those Standing Orders, have led to disregard of that party in subsequent rounds. I proceeded on the basis of the Act and not on the basis of the Initial Standing Orders, and Members have my full apology. The Secretary of State has seen fit to correct the anomaly. Should a nominee not accept a proposal, we will move on to the party whose turn is next — that in itself is a disadvantage — and the other party will be returned to in the subsequent rounds. Members will have seen this addressed in one of the two Standing Order determinations made by the Secretary of State at the end of last week.

Another change to the Standing Orders last week referred to the order of precedence of business. As you know, we had a Standing Order which required that d'Hondt be the first item of business unless there was a competent motion for exclusion. That was the only thing that could take precedence. The Secretary of State has removed that Standing Order, and there is now no requirement for any particular order of precedence.

In considering the order in which I should conduct business, I have taken account of what seems to be reasonable. If there is a competent motion for exclusion, it seems to me, it should take precedence over the running of d'Hondt, for if it were successful, d'Hondt would have to be rerun. Where business that is carried over from the previous sitting has implications for some of the rest of a day's business it seems reasonable to deal with it first. Clearly there is business in relation to the position of Seamus Mallon, given that the last substantive item of business at the last sitting was the personal statement in which he tendered his resignation. The Secretary of State has addressed this matter in the Standing Order which was determined just before the commencement of this sitting and which I have given Members some time to read.

## DEPUTY FIRST MINISTER (DESIGNATE)

**The Initial Presiding Officer:** The motion in the name of Mr Neeson also addresses this matter. Should the Assembly express its wish that Mr Mallon withdraw his offer of resignation, in accordance with the terms of Mr Neeson's motion, the revised Standing Order would permit that, and it would be by majority vote unless anything else supervened. Some Members have only just had an opportunity to read this, but I trust that everyone is familiar with the terms set down.

**Rev Dr Ian Paisley:** When we received the notice of today's sitting it was a surprise to many Members to see the motion from Mr Neeson. It was quite clear at the last sitting that Mr Mallon did resign. The Secretary of State even mentioned it in the House of Commons and expressed the hope that another position would be available for him some day.

I understand that all the facilities that accompany ministerial office — the things in which the press seem to most interested — were stripped from him. I have not made enquiry as to whether he lost his salary for that period, but I am sure that it too was stripped from him. However, on the Order Paper there is a motion which seems to ignore these facts. I remind Mr Neeson that in his speech at that time he referred to the resignation. It is quite clear that Mr Mallon did resign. It was reckoned to be a resignation by everyone in this House and in the Westminster Parliament.

I now come to the amazing collusion involving this motion and the Secretary of State. A few minutes before this sitting commenced, the Secretary of State presented Members with an ultimatum. He can, of course, do that because he is able to change the Standing Orders. I am sure that he was tempted to prevent all those Members who oppose him from even entering this Building but thought that that would be too severe.

By a dictatorial act he is seeking to give credence to this motion and to take away the right of the Assembly to have the First Minister and the Deputy First Minister elected together on the basis of the parallel consent that is written into the Act, under which a majority of those registered as Unionists must agree.

Under this motion, those registered as Unionists will not be given the right to approve the reappointment of Mr Mallon on the terms on which he was first appointed. People talk about standing democracy on its head. This is democracy being stood on its head.

Mr Initial Presiding Officer, I would like you to rule whether this motion is competent. Should its wording not be to the effect that the House accepts the Standing Orders and wishes them to be put into operation on this issue?

**Mr McCartney:** Further to that point of order. The motion on the Order Paper refers to Mr Mallon's "offer of resignation" and therefore requires some definition of when a resignation is a resignation. Mr Mallon told the House that his resignation would take immediate effect. I think that Mr Mallon would be the first to accept that with his resignation he accepted the loss of his emoluments. Seamus Mallon would not have continued to accept the emoluments of an office which he had vacated.

Dr Paisley is correct. In the House of Commons the then Secretary of State for Northern Ireland, Dr Mowlam, acknowledged the resignation with regret. There has been some suggestion that if the resignation was not in writing, and was not accepted in writing, it was not valid. Such a submission is without any legal validity. If the Standing Orders are silent on the manner in which a resignation must be offered or accepted, there is absolutely no requirement for the offer or the acceptance to be in writing.

3.00 pm

I fear that we are back to Humpty-Dumpty. When Alice commented on the meaning of a word, he replied

"It means just what I choose it to mean — neither more nor less. The question is which is to be master — that's all."

Are the Members in the Assembly to perform like Humpty-Dumpty, or are we to accept that a resignation — openly made before the Assembly and accepted by the Secretary of State in the House of Commons — is not a resignation? If that is the basis on which the proceedings of the Assembly are to continue, there is a grave question over the propriety of our procedures.

It is not good enough that the Secretary of State, just minutes before the Assembly sits to discuss this matter, provides to some Members a Standing Order overturning one of the fundamental requirements on which this whole process has been built — the requirement for consensus. It specifically outlines that — different from all the other decisions made in the Assembly — the decision as to the choice of the First and Deputy First Ministers requires a majority of those designated as "Unionist" and a majority of those designated as "Nationalist". For the Secretary of State to abolish with the stroke of a pen the fundamental and central principle of consensus for purposes of political expediency is a disgrace to this House.

**The Initial Presiding Officer:** Let me respond to the points of order. First of all, it is clear that the Secretary of State has authority to determine Standing Orders. Whether or not Mr Mallon offered and, in fact, gave an effective resignation is more difficult to determine. I have no doubt that Mr Mallon, when he made his statement and tendered his resignation with immediate effect, believed that he was offering his resignation and

that it was effective. It is quite clear from my response to Mr Mallon's resignation that I too believed that to be the case. It seemed to me a matter of common sense. However, the validity of Mr Mallon's resignation is a matter of law and not of common sense.

I did not have an opportunity to seek legal advice prior to Mr Mallon's statement, but I did seek advice after the sitting. During the sitting I was asked various questions, notably by Mr Robinson. The Member asked if the resignation had to be given in writing and, if so, whether I had a copy of it. I said that there was no Standing Order requiring a written resignation. The resignation would be recorded in Hansard — and only there.

Mr Robinson asked what were the Standing Orders dealing with a resignation. I did not answer the question as I knew that while there were such Standing Orders, they applied only in a post-devolution situation. Having sought legal advice, I was told that one could not be sure that the offer of resignation, though made in good faith, was effective as there was not a Standing Order addressing the matter.

Subsequent legal advice took different turns. Some advocates agreed with the initial advice, while others stated that the resignation was full and complete as it was given in good faith and was recognised by others. In these circumstances, it seems to me, there were only two or three possible courses of action. I could have sought a judicial review on my own behalf to clarify the matter. I readily admit that the circumstances were unusual, but it would have been most unusual to seek a judicial review not on something that had been done but on questions that were incompletely answered. Others, of course, could have sought a judicial review in regard to the matter, but that was not something for me.

When I was presented with a motion, the question was whether it was competent, in particular when it appeared on the Order Paper, as distinct from subsequently, the new Standing Order having been put in place. The advice that I received was that by determining that it was not competent I would have been taking a particular legal view in terms of the actions that had been taken. I would, in that sense, have been acting as though I were a court, and that would not be appropriate. Therefore I had no option but to accept as competent the motion that was given, have it put on the Order Paper and see how things turned out.

You now have a Standing Order that makes the motion not only competent but relevant. That is clearly so. Whether the position is satisfactory from a legal point of view is not a matter for me. This is not a court, and whether others seek confirmation is up to them.

That is the clearest and fullest answer I can give.

**Mr P Robinson:** On a point of order, Mr Initial Presiding Officer. Have you sought legal advice on this

issue? When the resignation took place on 15 July the rules were clear. The Deputy First Minister (Designate) had been elected by a certain mechanism. He resigned with immediate effect. The resignation was confirmed at Westminster, every newspaper in the country covered it, people in their tens of thousands watched it on television, and Mr Mallon came on afterwards to explain his reason for resigning. It was complete and final. There was no doubt in anybody's mind.

This is an *ex post facto* change in the rules. How can it apply to a past situation? I could well understand it if the Secretary of State did not like the rules under which the Assembly had been set up and wanted to change them. I would be unhappy about that, but a retrospective change is worse. If Mr Mallon had resigned with the new Initial Standing Orders in place the procedure would have been straightforward, but that is not the case.

**Mr McCartney:** It is a well-established principle that any office which includes the provision of personal services, as the Office of First Minister does, is not subject in the courts to a mandatory injunction that it perform them. That is the rule for the simplest of reasons: the law and the courts implementing it do nothing in vain, and it is impossible to compel any office or contract that involves personal services. Even the Queen may abdicate. No principle that I am aware of could possibly validate the retrospective withdrawal of a resignation legitimately given and accepted at the time by the Members of this Assembly, who were all present, and by the then Secretary of State.

There is deep suspicion — confirmed by what Mr Robinson has said — that there are no rules in the Assembly by which we will abide. There are only the rules governed by the will of the Secretary of State. Everyone knows that if there were a rerun of the process it would be impossible for the First Minister (Designate) to be elected — and he and his Deputy must stand together to get a majority. This is an example — the most obvious and profane example — of executive power undercutting democratic procedure and principle, and it should be refused.

**Rev Dr Ian Paisley:** Mr Initial Presiding Officer, there is another matter on which I would like you to rule. Is it right to demand of this Assembly, by motion, something that is not accurate? There was more than an offer of resignation; there was acceptance. Everyone knows that it was accepted — right up to the highest court in the land, the Westminster Parliament. The new Standing Order is inaccurate in that it ignores the fact that the resignation was accepted. The words "has offered" do not deal with the fact that it was accepted and acted upon, with every "i" dotted and every "t" crossed.

I understand that Mr Mallon had to get somebody to take him home because his official car had been taken



from him immediately. Surely, Mr Initial Presiding Officer, we should not be asked, by you or anyone else, to debate a motion the terms of which are not factually correct.

**The Initial Presiding Officer:** I do not want to go over the same ground again and again, but I shall do my best to clarify matters, even if my clarification is not appealing or acceptable.

There is no doubt that the Secretary of State has the right to determine Standing Orders as he chooses, even if people disagree with or despise them. I cannot gainsay that right; it is my responsibility to implement the rules as set down.

If the Assembly were to adopt a resolution mandating me to express a particular view on its behalf I would be quite content to do so. However, I could not put forth a view simply because it was the view of a number of Assembly Members. The Secretary of State has a right to do these things, and there is no point in our going round the houses with regard to them.

I have expressed the belief that Mr Mallon was clear in his own mind that he was tendering his resignation with immediate effect, and subsequent events may have tended to confirm that for him. My immediate response, which I described as being made on the hoof, was based on common sense rather than on the law.

3.15 pm

Legal views that were expressed subsequently and others that we have just heard make it clear that common sense and the law are not necessarily the same. Doctors differ and lawyers differ, but the consequences are not the same. It is clear, therefore, that I must take the best advice. Of course, a court might judge that it was not the best advice. It would be exceptional to prejudge this by going to court, and after consideration I decided not to do so, though others may take that course.

Mr Robinson asked if there were Standing Orders dealing with the matter of resignation. The immediate answer, had I been able to respond at the time, would have been no. However, I studied the matter to make sure that I was right. Had there been such Standing Orders at the time, and had the Secretary of State changed them, there would be more substance in the Member's point. In the absence of such provision, the Secretary of State has put in place Standing Orders which address the matter.

This is not an *ex post facto* matter; it is a question of closing a gaping hole. It must have seemed so to Mr Robinson, given the speed with which he pointed out that there were no relevant Standing Orders. It is clear that there will be differences of opinion. Following the last sitting, it is apparent to me that there are differing legal views on the issue and that there is no way to resolve the differences. I had to make a decision,

and I have given my ruling as clearly as I can. I do not want to stop people responding, but neither do I want to go over the same ground again and again. Of course, Members will have an opportunity to express their views on the motion. I propose that if we get to that stage the normal procedure be followed. That would give Members a couple of hours to have their say.

It is very difficult for me to keep ruling on the same points of order — and not profitable.

**Mr McCartney:** Further to that point of order, Mr Presiding Officer. The response you have given is informative but tangential. No one questions the right of the Secretary of State to make a Standing Order, but the Standing Order which he has made refers, as Dr Paisley has pointed out, to an offer of resignation. So if you are going to apply this Standing Order, it must be applied not to a *de facto* and fully effective resignation but to an offer of resignation. The issue is not the power of the Secretary of State; it is whether, in the terms of the Standing Order so lately delivered, the resignation of Mr Mallon, complete in every way, can be treated as an offer of resignation.

A sovereign power — and this includes the delegated powers of the Secretary of State under statute — can do many things, but we come back to a question that was put to Sir Thomas More when he was asked to subscribe to the Act of Supremacy. Referring to the absolute sovereignty of Parliament, he said to the then Attorney-General

“Tell me, Master Rich, can Parliament make of man a woman?”

I pose this question: can the Secretary of State turn a resignation into an offer of resignation?

**The Initial Presiding Officer:** From my medical experience, I would say that not only Parliament but others can do more these days than was possible in the times of Sir Thomas More.

**Mr McCartney:** You have just given birth to a hermaphrodite.

**The Initial Presiding Officer:** I am advised that the offer, which was made with full integrity and in the expectation that it would be effective, may not have been more than an offer, although it may have been deemed to be otherwise.

We must proceed to the motion standing in the name of Mr Neeson.

**Mr Roche:** We should not move to the motion quite so quickly. By concentrating on whether or not a man can be turned into a woman, we are losing sight of one or two things. Mr Mallon resigned when he gave his resignation to the House. There is absolutely no doubt about that.



**The Initial Presiding Officer:** It is not proper to keep raising points of order on matters that I have already addressed.

**Mr Roche:** I have not finished my point of order.

**The Initial Presiding Officer:** Only one of us at a time may stand.

Let us not keep going over this question of the offer of resignation. Hansard clearly shows what was said:

“accordingly, I offer my resignation now, with immediate effect.”

I can only judge what is most appropriate, based on the advice that I am given. If Members or others feel that they have a proper case to take and wish to seek guidance elsewhere, it would be entirely proper for them to do so. However, we should not go round and round on the same issue.

You wanted to address a further matter, Mr Roche.

**Mr Roche:** I had not finished my point of order. Neither the Standing Order — and all that has been said about the Standing Order is perfectly correct — nor the motion applies to the circumstances of Mr Mallon’s resignation. That is my point.

**The Initial Presiding Officer:** That is the same point of order, and I have already ruled that it does apply.

**Mr Dodds:** You said that you were prepared to accept the motion standing in the name of Mr Neeson, even though you were not able to say whether it was competent. Is that not an amazing statement? Surely it is necessary for you, as Presiding Officer, to ensure that any motion on the Order Paper is competent at the time of tabling, rather than hope that it will become competent.

**The Initial Presiding Officer:** I recommend that you read in Hansard tomorrow what I said. I did not say that I was unable to judge whether the motion was competent; I said that it was not possible for me to rule that it was not competent. If something is clearly not competent it will not be allowed through. If I had ruled that this motion was not competent I would have been making an alternative legal determination which I did not believe I was entitled to make. In that context, it is appropriate to allow it to go forward as competent until proven otherwise. In another situation it might be clearly incompetent, and in that case it would be ruled out.

**Rev Dr William McCrea:** Mr Mallon and his party colleagues have pontificated numerous times about how cross-community support is important to the validation of this process. Mr Mallon is listening to our debate now, and he knows whether he offered to resign or resigned that day. Given our concerns and the need for cross-community support, is he prepared to ignore the democratic process and cheat the people of Ulster by taking up a position by the back door, or does he agree

that in political life honour and integrity are more important than personal position?

**The Initial Presiding Officer:** First, that is not a point of order. Secondly, it is not a question of what Mr Mallon’s belief was at the time or of his integrity with regard to the matter; it is a question of law — a disputed question of law, but a question of law nonetheless. If someone believes a decision to be wrong, there is an appropriate context in which to challenge it.

**Rev Dr William McCrea:** On a point of order, Mr Presiding Officer. Whether or not it is a point of law, it is something that will always haunt Mr Mallon if he goes in through the back door.

**The Initial Presiding Officer:** That is not a point of order. It is quite legitimate to make points in the context of the debate, but I must insist that points of order be genuine and that they should not relate to matters that I have already addressed.

**Mr McCartney:** Mr Initial Presiding Officer, you have stated that you have received conflicting legal advice from two quarters. It seems to me that there is no pressing requirement for you to prefer what has come from one of them if you are left in limbo. And it is equally wrong for you to take the view that it is for individual Members, or any group of Members, to seek a court decision on this issue. It is for the House, through you, to seek that decision.

It would be quite wrong to allow this to proceed on the basis that there may be a subsequent court action or construction summons rendering, or possibly rendering, nugatory all that takes place here. Surely prevention is better than cure. The proper course is to take legal advice — not judicial advice — as to whether or not this is in order and to act upon it. It is wrong to throw upon the Members of the Assembly, or any group of them, the responsibility to do what your Office ought to do.

**The Initial Presiding Officer:** First of all, I did not seek a whole array of legal advice. I sought my own legal advice, but other legal views were drawn to my attention. That is where the uncertainty arose. It was not other advice that I sought. I am not putting it onto individual Members. If the Assembly as a whole were to request me to seek advice, of course I would do so. I asked for advice for myself, and, having received it, I am making the best judgements I can. It is clear that other legal minds have been at work and have come up with a range of views as to precisely what has been going on here. I have to make my own judgement and move ahead as best I can.

**Rev Dr Ian Paisley:** Do you want a motion brought before the House asking that you seek legal advice on this issue?

**The Initial Presiding Officer:** Under Initial Standing Orders I can accept a motion only by leave of the Assembly or if due notice is given.

**Rev Dr Ian Paisley:** I beg leave to move that this House instructs you to take legal advice on the issue that has caused controversy here today.

**The Initial Presiding Officer:** That would not be competent as I have already taken legal advice. It seems to me that what was being looked for was a court decision.

I shall put the matter to the House. Do Members give leave for such a motion?

**Several Members:** Aye.

**Several Members:** No.

**The Initial Presiding Officer:** It is clear that there is not unanimity. That being the case, the leave of the House is not granted.

**Mr Boyd:** On a point of order, Mr Presiding Officer. We have listened to this long enough. Let Mr Mallon state clearly whether he did or did not resign with immediate effect.

**The Initial Presiding Officer:** That is not a point of order. I have already ruled that it is not a question of what Mr Mallon believed himself to be doing — that is clear. It is a question of law and of making a judgement under Standing Orders.

3.30 pm

**Mr Paisley Jnr:** May I draw attention to annex C of the Code of Conduct and to part A of the Initial Standing Orders, which state that all Ministers, including the Deputy First Minister (Designate), must observe the highest standards of propriety, regularity and integrity. If the action that the Secretary of State has proposed is agreed, how will that meet these criteria and the code of conduct requirement for the highest standard of integrity? What does Mr Mallon fear? [Interruption]

**The Initial Presiding Officer:** Order. When raising points regarding the integrity of others, Members need to be very careful. Those who operate in other places will know just how careful. Lest there be any doubt, I repeat that this is not about the integrity of Mr Mallon. It is clear that he believed that he was fully and completely resigning. The question is whether the law in that regard was complete. It is clear from the questions that have been raised that the Standing Orders were not adequate to deal with the matter.

We now need to discuss whether the Assembly wishes to operate on the basis of the new Standing Order and request a different outcome, and that means that we must proceed to the motion standing the name of Mr Neeson.

**Mr Neeson:** I beg to move the following motion:

That this Assembly wishes, notwithstanding his offer of resignation as Deputy First Minister (Designate), that Seamus Mallon MP hold office as Deputy First Minister (Designate).

We have talked about the democratic process. A major purpose in my introducing this motion is to ensure that the will of the people is carried out in accordance with the result of the referendum in Northern Ireland last year. I want to see the full implementation of the Good Friday Agreement.

This is the first sitting of the Assembly since 15 July, when Seamus Mallon stated

“I wish to inform the Assembly that, accordingly, I offer my resignation now”.

Many of us shared his frustration about the lack of progress in implementing the Good Friday Agreement and the failure to elect the Executive. Since then a great deal has happened, including the welcome success of Senator Mitchell’s review.

We have the greatest opportunity now to establish an inclusive, power-sharing Executive and thereby fulfil the responsibility with which we were charged by the vast majority of people in Northern Ireland when they voted in the referendum.

This sitting is the first real opportunity to consider Mr Mallon’s offer of resignation. Support for the motion will allow us to move forward and create the Executive. It will also lead to the setting up of the necessary scrutiny Committees, thus giving Northern Ireland accountable democracy, ending the democratic deficit that the people have endured for 25 years.

I organised an all-party meeting this morning to discuss with the Economy Minister, John McFall, the matter of extending the natural-gas pipeline to other areas of Northern Ireland.

**Rev Dr Ian Paisley:** On a point of order, Mr Initial Presiding Officer. The Member referred in the last debate in the House to “the former Deputy First Minister”. He kept saying “the former”. Is it in order for him now to try to tell the House that Mr Mallon is not the former Deputy First Minister but was just offering his resignation?

**The Initial Presiding Officer:** It is in order for all of us to live and learn.

**Mr Neeson:** From the Democratic Unionist Party’s conference last weekend one can only conclude that they have not learned a lot.

Mr John McFall has been a very good Northern Ireland Office Minister, but from Thursday morning a Member of this Assembly will have that responsibility, and it would be appropriate to thank all the Westminster

Ministers for their time and effort during the long years of direct rule.

It is implicit in Senator Mitchell's review that the process of decommissioning illegal paramilitary arms will begin, and the vast majority of people in Northern Ireland take the view that this must involve all paramilitary groups. That is why a vote for the motion is so important. A positive vote would lead to the establishment of the North/South bodies as outlined in Mr Trimble's and Mr Mallon's report of 15 February. I also hope that an early start will be made to the appointment of the Civic Forum. And the establishment of the Executive will herald the end of the Anglo-Irish secretariat, set up under the aegis of the Anglo-Irish Agreement. We will also see changes in articles 2 and 3 of the Republic of Ireland's constitution, which laid claim to Northern Ireland.

On the radio this morning I heard the sincere pleas of a representative of the Ulster Farmers' Union. He urged the Assembly to move forward so that local representatives would be dealing with the current dire situation.

The way ahead will not be easy, but if politicians really want to see progress they must grasp the opportunity that is before us today.

On 15 July I stated that there were no victors — only losers — as a result of what had happened that day. I firmly believe that there will be many winners today, and they will be the people of Northern Ireland — young and old, and from every community.

**The First Minister (Designate) (Mr Trimble):** I do not intend to say very much, for I am sure that the press and the visitors here today have come for business that is further down the Order Paper, and we all want to get to that as quickly as possible. We certainly do not want to see a repetition of the interminable points of order that were intended to delay the proceedings.

On behalf of the Ulster Unionist Party I am very happy to support Mr Neeson's motion. We very much want to see the team reconstituted and Mr Mallon back in office, as handling business over the last few months has been most inconvenient. In the light of developments over recent weeks and months I am sure that Mr Mallon will be glad, in the changed circumstances, to come back. I am tempted to go back over some of the points of order, particularly some very poorly argued legal points that were not, in my view, accurate, but I shall not do so.

**Mr Mallon:** On 15 July I asked for the leave of the Assembly to make a personal statement about my position as Deputy First Minister (Designate). I said

"The key element of the pledge of office taken by the First Minister and myself was our commitment to work in good faith to

bring into being the arrangements set out in the Good Friday Agreement."

I informed the Assembly that I was offering my resignation as Deputy First Minister (Designate) in the belief that this was the only way to ensure

"that a meaningful review of all aspects of the agreement will be carried out and that, subsequent to that, a fully inclusive Executive can be created".

Those were my words of 15 July to the Assembly. Since then, quite obviously, I have not acted at Deputy First Minister (Designate). As a result of the events of 15 July — inside and outside the Chamber — and for many other reasons, Senator Mitchell was asked to carry out a review of the agreement. My colleagues and I in the SDLP participated fully in that review without office or benefit of title, as I said we would. The review was meaningful and successful.

What was sought on 15 July, so far as I was concerned, was achieved. All pro-agreement parties have fully endorsed the way through the impasse over decommissioning and the formation of the institutions, as proposed by Senator Mitchell. We expect all parties to honour those commitments in relation to both the institutions and decommissioning. For me, the implementation of the agreement was then, and is now, the only motivation. It is, for me, the enduring imperative.

This motion is not about me, either as a politician or as a person. It is not about any individual. It is about the agreement, and it is my conviction that I will do, and have done, everything in my power to ensure that the agreement will work, with all its requirements met and institutions set up. I repeat: this is not about me personally but about the workings of the agreement. Today we are called upon, as the collective body of the political process in Northern Ireland, to put in place the institutions — called upon by the agreement and the Pledge of Office that Ministers will take subsequently; called upon by our agreement to the Mitchell review; and called upon in the referendum by the people of Ireland, North and South.

Putting the institutions in place requires resolving the issue of the joint offices of the First and Deputy First Ministers. I repeat: the issue is not about personalities, who they may be, or which political party might serve in those offices, but about the requirement to put the institutions in place. Without that, there is no way forward. D'Hondt will not be operative, and devolution cannot occur. In July last year the Assembly bestowed on the First Minister, David Trimble, and me the honour — I regarded it as an honour then, and I still do — of appointment to the positions of First and Deputy First Ministers (Designate).

On 15 July 1999 I offered my position as Deputy First Minister (Designate) — not to a Secretary of State, not on a piece of paper, not to the media, but on the



Floor of this Assembly, to this Assembly, because it was this Assembly that appointed me to that office. Whatever views one might have about my motivation and about what the impact might have been, I came to the Assembly, to the people who had elected me as Deputy First Minister (Designate), and offered my resignation to them. With regard to the Secretary of State's Standing Order and this motion, these people, the Members of the Assembly, will decide their response. It will be the response not of Seamus Mallon or of any individual but of the Assembly.

Before the Assembly makes that response I want to make my position clear. The imperative for me is the implementation of the agreement. I have made it clear to the First Minister (Designate) and to the Secretary of State that the working of the institutions requires a sufficient level of support. It is now for the Assembly to decide and indicate that level of support.

May I remind Members (as if it had not been ingrained in us) that we have had 601 days of negotiation since the Good Friday Agreement was made — 601 days of almost continuous negotiation. For that period we have had this lacuna, this gap in the political process. Now we have an opportunity to create the inclusive Executive, the North/South Ministerial Council, the British/Irish Council, the Civic Forum — all those institutions. Can anybody rationally suggest that I, who offered my resignation to the Assembly as the only way I saw at that time to protect this agreement, would stand in the way of the creation of those institutions?

At a personal level, and as a member of a party that has struggled for 30 years to bring about power-sharing and a meaningful all-Ireland institution, I regard this as a landmark day. I feel, and my party feels, a special responsibility for the success of these institutions. We are determined to work with all our Colleagues — and I mean all our Colleagues — in the Assembly for all our people. Today the hard work of creating that new future can begin. But it is not in my hands; it is a decision of the Assembly, and, as a democrat, I think that that is only right. I await the decision of the Assembly.

3.45 pm

**Mr P Robinson:** Mr Mallon reminds us of 601 days during which we have not had one detonator; 601 days, and not one ounce of Semtex; 601 days, and not one bullet; 601 days, and not one gun. That is how valuable the negotiations have been.

I am glad, however, that he said that this is not a personal issue. I am glad because I would have had more enthusiasm if it had been about someone central to the issue for whom I had less respect. But it is a key and vital issue, as he himself says. The first matter that the Assembly needs to look at is whether the motion can

trigger the Standing Order. It was clearly designed to have that effect. However, you, Mr Initial Presiding Officer, in particular will have to satisfy yourself that it does.

It has already been said that the motion indicates that there was an offer of resignation. If it was only an offer of resignation, even though the Standing Order asks us to allow it to have prior effect, clearly you may so rule. However, if you judge that it was not simply an offer of resignation but a full and complete resignation, the Standing Order does not have effect and cannot be used in this context.

The first step that the Assembly has to take is to determine whether there was an offer of resignation or an actual resignation. The best way of deciding that is to look at Mr Mallon's words. In parliamentary terms I cannot call anyone a liar, and I would not do so. However, I wonder whether it is parliamentary to indicate that someone has told a half-truth. Mr Neeson was careful to read only part of the sentence that Mr Mallon used. I will read all of it. Mr Mallon said — and this is the sentence which was quoted by Mr Neeson —

"It is now necessary that I resign as Deputy First Minister. I wish to inform the Assembly that, accordingly, I offer my resignation ..."

(so far as Mr Neeson is concerned, there is a full stop here, but in fact there is not)

"with immediate effect."

Then he said — and this is vital —

"It was this Assembly that elected me to that position, and it is essential that I announce my resignation"

(not "my offer of resignation" but "my resignation")

"to the Assembly."

Confirming that it was a resignation, the Secretary of State rose in the House of Commons at 12.30 pm on the same day and made the following statement:

"The House will be as sad as I am to hear that the Deputy First Minister designate of Northern Ireland, the hon. Member for Newry and Armagh (Mr Mallon), has just resigned."

She said not that he has offered his resignation but that he had resigned. It is very clear that at the moment of this resignation the writers of Initial Standing Orders and the Secretary of State were satisfied that it was a resignation. The Secretary of State was so satisfied that it was a resignation that she was prepared to go to the Dispatch Box in the House of Commons and announce that it had taken place. Clearly it was not simply an offer of resignation. It was confirmed by Mr Mallon and the Secretary of State that it was a full-blown resignation.

If it was an offer of resignation very little will have happened until this moment. However, if it was a resignation there will have been consequences. First, did Mr Mallon continue to receive his salary? Secondly,

were the trappings of office taken from him? Everyone knows that his car was taken, and I think that the fax machine was pulled out of his house. Certainly his offices and staff were taken away, and his salary was stopped. Is that what is done when someone offers his resignation? That is what is done when someone has resigned and his resignation has been accepted as final. There cannot be the slightest doubt that this was a full-blown and accepted resignation.

If this was the case, under the Standing Orders which applied then, and which apply today, there is a requirement for a reappointment, a re-election. That is the heart of the issue. All this chicanery is for one purpose. The mechanism for getting Mr Mallon, or whoever else it might be, back into office is an absurd voting system. It is a voting system that the Democratic Unionist Party had nothing to do with.

Indeed, it is a voting system devised to help people on the other side of the House in case Unionists gang up with one another and have a majority. So they decided to have a consensus-based voting system which required majorities on both sides. A parallel vote was required whereby a majority of both Unionists and Nationalists, so designated in this House, was needed to approve the appointment of the new Deputy First Minister (Designate) or the re-appointment of the former one. Could they have achieved that? As everybody knows, the realpolitik is that they could not.

The best they could have achieved would have been an equal number of designated Unionists, something like 29 to 29. However, that would not have been a majority. Alternatively, members of the Women's Coalition might have designated themselves as Unionists, but, as everyone knows, the Member for South Belfast does not have a Unionist corpuscle in her veins. She would have been hypocritical had she designated herself as a Unionist. The reality is that if they had not been able to get that through, the whole process would have come to an end.

I do not entirely agree with Mr Mallon and his view that the running of d'Hondt to appoint the Ministers could not have taken place. I believe that it could. It would not, however, have had any effect, because the First Minister (Designate) could not himself have called the Executive together, since it is a joint decision. We do not have a Prime Minister as such. We have a First Minister (Designate) and a Deputy First Minister (Designate) who are joined at the hip. They cannot take independent decisions. They must act together, in accordance with the legislation. Without their both having been present, there could never have been a meeting of the Northern Ireland Executive, hence the dilemma. Under the rules, we cannot get Seamus back, and we cannot call an Executive together unless we do. What is the answer? Let us change the rules.

They wrote the rules; they decided that they would frame those rules to ensure that they would win, and now that they have discovered they cannot, they decide that the rules must be changed. It does no credit to the person in question that he should be elected as a lesser Minister, a Minister for loopholes, a Minister elected by the back door. Indeed, one might even refer to him as a Minister who is being asked to slither under the door. What honour is there in being elected by a procedure other than the proper one which everyone recognised was required? First they duck and dodge the rules and then they change them.

I do not believe that those who support this agreement would want Seamus Mallon to gain office by some shabby, back-door trickery. That would demean their cause. They should face up to the reality. If on day one they do not have the numbers to get this through, how long will they allow this farce, this charade, to continue?

**Mr Adams:** Tá mé ag labhairt i leith an ruin, agus tá mé an-sásta sin a dhéanamh. The last time we were in this Chamber I remember thinking that, collectively, we were facing the most difficult crisis of this process to date. The most visible manifestation of that was the collapse of the Executive within minutes of its being formed and the Deputy First Minister (Designate), Seamus Mallon's subsequent offer of resignation.

At that time, I paid tribute to Mr Mallon, and Sinn Féin decided to support him because, in our view, he had no choice. Today, we want to support the motion that the Deputy First Minister (Designate) should continue to hold that office. I am very touched by the DUP's concern for him, as, I am sure, is he. This is the same DUP who tried to silence him and prevent him from making his statement in July. The difference between July and today is that there is now an opportunity for the full implementation of the Good Friday Agreement. It is time for all of us to move forward in a spirit of partnership, inclusiveness and camaraderie, and this motion gives us the opportunity to do that.

The words "historic", "momentous" and "new beginning" have often been used to describe pivotal points in the development — the very slow development — of the peace process. Nevertheless, the Mitchell review represents a watershed in our recent history. Making this work will require all of us to reshape the political context in which we live. Sinn Féin is very proud to stand in the tradition of the Presbyterians — the truly "free" Presbyterians — of the 1790s, who fought for liberty, equality and fraternity. Our goal remains the establishment of a united, free and independent Ireland. We believe that the Good Friday Agreement is a transitional structure that will allow us to achieve that legitimate objective. Others in this

Assembly hold the opposite view — that is fair enough — but there is now the possibility for all of us to pursue our different and opposing political goals in partnership, as equals, in mutual respect and toleration.

Opponents of this motion — and no one here is deceived by the legalistic bombast — are opposed to progress of all sorts. At least Peter Robinson is almost frank enough to admit this: he asks how much longer the Assembly and these institutions will continue to survive. But what have they got to offer ordinary people outside the sectional, sectarian element they have sought to lead astray over the years? What vision of the future do they have to offer? The rejectionists have, to date, had their way, it could be claimed, in pursuance of their objective of impeding progress. It would be fair to say that they have not done too badly. There have been 600-odd days of preventing forward movement. But here, this afternoon, we might see the beginning of an end to all that, the beginning of an end to all the reluctance, hesitancy, begrudging and naysaying. We can commence our new future.

I want to work not just with the UUP, the SDLP, the Alliance Party, the Women's Coalition and the PUP, but also with the DUP. Unionists have nothing to fear from sharing power with Irish Republicans, because our future is bound up together. Our future is the concern and responsibility of each of us — as individuals, political leaders and parties, governments, communities, organisations and businesses. The engine at the core of this will dictate the pace of events, and it will have to ensure that a new partnership of equals is created. There must be open, transparent and accountable government — a people-centred government — interlocked with and interdependent on the North/South Ministerial Councils and the policy implementation bodies. These institutions have to be owned by and be responsible to the people — not the Unionist people, or the Republican people, or the Nationalist people, or the people of the North or of the South, but all the people.

That is the challenge. For too long in this statelet, the no-men have had it easy. I appeal to Dr Paisley once again, as he goes into the twilight of his life and his career, to reflect not on the past but on the future. A future that will be a new future for the children of this nation. I call upon the Assembly to support the motion that Seamus Mallon hold Office as Deputy First Minister (Designate). Go raibh maith agaibh.

**Mr C Wilson:** My party will not be supporting this proposal. Furthermore, I wish to reject the suggestion that Mr Neeson made today that the majority of decent, law-abiding citizens in Northern Ireland support the placing in government of those fronting terrorist organisations. What is taking place in this House today has nothing to do with the outworking of the expression of the will of the people of this Province; it has come

about as a result of a programme driven by lies and deception and designed to subvert the will of the majority community in Northern Ireland. For this plan to succeed, the Northern Ireland Office required a Unionist leader who could deliver a sizeable section of the pro-Union community. Enter, stage left, Mr David Trimble, leader of the Ulster Unionist Party, and his two bit players, Ms McWilliams, and Mr David Ervine of the Progressive Unionist Party, plus a cast of hundreds of church leaders and so-called captains of industry. They are all puppets dancing to the tune of the Northern Ireland Office, choreographed —

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

**Mr C Wilson:** No, I will not give way.

Choreographed, as I was saying, by Mr Tom Kelly of the Northern Ireland Office, the man who has used the church leaders and the captains of industry to, in his words, “champion the cause of the Belfast Agreement”. All these people are dancing to Mr Kelly's tune in his guise as “Minister of Information” in the Northern Ireland Office. I say to Mr Trimble and the section of Unionism which he leads today that he does not have a mandate to do what he is currently doing in this House.

I know how Lord Carson felt when, in 1933, he said

“now I have lived to see every one of the safeguards absolutely set to naught and made useless. This is not a pleasant political career. I belong, I believe, to what is called the Unionist party. Why it is called the Unionist party I fail to understand, unless it is to remind people in this country that it was the party which betrayed the Union.”

Those words apply today as I address the Members from the Ulster Unionist Party — a party that, if it moves to elect Sinn Féin Members as Ministers, will finally have betrayed the people who elected its members to this Assembly. Mr Trimble has left a trail of broken promises over the past weeks and months. Today we shall see what most people, even a few short months ago, would have believed unthinkable: the seating in government of those who have terrorised this community over the last thirty years. Think of Mr Adams and of the movement that brought us Enniskillen, the Shankill bomb, La Mon —

**Mr Tierney:** On a point of order, Mr Initial Presiding Officer. Is the Member not talking to the wrong motion?

**Mr C Wilson:** — and Oxford Street, to name but a few. Think of the organisation which, as a result of its campaign of terror, has been responsible for the deaths of thousands of citizens, Catholic and Protestant, for the maiming of tens of thousands and for destroying countless homes. That is the vision that Mr Adams has had for the last 30 years. I take it very ill that he chides Members about visions for the future. His vision for the last 30 years has been pregnant women lying on the



streets of this Province with their stomachs open, with babies being washed down the street.

**Mr Ervine:** On a point of order, Mr Initial Presiding Officer. I am aware of the terrible events being described by Mr Wilson, and I agree with him that they were horrible. However, neither Seamus Mallon nor the Office of the Deputy First Minister (Designate) was responsible for any of them, and that is what this motion is about.

**Mr C Wilson:** Is that a point of order?

**The Initial Presiding Officer:** It is a reasonable point of order; it suggests that you attempt to stay close to the motion, Mr Wilson.

**Mr C Wilson:** I trust that my time will be appropriately adjusted. I do not intend to take any further points unless —

**The Initial Presiding Officer:** Order. It is not a matter of choice whether a Member takes a point of order. When a point of order is taken, that time is not taken out of the Member's speaking time.

**Mr Adams:** On a point of order, Mr Initial Presiding Officer.

**Rev Dr Ian Paisley:** On a point of order, Mr Initial Presiding Officer.

**The Initial Presiding Officer:** Mr Adams has a point of order and then Dr Paisley.

**Mr Adams:** Not only was Seamus Mallon not involved in these incidents — neither was Mr Adams.

**Rev Dr Ian Paisley:** It is only right that the clock should be reset. It ill becomes you, Mr Initial Presiding Officer, to listen to what a spokesman for IRA/Sinn Féin has to say. Members could all have risen with points of order. He said that I tried to stop Mr Mallon from speaking. I never tried anything of the sort. I pointed out — and Hansard can be checked — that a personal statement, which he claimed he was making, had to be personal and could not go into other matters. Members are being told by the leader of IRA/Sinn Féin that we tried to stop Mr Mallon. That is untrue. I and my Colleagues could continue to raise points of order. The hon Member who was speaking has every right to lay down the law. The people that we represent have been murdered, maimed, killed, slaughtered by these men — and now they want into the Government of the country.

**The Initial Presiding Officer:** When the issue was raised about Mr Mallon's capacity to speak being restricted, I took it as a reference not to the personal statement but to a previous occasion when there was a vote in the Assembly about whether Mr Mallon would be permitted to continue to speak. I took it that that was

the occasion being referred to and not the personal statement — but I may be wrong.

**Mr Adams:** You are right, Mr Initial Presiding Officer, and Dr Paisley is wrong — again.

**Mr P Robinson:** Please make it clear that Mr Mallon had spoken. It was a matter of whether he had spoken for more than his time; it was not about whether he had got his time.

**The Initial Presiding Officer:** That is correct. The question was whether to extend the time.

**Mr C Wilson:** It will not be lost on Members, or on the people watching in the Galleries, that it was a bomber from the Loyalist paramilitaries who rose to protect those in the Republican movement who have been responsible for murdering and bombing this community. What is being presented to Members — and it will be a fait accompli undoubtedly — is the welcoming into the Executive Government of Northern Ireland of those involved in armed struggle, in spite of Mr Adams's attempt to distance himself.

If I am quoting correctly from the book 'Lost Lives' — written by a very reliable journalist — Mr Adams was the brigadier in charge of the Belfast brigade of the IRA on "bloody Friday", the day of the Oxford Street bus station bombing. Mr Adams would have had to have given his agreement to those atrocities.

I make no apologies for these statements. The people of Northern Ireland know the roles that Mr Gerry Adams and Mr Martin McGuinness — who is going to be placed in government — have played in trying to destroy the community that we live in.

The admission of the IRA into government is being done without the surrender of a single weapon; without the renunciation of the use of violence; and with no admission that the murderous work of the IRA is anything other than justified. Mr Adams, in a speech at Belfast city hall, made it clear that nothing he would ever say should be taken as criticism of the IRA volunteers. Mr Adams will have opportunity to criticise me if that statement is incorrect.

Mr Trimble has no doubts about whom he is handing power over to and whom he is bringing into the Executive. Recently, he told a 'Good Morning Ulster' interviewer that, with one or two exceptions, all the Sinn Féin Assembly team were members of the IRA. I am sorry that Mr Trimble is not present to point out the two non-subscribing members of the IRA. I believe that Mr Mitchel McLaughlin is referred to as "the draft dodger" in IRA circles, as he has not been involved in active service. I do not know Ms de Brún's background —

4.15 pm

**A Member:** On a point of order, Mr Initial Presiding Officer. Is the Member currently speaking to the motion?

**The Initial Presiding Officer:** Mr Wilson, you are some way down the road on the clock and some way off the mark as far as the motion is concerned. The motion refers to Mr Mallon's position and not to the position of Sinn Féin Assembly Members.

**Mr C Wilson:** Mr Mallon, Mr Adams, Mr Neeson and everyone else were given a degree of latitude when making their speeches, and I will take the same latitude.

**The Initial Presiding Officer:** I am generous to a fault on these matters. Mr Mallon may not thank me for drawing attention to the matter, but it is my duty to point out that you are some way off the subject of the motion.

**Mr C Wilson:** I wish to make it clear that these matters flow from the fact that Mr Mallon is being reinstated as the Deputy First Minister (Designate), so my comments are very relevant. The Northern Ireland Unionist Party will not be giving any credibility to the structures that will be put in place today, and we will not be giving any assistance to those who wish to operate this undemocratic process. The Northern Ireland Unionist Party has another agenda — to demolish this affront to decency and justice. What are our chances of success as a small party opposed to the Belfast Agreement? It is similar to the chance that David had against Goliath. David was told that he had no chance. I have heard the chorus from across the Floor, from the Gallery, from the captains of industry and from church leaders. They are all saying that there is no alternative. With God's help there is an alternative, and we will see off this affront to the democratic process.

What are we to do? In 1911 Lord Carson said

"We are out once more upon a great campaign against betrayal, a betrayal of the most foul and humiliating character. Let every man take that betrayal to his own heart. Talk of it in your offices, talk of it in your workplaces, talk of it at your firesides and teach your children of it so that it sinks deep into your heart as to what is proposed to be done" —

and today we propose to bring terrorists into government —

"and as this comes home to each and every one of you, let your actions be guided by this: it is never a man's part to submit to betrayal and if you do a man's part in resisting it you will at least have done your duty and will be able to face in history those who come after you."

Outside this Chamber — and the members of the Ulster Unionist Party know this well — there is a memorial stone to Mr Edgar Graham, a former Unionist Assembly Member murdered in 1983 by Mr Adams's, Mr McGuinness's and Ms de Brún's colleagues in the IRA. The epitaph on the stone says "Keep alive the light

of justice". Now these people are going to be placed in government over the community that they have terrorised for the last 30 years. Is this in the cause of justice? Is it right to seat in the new Northern Ireland Government those who have terrorised people for 30 years? We should see them brought to justice and punished for their crimes.

**Ms McWilliams:** I would like to add my comments and reflect on Mr Seamus Mallon's personal statement of 15 July. At that time I said that it was a very depressing day for us, but I recall that Rev Ian Paisley said that it was a good day for the DUP — that democracy had triumphed. On that day, as a result of those views, I felt that we had to move mountains. In the Mitchell review some of those mountains have been moved, but it is clear from today's discussion so far that there are many more to move. I have compared this to queuing up to get into a concert — to waiting and waiting and waiting. The poor people in Northern Ireland have been the watchers and the waiters, and it is now time for us to give them some action. While you are waiting in this queue you may have the feeling that when you do get in, the concert will be a good one, but, from what I have heard today, the mood music has not changed at all.

If Peter Robinson, the Member for East Belfast, feels that he can cast aspersions on people's politics, then he must be able to see inside their minds. We have long said that the Women's Coalition is made up of Nationalists and Unionists. What is wrong in Northern Ireland is that people stand on the self-righteousness of the purity of their pedigree. I would like to tell you, Mr Robinson, that I have been a unionist — a trade unionist — all my life.

**Mr P Robinson:** On a point of order, Mr Initial Presiding Officer.

**Ms McWilliams:** I will take it.

**Mr P Robinson:** You will take it! The Initial Presiding Officer will take it.

Mr Initial Presiding Officer, can you confirm that there is absolutely no doubt in our Standing Orders or in the Act that the Unionist designation that is required is a community one? We are talking not about a European unionist or a trade unionist but about a Unionist who wants to maintain the link with the rest of the United Kingdom.

**The Initial Presiding Officer:** It is clear from the Act and from the agreement that what is meant is a Unionist in the Northern Ireland political sense and not a trade unionist or other.

May I also remind Members — and a number have transgressed slightly in this regard — that responses should be made through the Chair, not directly to each



other. I am not sure that I should advise you to do this; it can be painful enough, but Members should make their responses through the Chair.

**Ms McWilliams:** Again I have to say that that was not a point of order. Mr Robinson was predicting how we would have designated ourselves, and he could not have known.

**Rev Dr Ian Paisley:** On a further point of order, Mr Initial Presiding Officer. If it was not a proper point of order, why did you rule on it and affirm that my Colleague was right? Ms McWilliams cannot question the integrity of the Chair, and as a good trade unionist she should know that. A Member cannot question the integrity of the Chair. You made a ruling, and you could not have made a ruling if it had not been a proper point of order. The trouble with the hon Member is that you ruled in favour of my Colleague.

**The Initial Presiding Officer:** I confirm that I gave the ruling, because I judged that it was a proper point of order, responding to a proper issue.

**Ms McWilliams:** This discussion reminds me of the DUP's conference on Saturday. First they undermine you; then they ridicule you; then they fight you; and then — may I say to the Ulster Unionists — you win.

This is the type of politics that we are trying to move away from: the politics expressed by Mr Cedric Wilson, in which God is entirely on his side — the politics of self-righteousness. I hope that in this period of change we are beginning to move out of the politics of blood and loyalty towards a new kind of politics. The Deputy First Minister (Designate) — I hope that the Member will be holding that office — will remind us once again that he addressed this in his speech, when he spoke of the politics of civic principles, tolerance and mutual respect.

I was delighted to see in the Ulster Unionist Party's recent statement a new kind of politics, based on equal opportunity and — perhaps before the end of the day — on open and accountable government. It is depressing that those who are so good at naming and blaming have done so little to shape this new kind of government.

In his personal statement of 15 July Mr Mallon referred to the willingness of the then Secretary of State, Dr Mowlam, to think the unthinkable and to go an extra mile, every time, to see the implementation of the Good Friday Agreement. It is good that, today, we have an opportunity to reflect on that personal statement and, indeed, on the hard work of the last Secretary of State. I hope that we can move on from the politics of jostling and jeering and get down to the work that the people have expected from us for so long. It is good for us to be able to support this motion, which will ensure that Mr Seamus Mallon will hold office as Deputy First Minister (Designate).

**Mr McCartney:** When Mr Seamus Mallon resigned, with immediate effect, in this Assembly I stated that in personal terms I regretted his resignation. He was good enough to acknowledge this in very courteous and kind terms in a letter. However, I do not think that any reasonable, sensible person could possibly believe that Seamus did not resign. His resignation was in the records of the House, its acceptance was recorded in the Westminster Hansard, and all the privileges and profits of his office were withdrawn. I do not for a moment believe that Mr Seamus Mallon would have accepted a single penny in regard to that office once he had publicly offered his resignation and had it accepted.

If the legal opinion which the Initial Presiding Officer has received about whether a resignation in those terms amounts only to an offer of resignation represents the legal position, then, as Charles Dickens said,

“the law is an ass”.

No rational human acquainted with such facts could have come to any other conclusion than that he had resigned — and resigned finally. The truth is that if Seamus had submitted himself for re-election in accordance with the original Standing Orders he would have been re-elected. I have no doubt of that. But the First Minister (Designate) would almost certainly not have been re-elected.

So we go through the farce of the Secretary of State's making a new Standing Order minutes before we come here so that what is an established fact, which any simpleton would understand without the need to take the opinion of Queen's Counsel, is not a fact. If that is the basis upon which we are to proceed in the House, it is a very sandy foundation indeed. But it is typical of the violations of all the principles of democracy and personal honesty, truthfulness and integrity that have beset this process from the beginning, and I do not direct this remark towards Seamus Mallon personally. There is only one rule, and that is that the process must continue.

The greatest derelictions from honesty, truth and decency, if uncovered, do not bring any odium upon the person who committed them, because he has a catch-all defence — “I did it for peace.” You can get away with murder, you can get away with mutilation, intimidation and bending the rules, and you can get away with having the political representatives of terrorists, who remain armed, in executive government, as long as you are doing it for peace.

I read the debate of 15 December 1998 in this House. The motion was that those who were inextricably linked with an armed terrorist organisation could not possibly give an unqualified commitment to exclusively peaceful means and, therefore, could not participate in executive government.

I heard Mr Taylor, the right hon Member for Strangford, say that there could be no question of executive government unless there was decommissioning. I heard Mr Sam Foster talking about arms, men and equipment in the undergrowth outside and saying that to talk about an executive government including these people, without actual decommissioning, was ludicrous. I heard others, including Maj McFarland, saying that they had been deluded and deceived by Mr Blair. Mr McFarland believed his promise that no prisoners would be given early release until there was decommissioning, and said, in a plaintive tone, in the last sentence of his address, that but for those pledges they would not have signed up to the agreement. Mr Armstrong said that no reasonable person could conceivably let the representatives of terrorists, and those with whom they are inextricably linked, into government without decommissioning.

Where are all these worthies now? Where are all these people who have violated what they said publicly, on indelible record in Hansard? These people, who know that they are currently unelectable, are agreeing and using subterfuges such as the present one to maintain their position and have violated all the principles of democracy. They have violated all the principles of truth, public decency and honour. They have sown the wind, and surely they will reap the whirlwind of electoral destruction, for that is where they are headed.

I was not present when the First Minister (Designate) referred to the legal arguments which I had put forward. I do not claim that those legal arguments are unanswerable.

In the House I expounded those arguments, for good or ill. Did we hear the First Minister (Designate) rejecting any of them or making any analysis of the principles of law or democracy that would have confounded them? We heard only the usual snide, throwaway line that has become the hallmark of his addresses.

This is a sad day for democracy. The Assembly and the devolved Government, which I opposed, have not been set up on an honourable and straightforward basis. If the Administration had been mounted on the truth and on the promises which the parties concerned had made to the electorate, I should have said that I disagreed with it and that it might cause difficulties. But I should also have said that as it is the product of a democratic process, I must accept it. However, I cannot accept a devolved Government that is elected as a result of political chicanery, put in place by the devious means we have seen today and constructed at the dictat of the Secretary of State to provide cover for the unelectable. If the original rules were observed, Mr Trimble would be unelectable today as First Minister. He knows it, the public know it, and so do the electorate. If that is a

sound basis for the future democratic welfare of the Assembly, I fear for it.

Peace is a worthy objective, but peace obtained by the sacrifice of the principles of democracy and of personal integrity, and at the price of forsaking the promises that parties make to the electorate is surely doomed to disaster. The motion should not be accepted.

4.30 pm

**Mr Ervine:** I do not intend to get into the slanging matches that have been going on. I merely say that the Progressive Unionist Party supports the motion.

**The Initial Presiding Officer:** When I laid out the terms for the debate I said that it would extend to two hours so that all parties wishing to speak could do so, and that amount of time would have allowed each party its full time to speak. After about one hour all the parties who wished speak have done so. Some parties have extensive lists of Members wishing to contribute, and I am minded to allow those parties, of which there are about three, to have another bite of the cherry. We shall then proceed to the winding-up speeches and the vote.

**Mr S Wilson:** Today's proceedings have been described as verging on farce. In the light of the background to today's debate and the point that we have reached in the proceedings, it has to be said that there is some justification in that description. In our pigeon-holes this morning we found a set of rules which were devised and printed on 26 November. By lunchtime those rules had been revised, purely for the purpose of getting us to our present stage and, of course, beyond that to the point which the First Minister (Designate) has told us that he cannot wait to reach. Indeed, he waived many of his speaking rights to get to that point.

We are at this stage because the Ulster Unionist Party has been prepared to tear up its manifesto. Had it not been prepared to do that, we would not have reached this point. The Secretary of State has turned a blind eye to arms smuggling, shootings and beatings to get us to this stage. As I have said, the debate and the background to it are farcical.

Of course, in this farce, we are operating under rules which are as bent as — I suppose you know how I was going to finish that one off, Mr Initial Presiding Officer, so before you rule that I am being unparliamentary, I will not say any more. That is where we have got to.

Those looking at this objectively from the outside would see that what is going on here is not normal parliamentary democracy. The casual observer would see that we have bent and torn up the rules and that we are now debating whether Mr Mallon resigned. Does he believe he resigned, or have we imagined it? Ms McWilliams mentioned that this is like a concert. It

is more like a pantomime — the Christmas pantomime season has started early. When I looked at the motion, its subject and the author, the words “Snow White” and “dwarf” came to mind. I think I had better clarify what I mean by that.

**The Initial Presiding Officer:** Personal references to Members ought to be made with some caution.

**Mr S Wilson:** I am referring, of course, to the effect of age on Mr Mallon’s hair and to the political standing with the electorate of Mr Neeson’s party: 2% — the political dwarfs.

The debate has been like a pantomime. Has he resigned? Yes he has; no he has not. Speaking as a member of the “Yes” camp — this is role reversal now — I am going to steal a line from someone else. I must say to those who are in the “No” camp that they cannot keep saying “No”, especially when all the evidence is against them. We have seen it in Hansard, and we have talked about it in the House. We have heard what Mr Mallon has said. He talked about his offer of resignation having immediate effect, and the Secretary of State stood up in the House of Commons and announced it. She said that it was a setback. If this was not a resignation, if it was only an offer, why would it be a setback? According to the Secretary of State, it was a sad day.

My Colleague Mr Robinson spoke about the removal of the trappings of office, and I noted Mr Mallon’s comments. He has not acted in his capacity as Deputy First Minister (Designate) since that resignation took effect. What some Members are saying today seems to be totally at odds with what they were saying on 15 July 1999 when it was like a wake here. We had weeping, wailing and lamenting.

Mr Neeson paid tribute to the Deputy First Minister (Designate). He said that that was a very sad day for the Assembly. This was, supposedly, just an offer of resignation. If it was not a real resignation, why was it a sad day? Why did he pay tribute to the former Deputy First Minister (Designate) if this was only an offer? No wonder his face was red when the motion was read out; he knows in his heart that there was a real resignation.

I listened to Mr Ervine’s unusually terse contribution.  
*[Interruption]*

4.45 pm

**Mr Ervine:** Sammy talks about red faces. If he had a mirror he would see a very large red face.

**Mr S Wilson:** Mr Ervine spoke on the day of Mr Mallon’s resignation, and he was at his sanctimonious best. Did he talk about how disappointed, frightened and worried he was about the consequences of the offer of resignation? No. He talked about the consequences of

the resignation, and he went on to describe the death of the political process.

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

**Mr S Wilson:** No. You have been doing all the giving away in the last month or two. Mr Ervine obviously believed that Mr Mallon had resigned. Ms McWilliams talked about her position on this and was happy to accept an offer of resignation. She talked about how wonderful Mr Mallon had been in his efforts to pursue the peace process. She said

“He never stopped, and I hope that, despite his resignation ...”.

I could go through what others said. The Ulster Unionist Party, of course, were not here; they decided to run away because they were not ready to move to the despicable position that they are at today. Mr Mallon’s words — what he said about his personal standing — were heard in the Assembly, were reported in the House of Commons by the Secretary of State and were made known to the public. The headline in the ‘Belfast Telegraph’ said “Mallon resigns”; the ‘News Letter’ used the same terminology. Of course, we cannot believe everything we read in the ‘News Letter’, but on this occasion it confirmed what everyone else was saying. So there was an element of truth in it.

Today’s motion, as has been outlined very well by my Colleague Peter Robinson and by Mr McCartney, seeks to pretend that there was only an offer of resignation, for the simple reason that otherwise the rules would not allow us to go through the majority voting procedure that will occur at the end of this debate.

All of this twisting and turning is to place in the Government of Northern Ireland people who, for the last 30 years, have killed, maimed and bombed. Many people will find it incomprehensible that the leader of the Ulster Unionist Party said that he wished to hurry along, to get to the main part of the business — to place those people in government. That is despicable. It makes this a farce and is something the people in Northern Ireland will not forgive, especially those who have been victims.

**The Initial Presiding Officer:** I ask you to bring your remarks to a close.

**Mr Close:** When people outside watch this Assembly and listen to what has been going on, I wonder what they will think. Up to the moment we have had the spectacle of those who perhaps do not understand the meaning of the word “democracy”; and they certainly do not want to put it into practice. Their wish is for the voice of the people to be thwarted or overturned. If more than 71% of the people had voted “No” to the agreement the Members on the Benches to my left would be perfectly happy and content. Sadly



that was not the fact. They were defeated — not for the first time, and certainly not for the last.

I hear them quote strange figures, but I understand that the figure was 71·2%. We are speaking about the will of the people. Let us learn how to accept the will of the people — *[Interruption]* If the echoes were to die down I might be able to get on to the real substance of the motion.

This motion is very clear. It restates the obvious: that the Assembly wishes Seamus Mallon to hold office as Deputy First Minister (Designate). This is not some fairy-tale wish; it is a wish based on hard statistical facts. Mr Mallon was elected Deputy First Minister (Designate) on 1 July 1998, and the voting on that day was 61 votes for and 27 votes against — 69·3% for and 30·7% against. That is over two to one in favour. That was the will of the House, and, from that day until 15 July 1999, Seamus Mallon carried out his duties in an admirable fashion — a fact that was recognised by the vast majority of Members.

Then, on 15 July 1999, in order, as he saw it, to

“ensure that a meaningful review of aspects of the agreement will be carried out”,

Mr Mallon offered his resignation. Some people might want to wish it otherwise, but the fact remains that he offered his resignation.

Mr Mallon has emphasised the point that the offer to resign was made to the Assembly. It was, after all, as has already been pointed out, the Assembly that elected him. I believe that it is a fact of law, though I am prepared to concede to those better qualified in the legal profession, that an offer is made for acceptance or rejection. I do not see it said in Hansard that the Assembly refused to accept that offer. It was pointed out, in response to a question from Mr Peter Robinson, that there were no procedures, no Standing Orders and no opportunities for the House to discuss or debate that offer. The record demonstrates very clearly that there was much regret and sadness, and this is evidence that it is the will and the desire of the House that Mr Mallon continue as Deputy First Minister (Designate). Even some of those who are absent from the Chamber now, who were opposed to his election, expressed their sadness at his offer to resign.

I take this opportunity to assert my right as a Member of the Assembly to reject Mr Mallon's offer to resign. I believe that, as an Assembly, we can collectively confirm our desire, first voted upon and agreed in July 1998, that Mr Mallon hold office as Deputy First Minister (Designate) of the House. In so doing we can and will move forward and make progress and thus meet the demand of the greater majority of the people who want to see us making progress.

When we make that progress later this evening we will see pseudo-reluctant Ministers, with tears in their eyes, coming forward and grabbing with both hands the portfolios offered and the trappings of office. Then, with their usual dignity and, some might say, hypocrisy, they will ride off and claim that they are doing this for the salvation of Ulster. It reminds me of the old cliché

“If you can't beat 'em, join 'em.”

**Mr Boyd:** I make no apology for opposing the motion to reinstate Seamus Mallon as Deputy First Minister (Designate). Mr Mallon refuses to recognise Northern Ireland's status as an integral part of the United Kingdom and consistently insults our people by referring to Northern Ireland as “the North of Ireland”. I refuse to accept a Deputy First Minister (Designate) who wants the destruction of Northern Ireland, wants it subsumed into an all-Ireland republic. Mr Mallon and the SDLP have consistently opposed any devolved Government which will maintain Northern Ireland's position as an integral part of the United Kingdom and which excludes terrorists.

During 30 years of terror the SDLP consistently condemned violence while not hesitating to profit politically from it. The SDLP tells us that we should forget the past. Will John Hume and his party now state publicly that “bloody Sunday” is a thing of the past and best left there? The SDLP now faces a clear choice between support for democracy and the rule of law and support for Sinn Féin/IRA in its demand to participate in the Executive, while retaining its arsenal and its terrorist structures. If the SDLP supports Sinn Féin/IRA in its refusal to decommission, this will render it indistinguishable from Sinn Féin/IRA. The alternative is for the SDLP to align itself with the democratic demand that Sinn Féin/IRA must decommission its terrorist arsenal and dismantle its terrorist structures. Pan-Nationalism, for which Seamus Mallon is a key strategist, has never flinched from its agenda of power-sharing with an Irish dimension, leading to Irish unity. Placing Seamus Mallon in the position of Deputy First Minister (Designate) is part of the pan-Nationalist agenda.

Sinn Féin/IRA, a key part of the pan-Nationalist front, are not democrats. They have arrived where they are today not by legitimate means but through murder and intimidation. The threat of more bombs in the business centre of London has forced the British Government to capitulate. The Republican definition of democracy is to explode a bomb underneath a car or gun down opposing politicians. The clear message today is that victims still suffer. There must be no terrorists in government. The victims' agony is compounded by allowing unrepentant armed killers and their apologists into our Government.

A policy of appeasement of Fascists was tried in the 1930s, and it failed. This Government has also turned a

blind eye. Today Tony Blair, in a style reminiscent of Chamberlain, preaches “peace for our time”. If only we could turn a blind eye to the ongoing murders and beatings. Just like Germany in the pre-war period, the IRA continues to build up its arsenal. They have peace on their lips but war in their hearts.

The Belfast Agreement has delivered nothing for Unionists. Our Loyal Order parades are banned and our culture attacked. The terrorists continue to be released. The sniper team which murdered seven British soldiers and two RUC officers will serve only 13 months. The killer of retired RUC Reservist Cyril Stewart, who was gunned down in front of his wife while out shopping, will serve only nine months. This is not peace, justice and democracy; this is appeasement. We face the destruction of the RUC and the prospect of terrorists in control of policing. Eighty per cent of IRA murders are unsolved, and we have continual human rights abuses by Sinn Féin/IRA. Since 10 April 1998 there have been five IRA murders, 62 shootings, 160 beatings and 464 exilings — all carried out by paramilitaries associated with pro-agreement parties. The statistics relating to Loyalist terrorists are similar. Martin McGuinness is on record as having said on 23 June 1986

“Freedom can only be gained at the point of an IRA rifle”.

He also stated

“I apologise to no one for saying that we support and admire the freedom fighters of the IRA.” No revolutionary organisation enjoys as much popular support as we do.”

This is clear evidence that Martin McGuinness is a member of the Provisional IRA. Yet he is to take a place in the Government of Northern Ireland. Republicans have murdered over 2,000 people — both Protestant and Catholic — and Loyalists have murdered over 1,000. Yet these organisations are still fully intact and retain their illegal guns and explosives.

The back-stepping by pro-agreement parties and the naive acceptance by some Ulster Unionists of a meaningless form of words on decommissioning will do nothing to ease the concerns of the long-suffering people of Northern Ireland. In all this charade the real victims of terror have been forgotten.

The reality is that there are enough illegal arms and explosives to kill every person in Northern Ireland. Republican terrorists are estimated to have 2,658 kg of Semtex, 1,200 detonators, 1,000 rifles, 40 sub-machine guns and 30 machine guns. After 600 days not one ounce of Semtex has been handed in. Republican terrorists are also estimated to have 600 handguns and 1.5 million rounds of ammunition as well as ground-to-air missiles, RPG 7 launchers and two Barrett Light Fifty rifles. Loyalist terrorist arsenals include 100 rifles, 80 sub-machine guns, and 700 handguns. Yet as democrats, we have to listen to people saying that we are not in favour of peace, justice and democracy.

A phoney commitment by the IRA to decommissioning is an insult to the people of Northern Ireland — particularly to the forgotten victims. The Union is in crisis, and a split within the Ulster Unionist party is inevitable if David Trimble pursues his reckless policy of attempting to place the representatives of terrorism in government. It is time for anti-agreement Unionists within the Ulster Unionist Party to realign with other like-minded Unionists to prevent Sinn Féin/IRA from being placed in the Executive.

We should all be reminded of the dastardly deeds of the Provisional IRA. On 19 April 1972 Corporal “A” — I shall refer to him in that way for the sake of his family — who was a UDR member, was abducted whilst driving a lorry along the Armagh and Republic of Ireland border. His badly tortured body, which was booby-trapped, was found at Altnamachin near Newtownhamilton. He suffered a terrible death at the hands of his IRA captors following his abduction and imprisonment at an IRA safe house in County Monaghan.

5.00 pm

**Mr McClelland:** On a point of order, Mr Initial Presiding Officer. Is Mr Boyd speaking to the motion? *[Interruption]* Someone asks if he is reading his essay.

**The Initial Presiding Officer:** The speech seems to be some distance from the terms of the motion. Perhaps you could relate your remarks more closely to those terms, Mr Boyd.

**Mr Boyd:** Earlier in the debate Gerry Adams gave us a lecture on seventeenth-century Presbyterianism. I think that my speech is just as relevant to the motion, if not more so.

**The Initial Presiding Officer:** You must forgive me if I gave a degree of latitude to matters relating to Presbyterianism. Please proceed in relation to the motion.

**Mr Boyd:** Corporal “A” suffered a terrible death at the hands of his IRA captors following his abduction and imprisonment at an IRA safe house in County Monaghan. It is alleged that he was nailed to the floor during his ordeal. Following his torture, which included burns, shocks, drowning and a variety of horrific abuses, he was finally shot. His genitals were placed in his mouth, and his stomach was removed and replaced with a booby-trap bomb. This was carried out by an organisation which our Prime Minister says is inextricably linked to Sinn Féin. They are one and the same.

On 25 May 1986 the Garda informed the RUC of the location of the body of Mr “D”, an IRA informer. He was found with his hands tied behind his back, tape covering his eyes and a bullet wound to his head. At the request of Martin McGuinness — who in a few hours’ time will be a Minister in this Government — the

mother of this victim helped to persuade her son to come home to Londonderry following an assurance from the Sinn Féin leader that he would be safe. When he had been home for two weeks, he was taken away by the IRA to County Donegal, never to return. Severe mental and physical torture was used on this victim.

These evil people would have the world believe that they are fighting the just war of an oppressed people, but all the emerging evidence is that they are carrying out a psychopathic serial killing campaign against those with whom they disagree politically and, indeed, against any who would dare to stand in the way of their achieving their true objective — a united Ireland governed by fear and violence.

As a democrat, I make reasonable and legitimate demands on behalf of the victims and all those who believe in democracy and the rule of law. We demand a declaration from the IRA that the war is over; the handover of the terrorists' arsenals; the ballistic testing of the terrorists' weaponry; the verified destruction of the terrorists' arsenals; the disbandment of the terrorist organisations; the setting-up by Her Majesty's Government of a public inquiry into human-rights abuses by the terrorists; and an international tribunal to investigate the role of the Government of the Irish Republic in the establishment, funding, training and arming of Sinn Féin/IRA. The victims still suffer, and the clear message is that there must be no terrorists in government —

**The Initial Presiding Officer:** There may be some misunderstanding with reference to some comments made earlier. I have been trying to understand what link there is between this and the motion. I have to assume that there is the thought that if Mr Mallon does not find himself in the position of Deputy First Minister (Designate), that will obstruct the running of the d'Hondt mechanism and the appointments to which the Member refers.

In case there is any uncertainty on that issue, let me be clear on the point that whatever happens in respect of this motion, the running of the d'Hondt mechanism will take place. I assume that that is the connection between what the Member has said and this motion, and I draw this matter to the Member's attention lest he should spend the remainder of his time addressing a question which is not in order.

**Rev Dr Ian Paisley:** While what you have said is true, it is also true to say that if the 10 members of the Executive are appointed today the Executive cannot take over devolved government unless it is ordered so to do by the First Minister (Designate) and the Deputy First Minister (Designate). If we do not have a First Minister (Designate) and a Deputy First Minister (Designate) what we do today cannot come into operation. Therefore the hon Gentleman has every right

to argue that if the IRA has to get into government in this way he is opposed to it.

**The Initial Presiding Officer:** He does. However, to carry forward the procedure you are describing, it would be entirely possible for the d'Hondt mechanism to be applied, for 10 Ministers to be put into place, and for there then to be an election of the First Minister (Designate) and the Deputy First Minister (Designate). I am making this point in case the Member feels that his speech is directed towards the motion, when it seems to me that this is not entirely the case. The Member may continue.

**Mr P Robinson:** But it is in the right direction because if Mr Mallon does not succeed in getting back the position of Deputy First Minister (Designate) the Executive can never be called together.

**The Initial Presiding Officer:** That is true in terms of the Executive's actually meeting, barring some other development.

**Mr P Robinson:** Another change.

**Mr Maskey:** I would like to return to the issue of Members on the opposite side of the Chamber naming individuals in this Chamber today. The Initial Presiding Officer rebuked Mr Paisley Jnr on the matter of the integrity of Members in this Chamber. I am concerned that, although few Members will take much notice of some of the comments and drivel that we have been hearing from some Members today, there has been too much latitude given to some Members with regard to allegations they have been making. I do not know whether the people against whom the allegations have been made are that concerned. However, the Initial Presiding Officer made a ruling concerning the questioning of the integrity of Members, and far too much latitude has been given. I want to put on record that people have been defamed in the Chamber this afternoon. We will all be carefully scrutinising Hansard tomorrow morning because some of the comments that have been allowed have been absolutely disgraceful.

**The Initial Presiding Officer:** As I have said on a number of occasions, I listen as carefully as I can to all the things being said, as they are being said, and I also scrutinise Hansard afterwards. It is not an easy task because sometimes things are said which raise questions, including questions about particular parliamentary procedure. I try to keep my mind focused, and I do try to get constant legal advice. I will certainly be scrutinising Hansard after this — and not only because you will be doing so too.

**Mr Maskey:** That is all very well. However, some Members could stray — and perhaps some Members do not have a lot of experience — and inadvertently make a comment. Some Members are reading from lengthy scripts which are entirely defamatory and personal



towards members of Sinn Féin. These are not accidental comments. They are well-prepared and well-delivered scripts. It is painfully obvious that this is so.

**Rev Dr William McCrea:** Can you confirm that if any Member feels aggrieved and you are not able to give him justice, he can appeal to the court and fight his case there?

**The Initial Presiding Officer:** No, I cannot confirm that, since comments made in this context now have privilege, although they initially did not. It is important that Members do not abuse their rights. My attention has been drawn to the question of whether this might be the case. I will therefore scrutinise the matter carefully.

**Rev Dr William McCrea:** On a point of order, Mr Initial Presiding Officer. Have you heard anything new today which has not been said about these people outside this House? And no one has been taken to court.

**Mr P Robinson:** On a point of order. It might be useful if you could give us some guidance in this matter. In the House of Commons, for instance, one might well believe that a Minister or other individual has told a lie, but one may not call that person a liar. If we believe that someone has been responsible for murder, may we not call him a murderer?

**The Initial Presiding Officer:** That is something I shall have to consider, since it is probably unparliamentary language. What you say also has other implications. I shall need to study it before coming back to the Assembly. I think we were at the point of calling Mr Neeson.

**Mr Roche:** On a point of order. We must be very careful of how we use language. The language associated with this so-called peace process is couched in the most general and vacuous terms, intended to lend a commendable linguistic aura to what is happening without ever addressing specifics. The question was raised, if Mr Mallon is confirmed as Deputy First Minister (Designate) and d'Hondt is triggered, of what sort of people will be governing Northern Ireland, and what these people represent.

We should be exceptionally careful that we do not place a prohibition on the use of language, which would prevent the use of concrete descriptions which can be proven. If, for example, one takes the word "murderer", its use is totally inappropriate merely as a term of abuse. When that word is used to describe what a person is and has done, however, it can be entirely appropriate.

**The Initial Presiding Officer:** I am not entirely sure what point of order the Member is making.

**Mr Boyd:** At the last meeting of the Assembly specific allegations were made against myself and other

members of my party by the SDLP. I hope you will also investigate those.

I shall draw my remarks to a close. The victims are still suffering. The clear message must be that there can be no terrorists in government. The Belfast Agreement has failed in three crucial areas: there has been no decommissioning, nor will there be; over 300 terrorists have been released early; and the Patten Report will almost certainly destroy the RUC. Today we witness the death of democracy and the surrender by some Unionists to Sinn Féin/IRA. However, as Unionists, we all have to face the electorate, it is to be hoped, sooner rather than later.

In line with the pledge we gave at the election, my party and I shall continue to oppose the implementation of the Belfast Agreement and its implications. In the words of Mrs Sylvia Callaghan, whose son was murdered in the Ballykelly bombing,

"Any deal that benefits terrorists by putting them in positions of authority in our land would be an insult to the memory of my son, murdered by the people the authorities are now falling over themselves to placate."

I oppose the motion.

5.15 pm

**Mr Neeson:** This Assembly offers the people of Northern Ireland two choices today. The first is to keep them tied to the shackles of hatred, bitterness and continued sectarian conflict. The second offers the opportunity to move forward and take us out of that conflict, providing hope for the future for all the people of Northern Ireland. In the Northern Ireland Forum, I once said that the word "yes" is not part of the DUP's vocabulary.

I am glad to see that things are changing. They will say "Yes", and rightly so, to the two ministerial posts. That underlines the hypocrisy that is emerging from the Democratic Unionist Party and the other "no" men, who are determined to take the people of Northern Ireland "no where".

This motion is about whether we accept the offer made by Mr Mallon to resign. At the outset I stated that my main reason for moving this motion was to bring about the full implementation of the Good Friday Agreement. We have waited 601 days, and I do not want us to delay any further.

*Question put.*

*The Assembly divided: Ayes 71; Noes 28.*

AYES

*Gerry Adams, Ian Adamson, Alex Attwood, Billy Bell, Eileen Bell, Tom Benson, Esmond Birnie, P J Bradley, Joe Byrne, Joan Carson, Seamus Close, Fred Cobain, Robert*

*Coulter, John Dallat, Duncan Shipley Dalton, Ivan Davis, Bairbre de Brún, Arthur Doherty, Pat Doherty, Mark Durkan, Reg Empey, David Ervine, Sean Farren, John Fee, David Ford, Sam Foster, Tommy Gallagher, Michelle Gildernew, John Gorman, Carmel Hanna, Denis Haughey, Joe Hendron, John Hume, Billy Hutchinson, Gerry Kelly, John Kelly, Danny Kennedy, James Leslie, Patricia Lewsley, Alban Maginness, Seamus Mallon, Alex Maskey, Kieran McCarthy, David McClarty, Donovan McClelland, Alasdair McDonnell, Barry McClelland, Alan McFarland, Michael McGimpsey, Eddie McGrady, Gerry McHugh, Mitchel McLaughlin, Eugene McMenamin, Pat McNamee, Monica McWilliams, Jane Morrice, Conor Murphy, Mick Murphy, Sean Neeson, Mary Nelis, Dermot Nesbitt, Danny O'Connor, Dara O'Hagan, Eamon O'Neill, Sue Ramsey, Ken Robinson, Brid Rodgers, George Savage, John Tierney, David Trimble, Jim Wilson.*

election of July last year to the office of First Minister and Deputy First Minister remains in effect.

#### NOES

*Fraser Agnew, Paul Berry, Norman Boyd, Gregory Campbell, Mervyn Carrick, Wilson Clyde, Nigel Dodds, Boyd Douglas, Oliver Gibson, William Hay, David Hilditch, Roger Hutchinson, Gardiner Kane, Robert McCartney, William McCrea, Maurice Morrow, Ian R K Paisley, Ian Paisley Jnr, Edwin Poots, Iris Robinson, Mark Robinson, Peter Robinson, Patrick Roche, Jim Shannon, Peter Weir, Jim Wells, Cedric Wilson, Sammy Wilson.*

*Question accordingly agreed to.*

*Resolved:*

That this Assembly wishes, notwithstanding his offer of resignation as Deputy First Minister (Designate), that Seamus Mallon MP hold office as Deputy First Minister (Designate).

5.30 pm

**Mr P Robinson:** Mr Initial Presiding Officer, would this motion have been passed if the proper procedure had been applied and parallel consent required?

**The Initial Presiding Officer:** As there was no petition of concern, a simple majority only was required, and the Clerks computed the figure. I cannot answer your question immediately — the numbers will have to be checked.

Mr Mallon, do you assent to the wish of the Assembly?

**Mr Mallon:** I do, and I regard this as cross-community support — the touchstone by which I measure the vote. I thank all Members, including those who spoke and/or voted against the motion. It is in the Assembly that our myriad problems will be solved. This vote allows us to move forward and start to solve those problems.

**The Initial Presiding Officer:** I confirm that Mr Mallon has assented to the wish of the Assembly and will hold the office of Deputy First Minister (Designate) notwithstanding his offer to resign. The outcome of the



## **SINN FÉIN: MOTION FOR EXCLUSION**

*The following motion stood on the Order Paper in the names of Rev Dr Ian Paisley and Mr P Robinson:*

This House resolves that Sinn Féin does not enjoy the confidence of the Assembly because it is not committed to non-violence and exclusively peaceful and democratic means and therefore, consistent with Standing Order 24(2)(a), determines that members of Sinn Féin shall be excluded from holding office as Ministers or Ministers (Designate) for a period of 12 months beginning with the date of this resolution.

**The Initial Presiding Officer:** May I remind Members that, while giving notice of a motion under Standing Order 24 has no specific requirements, moving such a motion requires that one of three criteria, which are set out in paragraph 5, must be met. No notice having been given under paragraph 5(b) or 5(c), I invite the sponsor to provide evidence that the criterion in paragraph 5(a) is met. I will accept written notice bearing the signatures of 30 Members, or the support of 30 Members demonstrated by their rising in their places, or a combination of those. If this criterion is met, the motion may be moved and the debate may proceed. If it is not met, I will not allow the motion to be moved and we will proceed to the appointment of Ministers (Designate).

**Rev Dr Ian Paisley:** Having already given you evidence of 29 signatures, I invite you to ask Members willing to join the signatories to stand in their places.

**The Initial Presiding Officer:** Will those Members who have signed the motion or are in support of it please stand in their places.

**Several Members** *rose*.

**The Initial Presiding Officer:** Not all of the 29 Members who signed the motion are standing — and certainly not the required 30.

**Mr P Robinson:** On a point of order, Mr Presiding Officer. You would confirm that Standing Order 24(5)(a) allows a combination of signatures and Members rising. You have 29 signatures and are required only to find out if there are any other Members who would sign. Perhaps the Ulster Unionist Party did not fully understand this. Some of its members may want another opportunity to lend their support.

**The Initial Presiding Officer:** Given the clear and full explanation, they can be in little doubt about the requirements. As no one is standing in support of the motion I declare that it is not competent.

**Mr C Wilson:** Would it be in order to have a 15-minute suspension to see if we can persuade the Secretary of State to bend the rules for the anti-agreement Unionists?

**The Initial Presiding Officer:** While not doubting the persuasive capacity of the Member, I have some uncertainty about whether 15 minutes would be enough. However, since no more is at my disposal, I fear I must pass up his advice.

## NOMINATION OF MINISTERS (DESIGNATE)

**The Initial Presiding Officer:** I have some advice for Members before we proceed directly to running d'Hondt. Once this procedure is commenced, it will not be interrupted except by leave of the Assembly or under the terms of Standing Order 22 whereby a nominating officer may make request for a 15-minute suspension in order to consult before making his nomination. I remind Members that, as required by Initial Standing Orders, I have, by reference to the party affiliations as indicated by Members when taking their seats, published a consolidated list of political parties represented in the Assembly, the Assembly Members belonging to each political party and the nominating officer for each party.

At the sitting of the Assembly on 16 February 1999 a joint proposal from the First Minister (Designate) and the Deputy First Minister (Designate) relating to the number of ministerial offices to be held by Northern Ireland Ministers and the functions exercisable by the holder of each such office after the appointed day was agreed with cross-community support. I am now required by Initial Standing Orders to conduct the allocation of ministerial offices (designate) in accordance with the procedures set out in Initial Standing Orders.

Before commencing, I wish to remind Members again of the requirements set out in Initial Standing Orders. I shall ask the nominating officer from each political party, in the order required by the formula contained in the Initial Standing Orders, to select an available ministerial office (designate) and to nominate a person to hold it who is a member of his party and of the Assembly. Should a nominating officer require further time to consider a selection or nomination, it is open to me to permit a brief suspension of 15 minutes. However, I should point out that if no such request is made, or if the nominating officer does not make the selection or the nomination required within a maximum period of five minutes, or if the nominee does not agree to take up the selected ministerial office (designate) within the period of five minutes, in accordance with the Initial Standing Orders, I will ask the next nominating officer in line, according to the required formula, to select and to nominate. Under the terms of the Initial Standing Orders, the First Minister (Designate) and the Deputy First Minister (Designate) may be nominated themselves to hold a ministerial office (designate).

The last time we tried this procedure Members responded spontaneously with applause after each successful nominations. I suggest that today we hold back any expressions of emotion, positive or otherwise, and if at the end of the procedure the leaders of parties wish to make a brief comment, they may do so then.

That is in order that expressions of emotion during the process can be restrained.

**Rev Dr Ian Paisley:** I understand from certain Members that the amplifiers in some parts of this building were not on during the call for the first vote. I would like you to enquire into that.

**The Initial Presiding Officer:** I certainly will make enquiries.

I call on Mr Trimble, as the nominating officer of the political party for which the formula laid down in the Standing Orders gives the highest figure, to select a ministerial office (designate) and nominate a person to hold it who is a member of the Ulster Unionist Party and of the Assembly.

**Mr Trimble:** I select the Enterprise, Trade and Investment portfolio, and I wish to nominate Sir Reg Empey.

**The Initial Presiding Officer:** Will Sir Reg Empey confirm that he is willing to take up office?

**Sir Reg Empey:** I confirm.

**The Initial Presiding Officer:** I ask you to make the affirmation required.

**Sir Reg Empey:** I affirm the Pledge of Office as set out in schedule 4 to the Northern Ireland Act 1998.

**The Initial Presiding Officer:** Sir Reg Empey is now the Minister (Designate) of Enterprise, Trade and Investment.

I call on Mr Hume, as the nominating officer of the political party for which the formula laid down in Standing Orders gives the next highest figure, to select the ministerial portfolio and to nominate a person to hold it who is a member of the Social Democratic and Labour Party and of the Assembly.

**Mr Hume:** I select Finance and Personnel and nominate Mr Mark Durkan.

**The Initial Presiding Officer:** Will Mr Durkan confirm that he is willing to take up office?

**Mr Durkan:** I confirm.

**The Initial Presiding Officer:** Please make the affirmation.

**Mr Durkan:** I affirm the Pledge of Office as set out in schedule 4 to the Northern Ireland Act 1998.

**The Initial Presiding Officer:** Mr Mark Durkan is now the Minister (Designate) of Finance and Personnel.

I call on Dr Paisley, as nominating officer of the political party for which the formula laid down in Standing Orders gives the next highest figure, to select a ministerial portfolio and to nominate a person to hold it

who is a member of the Democratic Unionist Party and of the Assembly.

**Rev Dr Ian Paisley:** I select the Regional Development portfolio and nominate Mr Peter Robinson MP to hold it.

**The Initial Presiding Officer:** Will Mr Peter Robinson confirm that he is willing to take up office?

**Mr P Robinson:** May I very briefly set the context which allows me to respond positively to your enquiry about my willingness to take office. Everyone here knows that I am one of the sternest opponents of the Belfast Agreement. I have consistently maintained that the purpose and the objective of the agreement is to have Northern Ireland absorbed into a united Ireland through developing all-Ireland institutions. I still believe that to be the process underlying it. Whether a Member or a Minister, as a convinced Unionist I shall use every ounce of the influence I possess to frustrate and thwart Northern Ireland's being conveyed into a united Ireland.

My position, in relation to both the release of paramilitary prisoners and the destruction of the RUC through the apparatus devised by the Belfast Agreement, is on public record and is unchanged. Moreover, it remains for me a fundamental principle that only those who are committed to exclusively peaceful and democratic means are suitable partners in government. The call of my conscience and the commitments I have given to the people of Northern Ireland are unalterable. I oppose terrorism in all its forms and of every shade. Whether it be the murder of a friend or that of an odious adversary, I oppose it without qualification and without any mental reservation.

As far as my conduct as a prospective Minister may be an issue, I want to place firmly on the record my intention and disposition to be scrupulously fair in every respect, while exercising such responsibilities as may be in my charge. The religious conviction or political opinion of any person or group will form no part of the judgement I will make on any matter. I shall work for everyone in this community seeking for them a better deal. I consider myself to be the servant of all and master of none.

I accept the nomination and affirm the Pledge of Office as set out in schedule 4 to the Northern Ireland Act 1998.

5.45 pm

**The Initial Presiding Officer:** Mr Peter Robinson is now Minister (Designate) for Regional Development.

I call on Mr Gerry Adams, as nominating officer of the political party for which the formula laid down in Standing Orders gives the next highest figure, to select a ministerial portfolio and to nominate a person to hold it who is a member of Sinn Féin and of the Assembly.

**Mr Adams:** Ainmním Máirtín MacAonghusa mar Aire Oideachais. I nominate Mr Martin McGuinness as Minister of Education.

**The Initial Presiding Officer:** Will Mr Martin McGuinness confirm that he is willing to take up Office? *[Interruption]*

Order. Let me make it quite clear that if there is disorder in the Galleries they will be cleared. Any points of order that are necessary will be taken at the end of this procedure. It will not be interrupted.

**Mr C Wilson:** I cannot sit through this obscenity. I am leaving.

**The Initial Presiding Officer:** Order. Will Mr McGuinness confirm that he is willing to take up office?

**Mr M McGuinness:** Tá. Cinntím sin agus glacaim leis an ghealltanais. I affirm the Pledge of Office as set out in schedule 4 to the Northern Ireland Act 1998.

**The Initial Presiding Officer:** I declare that Mr Martin McGuinness is now Minister (Designate) of Education.

I call on Mr Trimble, as nominating officer of the political party for which the formula laid down in Standing Orders gives the next highest figure, to select a ministerial portfolio and to nominate a person to hold it who is a member of the Ulster Unionist Party and of the Assembly.

**Mr Trimble:** I select the Department of the Environment, and I nominate Mr Sam Foster.

**The Initial Presiding Officer:** Will Mr Foster confirm that he is willing to take up office?

**Mr Foster:** I accept the nomination under the Pledge of Office of schedule 4 to the Northern Ireland Act 1998.

**The Initial Presiding Officer:** May I ask you to repeat the words

"I affirm the Pledge of Office as set out ...".

**Mr Foster:** I affirm the Pledge of Office as set out under schedule 4 to the Northern Ireland Act 1998.

**The Initial Presiding Officer:** Mr Sam Foster is now Minister (Designate) of the Environment.

I call Mr John Hume, as nominating officer of the political party for which the formula laid down in Standing Orders gives the next highest figure, to select a ministerial portfolio and to nominate a person to hold it who is a member of the Social Democratic and Labour Party and of the Assembly.

**Mr Hume:** Minister of Higher and Further Education, Training and Employment — Mr Sean Farren.

**The Initial Presiding Officer:** Will Mr Farren confirm that he is willing to take up the office?

**Mr Farren:** Glacaim leis an Oifig agus deimhním Gealltanas na hOifige mar atá leagtha amach i sceideal 4 d'Acht Thuaisceart Éireann 1998. I affirm the Pledge of Office as laid out in schedule 4 to the Northern Ireland Act 1998.

**The Initial Presiding Officer:** Mr Sean Farren is now Minister (Designate) of Higher and Further Education, Training and Employment.

I call on Rev Dr Paisley, as the nominating officer of the political party for which the formula laid down in Standing Orders gives the next highest figure, to select the ministerial portfolio and to nominate a person to hold it who is a member of the Democratic Unionist Party and of the Assembly.

**Rev Dr Ian Paisley:** I ask for a break of 15 minutes, as permitted.

*The sitting was suspended at 5.49 pm and resumed at 6.04 pm.*

**The Initial Presiding Officer:** Dr Paisley, will you select a portfolio and nominate a Minister?

**Rev Dr Ian Paisley:** I select the Social Development portfolio and nominate Nigel Dodds.

**The Initial Presiding Officer:** Will Mr Nigel Dodds confirm that he is willing to take up office?

**Mr Dodds:** I refer to the statement that was made a few moments ago by my Colleague Mr Peter Robinson, the Member for East Belfast, the Minister (Designate) for Regional Development. I subscribe totally and fully to that statement, and, having done so, I accept the nomination and affirm the Pledge of Office as set out in schedule 4 to the Northern Ireland Act 1998.

**The Initial Presiding Officer:** Mr Nigel Dodds is now Minister (Designate) for Social Development.

I call on Mr Trimble, as nominating officer of the political party for which the formula laid down in Standing Orders gives the next highest figure, to select a ministerial portfolio and to nominate a person to hold it who is a member of the Ulster Unionist Party and of the Assembly.

**Mr Trimble:** I select Culture, Arts and Leisure and nominate Mr Michael McGimpsey.

**The Initial Presiding Officer:** Will Mr McGimpsey confirm that he is willing to take office?

**Mr McGimpsey:** I confirm that I am willing to take office, and I affirm the Pledge of Office as set out in schedule 4 to the Northern Ireland Act 1998.

**The Initial Presiding Officer:** Mr Michael McGimpsey is now appointed Minister (Designate) of Culture, Arts and Leisure.

I call on Mr Adams, as nominating officer of the political party for which the formula laid down in Standing Orders gives the next highest figure, to select a ministerial portfolio and to nominate a person to hold it who is a member of Sinn Féin and of the Assembly.

**Mr Adams:** I would like a brief suspension please.

**The Initial Presiding Officer:** Order.

**Mr Adams:** I have been amazingly tolerant of the latchcos in the Gallery.

I thought Mr McCartney was going to leave.  
[Interruption]

**The Initial Presiding Officer:** Order.

**Mr Adams:** I am quite prepared to continue to be tolerant, but I look to the Chair to ensure that I am able to speak without that nonsense.

I would like the brief suspension to which we are entitled.

*The sitting was suspended at 6.07 pm and resumed at 6.22 pm.*

**The Initial Presiding Officer:** Mr Adams, will you select a portfolio and nominate a Member to hold it?

**Mr Adams:** Ainmním Bairbre de Brún mar Aire Sláinte, Seirbhísí Sóisialta agus Sábháilteachta Pobail. I nominate Bairbre de Brún as Minister for Health, Social Services and Public Safety.

**The Initial Presiding Officer:** Will Bairbre de Brún confirm that she is willing to take up office?

**Ms de Brún:** Cinntím sin agus dearbhaím Gealltanais na hOifige mar atá siad leagtha amach i sceideal 4 d'Acht Thuaisceart na hÉireann 1998. I affirm the Pledge of Office set out in schedule 4 to the Northern Ireland Act 1998.

**The Initial Presiding Officer:** Ms Bairbre de Brún is now Minister (Designate) for Health, Social Services and Public Safety.

I call on Mr Hume, as nominating officer of the political party for which the formula laid down in Standing Orders gives the next highest figure, to select the remaining ministerial portfolio and to nominate a person to hold it who is a member of the Social Democratic and Labour Party and of the Assembly.

**Mr Hume:** I nominate Brid Rodgers as Minister of Agriculture and Rural Development.

**The Initial Presiding Officer:** Will Ms Rodgers confirm that she is willing to take up office?

**Ms Rodgers:** Glacaim leis an Oifig agus deimhním Gealltanas na hOifige mar atá sé leagtha amach i sceideal 4 d'Acht Thuaisceart na hÉireann 1998. I



accept the office, and I affirm the Pledge of Office as set out in schedule 4 to the Northern Ireland Act 1998.

**The Initial Presiding Officer:** Ms Rodgers is Minister (Designate) of Agriculture and Rural Development.

That concludes the process for the appointment of Ministers (Designate). I said that if party leaders were keen to speak at this point I would allow a little time for that. However, as there have been no requests to speak I shall proceed.

At this point we could suspend the sitting until tomorrow.

**Mr Tierney:** Mr Presiding Officer, you said that we could applaud at the end of this procedure. *[Applause]*

**The Initial Presiding Officer:** I call Members to order after that display of exuberance. We could suspend the sitting until tomorrow, as agreed by the Committee to Advise the Presiding Officer. However, we have made such progress with the business that it has been suggested that we proceed this evening to the nomination of Chairmen and Deputy Chairmen. That might be advantageous. As we have been working all afternoon I shall suspend the sitting for one hour so that Members may have some sustenance.

Immediately upon suspension I shall want to have a meeting with all the Chief Whips in Room 21 to ensure that we have agreement among the parties to move to the next stage, which is the nomination of Chairmen and Deputy Chairmen. We will resume in one hour's time, and if there is not agreement I shall inform the House.

**Rev Dr Ian Paisley:** On a point of order, Mr Initial Presiding Officer. There will be a debate in the House of Commons tomorrow on what we are doing here today. It is right that Members of Parliament who are also Members of this House should have an opportunity to attend the Commons to defend their actions here. The programme suggested that we would sit through the night, but as it is still early the Assembly should go ahead with the other nominations. We have time tonight, and we should use it to deal at least with the question of the Chairmen and Deputy Chairmen, which will not take up very much time. I wish to put that on the record for the Whips.

**The Initial Presiding Officer:** Knowing your Whip, I have no doubt that he will convey that very robustly at the meeting which will take place immediately while other Members start dinner.

*The sitting was suspended at 6.28 pm.*

*On resuming —*

## ASSEMBLY: SHADOW STATUTORY COMMITTEES

*7.31 pm*

**The Initial Presiding Officer:** It was agreed during the suspension that we would proceed through the motion establishing Shadow Statutory Departmental Committees to the appointment of Chairmen and Deputy Chairmen.

Before we move to item 6 on the Order Paper I want to point out two things. First, for those Committee Chairpersons who are appointed this evening there will be a briefing in Room 21, if they so wish, at the end of this sitting. Others can get briefing at their leisure tomorrow or the day after. The Clerk of Committees will be available in Room 21 to give them their briefing and introduce them to their Committee Clerks.

Secondly, this is a more complex procedure than the d'Hondt for Ministers because of the requirement that nominating officers shall not nominate someone to be a Chairman or Deputy Chairman of a Committee in which their party has an interest, in whose Department it has a Minister. This may mean that parties will sometimes need to avail of the opportunity for a short recess. We should try to be economical with time. Although parties have the right to ask for a recess of up to 15 minutes, they do not have to take 15 minutes every time. I would like them to indicate whether they want five minutes, 10 minutes or 15 minutes, as the number of appointments to be made is substantial.

*Resolved:*

That

- ten Shadow Statutory Committees be established to advise and assist each Northern Ireland Minister (Designate) in the formulation of policy with respect to matters within his/her responsibilities and to undertake a scrutiny, policy development and consultation role with respect to each of the Ministers (Designate) which it will advise and assist;

- a Shadow Statutory Committee will be established to advise and assist each of the following:

the Minister of Agriculture and Rural Development

the Minister of Culture, Arts and Leisure

the Minister of Education

the Minister of Enterprise, Trade and Investment

the Minister of the Environment

the Minister of Finance and Personnel

the Minister of Health, Social Services and Public Safety

the Minister of Higher and Further Education, Training and Employment

the Minister for Regional Development

the Minister for Social Development;

- each Shadow Statutory Committee shall consist of 11 members.

— [*Mr Cobain and Mr Haughey*]

**The Initial Presiding Officer:** I am now required to supervise the appointment of a Chairman and a Deputy Chairman of each Statutory Committee. I wish to remind Members of the requirements set out in Initial Standing Orders. I shall ask the nominating officer of each political party, in the order required by the formula contained in Initial Standing Orders, to select an available Shadow Statutory Committee and to nominate a person who is a member of his party and of the Assembly to be the Chairman or Deputy Chairman of it.

A nominating officer, if unable to be present, can indicate in writing that someone else will nominate. I have already received one message, and I may receive others, in regard to that. Also Mr McCartney has advised me that he will not be making any nominations and that he has not authorised anyone else to make nominations on his behalf. When we come to that point I will remind the House, but since he has formally advised me of the fact, it will not be necessary to wait for his nominations, which will clearly not be forthcoming. Should a nominating officer require further time to consider a selection or nomination, it is open to me to permit a brief suspension. I would ask that you specify five, 10 or 15 minutes. If no such request is made, and the nominating officer does not make the selection or nomination required, or the nominee does not take up the selected Committee office within five minutes, I am required to pass on to the nominating officer next in line.

There are three key matters which nominating officers must bear in mind. A Minister (Designate) or junior Minister (Designate) — that does not apply at present — may not be the Chairman or Deputy Chairman of a Shadow Statutory Committee. No Member may be nominated to serve as a Chairman or Deputy Chairman of a Shadow Statutory Committee if he is the Chairman or Deputy Chairman of another Committee. In making nominations, nominating officers shall prefer Committees in which they do not have a party interest. A nominating officer has a party interest in a Committee if it is established to advise a Minister (Designate) who is a member of his party.

I call Mr Trimble, as nominating officer of the political party for which the formula laid down in Standing Orders gives the highest figure, to select a Shadow Statutory Committee and to nominate a person who is a member of his party and of the Assembly to be Chairman or Deputy Chairman of it.

**Mr Trimble:** I assume that we are filling the chairmanships first and the deputy chairmanships afterwards.

**The Initial Presiding Officer:** I should have pointed out that it is entirely open to nominating officers to nominate a Chairman or a Deputy Chairman. It seems likely that they will choose Chairmen rather than Deputy Chairmen, but all are free to choose.

**Mr Trimble:** I select the education portfolio and nominate Mr Kennedy to be Chairman of that Committee.

**The Initial Presiding Officer:** Is Mr Kennedy willing to take up the office for which he has been nominated?

**Mr Kennedy:** I accept the office.

**The Initial Presiding Officer:** I therefore announce the appointment of Mr Danny Kennedy as Chairman of the Education Committee. I shall now call on Mr Hume

**Mr O'Connor:** On a point of order, Mr Initial Presiding Officer.

**The Initial Presiding Officer:** I cannot take points of order during the procedure, just as I could not take them while Ministers were being nominated.

I call Mr Hume, as nominating officer of the political party for which the formula laid down in Standing Orders gives the next-highest figure, to select an available Shadow Statutory Committee and to nominate a person who is a member of his party and of the Assembly to be Chairman or Deputy Chairman of it.

**Mr Hume:** I select the Regional Development Committee and nominate Denis Haughey.

**The Initial Presiding Officer:** Is Mr Haughey willing to accept the office for which he has been nominated?

**Mr Haughey:** Glacaim, a Chathaoirligh. I accept. Thank you.

**The Initial Presiding Officer:** I therefore announce the appointment of Mr Denis Haughey as Chairman of the Regional Development Committee.

I now call on Dr Paisley, as the nominating officer of the political party for which the formula laid down in Standing Orders gives the next-highest figure, to select an available Shadow Statutory Committee and to nominate a person who is a member of his party and of the Assembly to be Chairman or Deputy Chairman of it.

**Rev Dr Ian Paisley:** I select myself to be Chairman of the Agriculture and Rural Development Committee.

**The Initial Presiding Officer:** Is the Member prepared to accept the office for which he has been nominated? [*Laughter*]

**Rev Dr Ian Paisley:** Yes.

**The Initial Presiding Officer:** I therefore announce the appointment of Dr Paisley as Chairman of the Agriculture and Rural Development Committee.

I now call Mr Adams, as nominating officer — I apologise, I read the wrong name. I call Mr Pat Doherty, as nominating officer —

**Mr McLaughlin** *rose*.

**The Initial Presiding Officer:** I am sorry. It is my mistake. Mr Pat Doherty is the nominating officer of the party, but he has asked that Mr McLaughlin nominate on his behalf.

I call Mr Mitchel McLaughlin, standing as nominating officer of the political party for which the formula laid down in Standing Orders gives the next-highest figure, to select an available Shadow Statutory Committee and to nominate a person who is a member of his party and of the Assembly to be Chairman or Deputy Chairman of it.

**Mr McLaughlin:** Go raibh maith agat, a Chathaoirleach. I request a 10-minute suspension.

*The sitting was suspended at 7.42 pm and resumed at 7.52 pm.*

**The Initial Presiding Officer:** I call Mr Mitchel McLaughlin to make a nomination.

**Mr McLaughlin:** Ainmním Pat Doherty mar Chathaoirleach an Choiste Fiontraíochta, Trádála agus Infheistíochta. I nominate Pat Doherty to be Chairman of the Enterprise, Trade and Investment Committee.

**The Initial Presiding Officer:** Is the Member willing to take up the office for which he has been nominated?

**Mr P Doherty:** Tá. Yes, I accept.

**The Initial Presiding Officer:** I therefore announce the appointment of Mr Pat Doherty as Chairman of the Enterprise, Trade and Investment Committee.

I now call Mr Trimble, as the nominating officer of the political party for which the formula laid down in Standing Orders gives the next-highest figure, to select an available Shadow Statutory Committee and nominate a person who is a member of his party and of the Assembly to be Chairman or Deputy Chairman of it.

**Mr Trimble:** I nominate Mr Cobain to be Chairman of the Social Development Committee.

**The Initial Presiding Officer:** Is the Member willing to take up the office for which he has been nominated?

**Mr Cobain:** I accept the nomination.

**The Initial Presiding Officer:** I therefore announce the appointment of Mr Cobain as Chairman of the Social Development Committee.

I now call Mr John Hume, as the nominating officer of the political party for which the formula laid down in Standing Orders gives the next-highest figure, to select

an available Shadow Statutory Committee and nominate a person who is a member of his party and of the Assembly to be Chairman or Deputy Chairman of it.

**Mr Hume:** I nominate Dr Joe Hendron to be Chairman of the Health, Social Services and Public Safety Committee.

**The Initial Presiding Officer:** Is the Member willing to take up the office for which he has been nominated?

**Dr Hendron:** Yes, I am willing.

**The Initial Presiding Officer:** I therefore announce the appointment of Dr Joe Hendron as Chairman of the Health, Social Services and Public Safety Committee.

I now call Dr Paisley, as the nominating officer of the political party for which the formula laid down in Standing Orders gives the next-highest figure, to select an available Shadow Statutory Committee and to nominate a person who is a member of his party and of the Assembly to be Chairman or Deputy Chairman of it.

**Rev Dr Ian Paisley:** I have to ask for 15 minutes.

*The sitting was suspended at 7.55 pm and resumed at 8.10 pm.*

**The Initial Presiding Officer:** Dr Paisley, I ask you to make a nomination.

**Rev Dr Ian Paisley:** I select the Environment Committee and nominate Dr William McCrea to be its Chairman.

**The Initial Presiding Officer:** Is the Member willing to take up the office for which he has been nominated?

**Rev Dr William McCrea:** I am willing to take up the office.

**The Initial Presiding Officer:** I therefore announce the appointment of Rev Dr William McCrea as Chairman of the Environment Committee.

I now call Mr Trimble, as nominating officer of the political party for which the formula laid down in Standing Orders gives the next-highest figure, to select a Committee and to nominate a person who is a member of his party and a Member of the Assembly to be Chairman or Deputy Chairman of it.

**Mr Trimble:** I nominate Dr Esmond Birnie to be Chairman of the Higher and Further Education, Training and Employment Committee.

**The Initial Presiding Officer:** Is the Member willing to take up the office for which he has been nominated?

**Dr Birnie:** I accept.

**The Initial Presiding Officer:** I announce the appointment of Dr Birnie as Chairman of the Higher and Further Education, Training and Employment Committee.

I call Mr McLaughlin, as nominating officer of the political party for which the formula laid down in Standing Orders gives the next-highest figure, to select a Committee and nominate a person who is a member of his party and a Member of the Assembly to be Chairman or Deputy Chairman of it.

**Mr McLaughlin:** Go raibh maith agat, a Chathaoirligh. I would like a suspension of five minutes.

**The Initial Presiding Officer:** The sitting is suspended for five minutes.

*The sitting was suspended at 8.11 pm and resumed at 8.17 pm.*

**The Initial Presiding Officer:** I call on Mr Mitchel McLaughlin to make his nomination.

**Mr McLaughlin:** Go raibh maith agat, a Chathaoirligh. Ainmním Francie Molloy mar Chathaoirleach Choiste Airgeadais agus Pearsanra. I nominate Francie Molloy to be Chairman of the Finance and Personnel Committee.

**The Initial Presiding Officer:** Is the Member willing to accept the office for which he has been nominated?

**Mr Molloy:** Go raibh agat, a Chathaoirligh. Yes, I accept the nomination.

**The Initial Presiding Officer:** I therefore announce the appointment of Mr Molloy as Chairman of the Finance and Personnel Committee.

As Mr Hume has had to leave, I call on Mr Mallon, who is now the nominating officer of the SDLP, the party for which the formula laid down in Standing Orders gives the next-highest figure, to select an available Shadow Statutory Committee and to nominate a person who is a member of his party and of the Assembly to be its Chairman or Deputy Chairman.

**Mr Mallon:** I select Culture, Arts and Leisure and nominate Eamonn O'Neill.

**The Initial Presiding Officer:** Is the Member willing to accept the office for which he has been nominated?

**Mr O'Neill:** I am willing to accept the nomination.

**The Initial Presiding Officer:** I therefore announce the appointment of Mr Eamonn O'Neill as Chairman of the Culture, Arts and Leisure Committee.

I call on Mr Trimble, as the nominating officer of the political party for which the formula laid down in Standing Orders gives the next-highest figure, to select

an available Shadow Statutory Committee and to nominate a person who is a member of his party and of the Assembly to be a Deputy Chairman of it, there being no chairmanships left.

**Mr Trimble:** I select the Agriculture and Rural Development Committee and nominate Mr George Savage.

**The Initial Presiding Officer:** Is the Member willing to take up the office for which he has been nominated?

**Mr Savage:** I am willing to take up that office.

**The Initial Presiding Officer:** I therefore announce the appointment of Mr George Savage as Deputy Chairman of the Agriculture and Rural Development Committee.

I call Dr Paisley, as the nominating officer of the political party for which the formula laid down in Standing Orders gives the next-highest figure, to select an available Shadow Statutory Committee and to nominate a member of his party and of the Assembly to be a Deputy Chairman of it.

**Rev Dr Ian Paisley:** I select the Education Committee and nominate Mr Sammy Wilson to be Deputy Chairman of it.

**The Initial Presiding Officer:** Is Mr Wilson willing to accept the office to which he has been nominated?

**Mr S Wilson:** I am.

**The Initial Presiding Officer:** I therefore announce the appointment of Mr Sammy Wilson as Deputy Chairman of the Education Committee.

I now call Mr Sean Neeson, as nominating officer of the political party for which the formula laid down in Standing Orders gives the next-highest figure, to select an available Shadow Statutory Committee and to nominate a person who is a member of his party and of the Assembly to be Deputy Chairman of it.

**Mr Neeson:** I nominate myself to be Deputy Chairman of the Enterprise, Trade and Investment Committee.

**The Initial Presiding Officer:** Am I correct in assuming that the Member who has been nominated for this office is willing to accept the nomination? *[laughter]*

**Mr Neeson:** You are.

**The Initial Presiding Officer:** I therefore announce the appointment of Mr Neeson as Deputy Chairman of the Enterprise, Trade and Investment Committee.

I now call Mr McLaughlin, as nominating officer of the political party for which the formula laid down in Standing Orders gives the next-highest figure, to select an available Shadow Statutory Committee and nominate



a person who is a member of his party and of the Assembly to be Deputy Chairman of it.

**Mr McLaughlin:** Go raibh maith agat. Ainmním Michelle Gildernew mar leasChathairleach Social Development. I nominate Michelle Gildernew to be a Deputy Chairman of the Social Development Committee.

**The Initial Presiding Officer:** Is the Member willing to take up the office for which she has been nominated?

**Ms Gildernew:** Go raibh maith agat, a Chathaoirligh. Yes, I accept the nomination.

**The Initial Presiding Officer:** I therefore announce the appointment of Ms Gildernew as Deputy Chairman of the Social Development Committee.

I call Mr Mallon, as nominating officer of the political party for which the formula laid down in Standing Orders gives the next-highest figure, to select an available Shadow Statutory Committee and nominate a person who is a member of his party and of the Assembly to be Deputy Chairman of it.

**Mr Mallon:** I beg your indulgence, Mr Initial Presiding Officer, and that of the House. I reluctantly ask for a 10-minute suspension.

*The sitting was suspended at 8.22 pm and resumed at 8.34pm.*

**The Initial Presiding Officer:** Things are becoming increasingly complicated, but I call Mr Mallon to make his nomination.

**Mr Mallon:** I choose the Health, Social Services and Public Safety Committee and nominate Mr Tommy Gallagher. *[Interruption]*

**The Initial Presiding Officer:** I cannot take any points of order, but I sense some uncertainty about procedures. Let me try to refresh your minds and give you the benefit of my understanding. The Initial Standing Orders and, as far as we can determine, the substantive Standing Orders insist that one shall prefer the chairmanship or the deputy chairmanship where there is no party involvement at ministerial level.

For that reason — and as far as I can ascertain, there is no bar to this — we are going to have parties with a Chairman and a Deputy Chairman of the same Committee. I appreciate that it is becoming more complicated for the parties to work out their arrangements, but the situation is different from that for the selection of Ministers.

I call Mr Trimble, as nominating officer of the political party for which —

**Rev Dr Ian Paisley:** We have been under a misapprehension. We nominated people to certain positions because we thought that we could not have a Chairman

and a Deputy Chairman on the same Committee. However, our cause is lost now.

**The Initial Presiding Officer:** I appreciate that people may not understand the procedures. You have my apologies for that, but I cannot take responsibility for it.

**Mr Hussey:** You cannot move on until the Health, Social Services and Public Safety Committee position has been accepted.

**The Initial Presiding Officer:** You are correct. Will Mr Gallagher indicate that he is willing to accept the nomination?

**Mr Gallagher:** Go raibh maith agat, a Chathaoirligh. I accept.

**The Initial Presiding Officer:** I therefore announce the appointment of Mr Gallagher as Deputy Chairman of the Health, Social Services and Public Safety Committee.

I call Mr Trimble, as nominating officer of the political party for which the formula laid down in Standing Orders gives the next-highest figure, to select an available Shadow Statutory Committee and to nominate a person who is a member of his party and of the Assembly to be Deputy Chairman of it.

**Mr Trimble:** I choose the Regional Development Committee, and nominate Mr Alan McFarland.

**The Initial Presiding Officer:** Is the Member willing to accept the office for which he has been nominated?

**Mr McFarland:** I accept the nomination.

**The Initial Presiding Officer:** I therefore announce the appointment of Mr McFarland as Deputy Chairman of the Regional Development Committee.

I call Dr Paisley, as nominating officer of the political party for which the formula laid down in Standing Orders gives the next-highest figure, to select an available Shadow Statutory Committee and to nominate a person who is a member of his party and of the Assembly to be Deputy Chairman of it.

**Rev Dr Ian Paisley:** I select the Higher and Further Education, Training and Employment Committee, and nominate Mr Mervyn Carrick to be its Deputy Chairman.

**The Initial Presiding Officer:** Is the Member willing to accept the office for which he has been nominated?

**Mr Carrick:** I accept the nomination.

**The Initial Presiding Officer:** I therefore announce the appointment of Mr Mervyn Carrick as Deputy Chairman of the Shadow Statutory Committee on Higher and Further Education, Training and Employment.

At this point I should be calling Mr McCartney as the nominating officer of the next political party. However, as I said earlier, the Member advised me that he would not be here. He also indicated to me formally that he did not wish to make a nomination and that he had not authorised anyone to make any nominations on his behalf.

I therefore call Mr Mallon, as nominating officer of the political party for which the formula laid down in Standing Orders gives the next-highest figure, to select an available Shadow Statutory Committee and to nominate a person who is a member of his party and of the Assembly to be Deputy Chairman of it.

**Mr Mallon:** I have to confess that I am becoming very confused. I apologise to everyone, but may I beg the indulgence of the Assembly for five minutes while I consult with colleagues?

**The Initial Presiding Officer:** A little uncertainty about the procedures at this point is entirely understandable.

*The sitting was suspended at 8.39 pm and resumed at 8.44 pm.*

**The Initial Presiding Officer:** I ask Mr Mallon to make his nomination.

**Mr Mallon:** I select the Environment Committee and nominate Carmel Hanna to be its Deputy Chairman.

**The Initial Presiding Officer:** Is the Member nominated for this position willing to accept it?

**Ms Hanna:** Thank you. I accept the nomination.

**The Initial Presiding Officer:** I therefore announce the appointment of Ms Hanna as Deputy Chairman of the Environment Committee.

I now call Mr David Trimble, as nominating officer of the political party for which the formula laid down in Standing Orders gives the next-highest figure, to select an available Shadow Statutory Committee and to nominate a person who is a member of his party and of the Assembly to be its Deputy Chairman.

**Mr Trimble:** I select the Finance and Personnel Committee and nominate Mr James Leslie.

**The Initial Presiding Officer:** Is the Member nominated for this position willing to accept it?

**Mr Leslie:** I accept the office.

**The Initial Presiding Officer:** I therefore announce the appointment of Mr Leslie as Deputy Chairman of the Finance and Personnel Committee.

I now call Mr Mitchel McLaughlin, as nominating officer of the political party for which the formula laid down in Standing Orders gives the next-highest figure, to select the only remaining Shadow Statutory Committee and to nominate a person who is a member of his party and of the Assembly to be its Deputy Chairman.

**Mr McLaughlin:** Ainmním Mary Nelis mar leis chathaoirleach Choiste Cultúir, Ealaíon agus Fóillíochta. Go raibh maith agat. I nominate Mary Nelis for the Culture, Arts and Leisure Committee.

**The Initial Presiding Officer:** Is the Member who has been nominated for this office willing to accept it?

**Mrs Nelis:** Go raibh maith agat, a Chathaoirligh. Tá. May I be called Deputy Chairperson instead of Deputy Chairman? It is important that we get the gender terminology correct. I accept.

**The Initial Presiding Officer:** I therefore announce the appointment of Mrs Nelis as Deputy Chairperson of the Culture, Arts and Leisure Committee.

This brings to a conclusion the procedure for the appointment of Chairmen and Deputy Chairman of the Shadow Statutory Committees. A complete list of the names of those who have become Ministers, Chairmen or Deputy Chairmen should be available in the Printed Paper Office in about 15 minutes' time.

*8.45 pm*

The sitting will now be suspended, to be resumed at 10.30 am tomorrow, when I will seek an early suspension to enable the Chief Whips to decide on Committee memberships, which will be formally announced later in the day. There will then be a final brief item of business.

**Mr Hussey:** Can you confirm that the refusal of Mr McCartney to nominate allowed Sinn Féin to gain that position?

**The Initial Presiding Officer:** I am astonished that there should be any lack of clarity about the matter, but I do so confirm. I recommend that Mr Hussey obtain the list that will be available in 15 minutes in the Printed Paper Office.

*The sitting was suspended at 8.46 pm.*

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# THE NEW NORTHERN IRELAND ASSEMBLY

Tuesday 30 November 1999

*The sitting begun and suspended on Monday 29 November 1999 was resumed at 10.30 am.*

## ASSEMBLY: SHADOW STATUTORY COMMITTEES

**The Initial Presiding Officer:** As I said last night I would, I now seek the leave of the House to suspend the sitting to allow the party Whips to discuss and, I trust, agree the membership of the Statutory Departmental Committees. On that basis the sitting will be suspended until the call of the Chair, but not later than 4.30 this afternoon. On resumption, either the formal announcement will be made and we will do the rest of the business, which is fairly brief, or Members will be advised that we will not be able to complete the business this evening and that therefore it will be necessary to meet tomorrow.

*The sitting was, by leave, suspended at 10.33 am and resumed at 4.06 pm.*

**The Initial Presiding Officer:** Earlier today the party Whips agreed the membership of the Shadow Statutory Committees. I have checked the lists that they provided against the list of Members to ensure that all Members were offered a place on a Committee if they so wished. I have also checked, in accordance with the requirements of the Standing Orders, that the Committees are constructed on a broadly proportionate basis. I am content, therefore, that the appointments agreed by the Whips should proceed.

*Membership of the Shadow Statutory Committees is as follows:*

*Agriculture and Rural Development: Mr Armstrong, Mr Bradley, Mr Douglas, Mr Ford, Mr Haughey, Mr McHugh, Mr Kane, Mr Molloy, Mr Paisley Jnr.*

*Culture, Arts and Leisure: Dr Adamson, Mr Agnew, Mr Davis, Mr Hilditch, Mr McCarthy, Mr McElduff, Mr McMenamin, Mr Shannon, Mr J Wilson.*

*Education: Mrs E Bell, Mr Benson, Mr Fee, Mr Gallagher, Mr Gibson, Mrs Lewsley, Mr McElduff, Mr McHugh, Mr K Robinson.*

*Enterprise, Trade and Investment: Mr Attwood, Mr Campbell, Mr Clyde, Mr Dalton, Mrs Lewsley, Mr McClarty, Dr McDonnell, Ms Morrice, Ms O'Hagan.*

*Environment: Mr Benson, Mrs Carson, Mr A Doherty, Mr Ford, Mr Leslie, Mr McLaughlin, Mr M Murphy, Mr Poots, Mr Watson.*

*Finance and Personnel: Mr W Bell, Mr Close, Mr Dallat, Mr Gibson, Mr Kane, Mr McClelland, Mr Maskey, Mr Nesbitt, Mr Weir.*

*Health, Social Services and Public Safety: Ms Armitage, Mr Berry, Mrs Carson, Ms Hanna, Mr J Kelly, Mr McFarland, Prof McWilliams, Mrs Ramsey, Mrs I Robinson.*

*Higher and Further Education, Training and Employment: Mr R Beggs, Mr Byrne, Rev Robert Coulter, Mr Dallat, Mr Hay, Mr R Hutchinson, Mr J Kelly, Ms McWilliams, Mrs Nelis.*

*Regional Development: Mr Byrne, Mr Ervine, Mr Hay, Mr R Hutchinson, Mr Hussey, Mr A Maginness, Mr C Murphy, Mr J Taylor, Mr Wells.*

*Social Development: Sir John Gorman, Mr B Hutchinson, Mr G Kelly, Mr D McClarty, Mr D O'Connor, Mr E O'Neill, Mr M Robinson, Mr J Tierney, Mr S Wilson.*

**The Initial Presiding Officer:** A document containing details of membership of the Committees should be available from the Printed Paper Office 30 minutes after the rise of the House.

**Mr McGrady:** I should like to place on record, on behalf of my party and of the other parties, sincere thanks to you, Mr Initial Presiding Officer, for offering your services over five or six hours of complex negotiations on proportionality, mathematics and Departments. We are grateful to you for the manner in which the negotiations were conducted, the success of which is in no small measure due to your skill as an interlocutor.

**Mr J Wilson:** I should like to add my thanks to you, Mr Initial Presiding Officer, for your patience and tolerance and for your assistance in all our deliberations.

**Mr C Murphy:** I endorse those thanks and put on record my party's appreciation of the constructive manner in which this procedure was carried out by all the parties. It was a worthwhile exercise, and I am glad that it was concluded much quicker than was anticipated.

**The Initial Presiding Officer:** I am grateful to Members for their kind remarks. Of course, no matter how much one does, little is possible without the thorough co-operation of the Whips and their party colleagues. Your comments are much appreciated.

## **PORT OF BELFAST: REPORT**

*Resolved:*

That this Assembly agrees the publication of the report issued by the Ad Hoc Committee (Port of Belfast) (NNIA 12). — *[Mr A Maginness and Mr S Wilson]*

*Adjourned at 4.14 pm.*

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(A = Alliance Party; NIWC = Northern Ireland Women's Coalition; PUP = Progressive Unionist Party; SDLP = Social Democratic and Labour Party; SF = Sinn Féin; DUP = Ulster Democratic Unionist Party; UKUP = United Kingdom Unionist Party; UUP = Ulster Unionist Party; UUAP = United Unionist Assembly Party; NIUP = Northern Ireland Unionist Party)

Adams, Gerry (SF) (West Belfast)  
Adamson, Dr Ian (UUP) (East Belfast)  
Agnew, Fraser (UUAP) (North Belfast)  
Alderdice, The Lord (Speaker)  
Armitage, Ms Pauline (UUP) (East Londonderry)  
Armstrong, Billy (UUP) (Mid Ulster)  
Attwood, Alex (SDLP) (West Belfast)  
Beggs, Roy (UUP) (East Antrim)  
Bell, Billy (UUP) (Lagan Valley)  
Bell, Mrs Eileen (A) (North Down)  
Benson, Tom (UUP) (Strangford)  
Berry, Paul (DUP) (Newry and Armagh)  
Birnie, Dr Esmond (UUP) (South Belfast)  
Boyd, Norman (NIUP) (South Antrim)  
Bradley, P J (SDLP) (South Down)  
Byrne, Joe (SDLP) (West Tyrone)  
Campbell, Gregory (DUP) (East Londonderry)  
Carrick, Mervyn (DUP) (Upper Bann)  
Carson, Mrs Joan (UUP) (Fermanagh and South Tyrone)  
Close, Seamus (A) (Lagan Valley)  
Clyde, Wilson (DUP) (South Antrim)  
Cobain, Fred (UUP) (North Belfast)  
Coulter, Rev Robert (UUP) (North Antrim)  
Dallat, John (SDLP) (East Londonderry)  
Dalton, Duncan Shipley (UUP) (South Antrim)  
Davis, Ivan (UUP) (Lagan Valley)  
de Brún, Ms Bairbre (SF) (West Belfast)  
Dodds, Nigel (DUP) (North Belfast)  
Doherty, Arthur (SDLP) (East Londonderry)  
Doherty, Pat (SF) (West Tyrone)  
Douglas, Boyd (UUAP) (East Londonderry)  
Durkan, Mark (SDLP) (Foyle)  
Empey, Sir Reg (UUP) (East Belfast)  
Ervine, David (PUP) (East Belfast)  
Farren, Dr Seán (SDLP) (North Antrim)  
Fee, John (SDLP) (Newry and Armagh)  
Ford, David (A) (South Antrim)  
Foster, Sam (UUP) (Fermanagh and South Tyrone)  
Gallagher, Tommy (SDLP) (Fermanagh and South Tyrone)  
Gibson, Oliver (DUP) (West Tyrone)  
Gildernew, Ms Michelle (SF) (Fermanagh and South Tyrone)  
Gorman, Sir John (UUP) (North Down)  
Hanna, Ms Carmel (SDLP) (South Belfast)  
Haughey, Denis (SDLP) (Mid Ulster)  
Hay, William (DUP) (Foyle)  
Hendron, Dr Joe (SDLP) (West Belfast)  
Hilditch, David (DUP) (East Antrim)  
Hume, John (SDLP) (Foyle)  
Hussey, Derek (UUP) (West Tyrone)  
Hutchinson, Billy (PUP) (North Belfast)  
Hutchinson, Roger (Independent Unionist) (East Antrim)  
Kane, Gardiner (DUP) (North Antrim)  
Kelly, Gerry (SF) (North Belfast)

Kelly, John (SF) (Mid Ulster)  
Kennedy, Danny (UUP) (Newry and Armagh)  
Leslie, James (UUP) (North Antrim)  
Lewsley, Ms Patricia (SDLP) (Lagan Valley)  
Maginness, Alban (SDLP) (North Belfast)  
Mallon, Séamus (SDLP) (Newry and Armagh)  
Maskey, Alex (SF) (West Belfast)  
McCarthy, Kieran (A) (Strangford)  
McCartney, Robert (UKUP) (North Down)  
McClarty, David (UUP) (East Londonderry)  
McCrea, Rev Dr William (DUP) (Mid Ulster)  
McClelland, Donovan (SDLP) (South Antrim)  
McDonnell, Dr Alasdair (SDLP) (South Belfast)  
McElduff, Barry (SF) (West Tyrone)  
McFarland, Alan (UUP) (North Down)  
McGimpsey, Michael (UUP) (South Belfast)  
McGrady, Eddie (SDLP) (South Down)  
McGuinness, Martin (SF) (Mid Ulster)  
McHugh, Gerry (SF) (Fermanagh and South Tyrone)  
McLaughlin, Mitchel (SF) (Foyle)  
McMenamin, Eugene (SDLP) (West Tyrone)  
McNamee, Pat (SF) (Newry and Armagh)  
McWilliams, Ms Monica (NIWC) (South Belfast)  
Molloy, Francie (SF) (Mid Ulster)  
Murphy, Conor (SF) (Newry and Armagh)  
Murphy, Mick (SF) (South Down)  
Morrice, Ms Jane (NIWC) (North Down)  
Morrow, Maurice (DUP) (Fermanagh and South Tyrone)  
Neeson, Sean (A) (East Antrim)  
Nelis, Mrs Mary (SF) (Foyle)  
Nesbitt, Dermot (UUP) (South Down)  
O'Connor, Danny (SDLP) (East Antrim)  
O'Hagan, Dr Dara (SF) (Upper Bann)  
ONEILL, Éamonn (SDLP) (South Down)  
Paisley, Rev Dr Ian (DUP) (North Antrim)  
Paisley, Ian Jnr (DUP) (North Antrim)  
Poots, Edwin (DUP) (Lagan Valley)  
Ramsey, Ms Sue (SF) (West Belfast)  
Robinson, Mrs Iris (DUP) (Strangford)  
Robinson, Ken (UUP) (East Antrim)  
Robinson, Mark (DUP) (South Belfast)  
Robinson, Peter (DUP) (East Belfast)  
Roche, Patrick (NIUP) (Lagan Valley)  
Rodgers, Ms Brid (SDLP) (Upper Bann)  
Savage, George (UUP) (Upper Bann)  
Shannon, Jim (DUP) (Strangford)  
Taylor, Rt Hon John (UUP) (Strangford)  
Tierney, John (SDLP) (Foyle)  
Trimble, Rt Hon David (UUP) (Upper Bann)  
Watson, Denis (UUAP) (Upper Bann)  
Weir, Peter (UUP) (North Down)  
Wells, Jim (DUP) (South Down)  
Wilson, Cedric (NIUP) (Strangford)  
Wilson, Jim (UUP) (South Antrim)  
Wilson, Sammy (DUP) (East Belfast)

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## EXECUTIVE COMMITTEE OF THE ASSEMBLY

<i>First Minister</i>	Rt Hon David Trimble MP
<i>Deputy First Minister</i>	Séamus Mallon MP
<i>Minister of Agriculture and Rural Development</i>	Ms Brid Rodgers
<i>Minister of Culture, Arts and Leisure</i>	Michael McGimpsey
<i>Minister of Education</i>	Martin McGuinness MP
<i>Minister of Enterprise, Trade and Development</i>	Sir Reg Empey
<i>Minister of the Environment</i>	Sam Foster
<i>Minister of Finance and Personnel</i>	Mark Durkin
<i>Minister of Health, Social Services and Public Safety</i>	Ms Bairbre de Brún
<i>Minister of Higher and Further Education, Training and Employment</i>	Dr Seán Farren
<i>Minister for Regional Development</i>	Peter Robinson MP
<i>Minister for Social Development</i>	Nigel Dodds

## JUNIOR MINISTERS OF THE ASSEMBLY

<i>Office of the First Minister and the Deputy First Minister</i>	Denis Haughey Dermot Nesbitt
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## PRINCIPAL OFFICERS AND OFFICIALS OF THE ASSEMBLY

<i>Speaker</i>	The Lord Alderdice
<i>Deputy Speakers</i>	Sir John Gorman Donovan McClelland Ms Jane Morrice
<i>Office of the Speaker</i> <i>Private Secretary</i> <i>Special Adviser</i> <i>Counsel</i>	Ms Georgina Campbell Niall Johnston Nicolas Hanna QC
<i>Clerk to the Assembly Commission and the House Committee</i>	Tom Evans
<i>Board of Management</i> <i>Clerk to the Assembly</i> <i>Deputy Clerk</i> <i>Head of Administration</i> <i>Clerk Assistant</i> <i>Editor of Debates</i> <i>Keeper of the House</i> <i>Director of Research and Information</i> <i>Director of Finance and Personnel</i>	Vacant Vacant Gerry Cosgrave Murray Barnes Alex Elder Peter Waddell Allan Black  Dennis Millar
<i>Clerk of Bills</i>	Alan Patterson
<i>Clerk of Business</i>	Joe Reynolds
<i>Clerk of Committees</i>	John Torney
<i>Clerks</i>	Ms Gillian Ardis George Martin Dr Andrew Peoples Mrs Debbie Pritchard Michael Rickard Alan Rogers Mrs Eileen Sung Mrs Cathy White Martin Wilson
<i>Head of Research</i>	Dr Stephen Donnelly
<i>Head of Information and Events</i>	Ms Gail McKibbin
<i>Principal Doorkeeper</i>	Kieran Mullan

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# NORTHERN IRELAND ASSEMBLY

Monday 6 December 1999

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

*Members observed two minutes' silence.*

## ASSEMBLY MEMBERS: DESIGNATION "MLA"

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### ASSEMBLY STANDING ORDERS

**Mr Speaker:** The first five motions on the Order Paper concern amendments that were recommended by the Standing Orders Committee, which no longer exists. They will be moved by the Members who were the joint Chairmen of that Committee.

Should the Assembly so wish, all five motions will be discussed in a single debate, after which we shall vote on each in turn.

All changes to Standing Orders require cross-community support. As I have previously ruled, if on collection of the voices there is no indication of dissent I shall assume that cross-community support has been achieved. If, however, there is any dissent we must move to a Division. I remind Members — and particularly the party Whips — that, since we are now operating under the new Standing Orders which were approved by the Assembly in March and determined by the Secretary of State prior to devolution, Divisions shall require the use of the Division Lobbies and, thus, slightly different procedures.

**Mr Neeson:** On a point of order, Mr Speaker. Is it in order for an Assembly Member or a member of the Assembly staff to sign into this Building a member of the public whose sole purpose is to disrupt and harangue the First Minister and the Deputy First Minister when making statements, as happened last Thursday? If it is out of order what action will be taken against the person responsible?

**Mr Speaker:** With regard to the signing in of any visitor, it is not possible to judge in advance what anyone's motives are. What is very clear is that if anyone introduces disorder, either on the Floor of the House or in the Galleries, that is not proper and not

acceptable. I appeal to all Members to co-operate in this regard. I think I made it clear at the last sitting that if there is disorder in the Galleries they will be cleared.

**Mr Haughey:** First, I should point out that the Committee on Standing Orders no longer exists. Mr Cobain and I are proposing these motions because we were the joint Chairmen of that Committee and there are one or two matters to be tidied up. We agreed to present these matters to the Assembly to provide for the smooth running of business.

We would like to propose the items en bloc. However, if you want us to take them in turn we shall be glad to do so.

**Mr Speaker:** It might be helpful to deal with each matter in turn as Members are only beginning to become familiar with all the issues.

*Motion made:*

That this Assembly confirms "MLA" as designatory letters for Assembly Members. — [*Mr Cobain and Mr Haughey*]

**Mr Haughey:** This was agreed by the Committee on Standing Orders. The letters "MLA" are widely used by a number of subordinate legislatures, and they seem to us to be the most appropriate. Other designatory letters were considered but were discarded for one reason or another in favour of "MLA".

*The following motions stood on the Order Paper in the names of Mr Cobain and Mr Haughey:*

After Standing Order 57 insert a new Standing Order:

#### "Standing Committee on European Affairs"

- (1) There shall be a Standing Committee of the Assembly to be known as the Standing Committee on European Affairs.
- (2) It shall consider and review on an ongoing basis:
  - (a) matters referred to it in relation to European Union issues; and
  - (b) any other related matter or matters determined by the Assembly.
- (3) The Committee shall have powers to call for persons and papers.
- (4) The procedures of the Committee shall be such as the Committee shall determine."

After Standing Order 57 insert a new Standing Order:

#### "Committee on Equality, Human Rights and Community Relations"

- (1) There shall be a Standing Committee of the Assembly to be known as the Equality, Human Rights and Community Relations Committee.
- (2) It shall consider and review on an ongoing basis:
  - (a) matters referred to it in relation to Equality, Human Rights and Community Relations; and
  - (b) any other related matter or matters determined by the Assembly.
- (3) The Committee shall have powers to call for persons and papers.
- (4) The procedures of the Committee shall be such as the Committee shall determine."

In Standing Order 10, paragraph (1), insert "(g) Party Business".

In Standing Order 45, paragraph (1)(a), after "Portfolio;", insert "and".

In Standing Order 45, delete sub-paragraph (c) of paragraph (1) and add

"(2) Statutory Committees shall have the powers described in paragraph 9 of Strand One of the Belfast Agreement (CM 3883) and may, in particular, exercise the power in Section 44(1) of the Northern Ireland Act 1998."

**Mr Haughey:** I cannot deal with the second motion — the setting up of a Standing Committee on European Affairs — without referring to the third, which is for the setting up of a Committee on Equality, Human Rights and Community Relations.

The Standing Orders Committee expressed concern that the legislation did not provide for the type of scrutiny of the functions of the Office of the First Minister and Deputy First Minister which has been provided in respect of the other Government Departments. It was felt that there were major issues which need to be thoroughly scrutinised. Two issues — European affairs, and equality, human rights and community relations — were identified as having sufficient breadth and scope to merit having separate Committees.

Other functions of the Office of the First Minister and Deputy First Minister not covered by these two motions will need to be scrutinised, but we did not agree how this might be done, and a motion about this will be put before the Assembly in the future.

The Committee considered the Westminster practice of the Government's providing the Opposition with supply days. That is to say the Government provide space in the timetable of the House of Commons for the Opposition to raise issues of concern to it.

In the kind of structure that has been established for us, there are no formal Government and Opposition sides to the House. For that reason the Committee felt that individual parties would, from time to time, have priorities on their own agendas which were not provided for in the Administration's programme of business. It was therefore decided that it would be useful to provide each of the parties represented in the Assembly with a period of time, each month perhaps, when such matters could be raised. For that reason we propose to insert in paragraph (1) at subparagraph (g) the words "party business".

The final business concerns the powers of Statutory Committees. We want to ensure beyond all doubt that the Statutory Committees are empowered under both the agreement and the terms of the Northern Ireland Act, and this change is being proposed following legal advice.

**Mr Maskey:** Mr Haughey has spoken about the Standing Committee on European Affairs and the Standing Committee on Equality, Human Rights and Community Relations. I am not certain whether these Committees will have the right to raise any matter of their own volition and within their remits which has not been referred to them by the Assembly or any other body, and therefore I seek clarification on that.

**Mr Speaker:** Mr Haughey can deal with all such questions when he responds at the end of the debate.

**Mr Roche:** I wish to address the motion concerning the establishment of a Standing Committee on Equality, Human Rights and Community Relations. The fact that this Committee is being established suggests that the Assembly and the all-Ireland institutions, of which it is a part, are built on an authentic commitment to human rights. If that is not the case, the consideration of this motion today is little more than an exercise in pretence and hypocrisy, so it is absolutely crucial to establish whether the Assembly can really be considered as being built on the solid foundation of respect for equality and human rights.

The domain of human rights — those rights which we possess by virtue of our being human — is a matter of philosophical dispute. However, what is not a matter of dispute, short of denying that there are any human rights, is that the most fundamental human right is the right to life.

The right to life is fundamental in the crucial sense that all other human rights are derived from it. The most immediate human right derived from the right to life is the right to be protected from violence and the threat of violence, both in public and private life. This is the moral basis of democratic practice.

The implementation of the Belfast Agreement has politically institutionalised the very opposite of democratic practice. The outworking of the agreement has secured for Sinn Féin a central role in government backed by the terrorist arsenal of the IRA. This means that the threat of force has been fully incorporated into the Government of Northern Ireland. The outcome of the Mitchell review has, in fact, fully legitimised this state of affairs because it established that decommissioning, if it ever occurs, has to be a voluntary act on the part of the terrorist organisations. That is absolutely incompatible with democracy. The core of democracy — *[Interruption]*

10.45 am

**Mr Speaker:** Order. The Member is required to take his seat.

I am not clear that what is being said is relevant to a Standing Order provision for the establishment of a Committee. I plead with the Member to address the

specific Standing Order issues rather than simply repeat what has been said again and again in different debates.

**Mr Roche:** I reject entirely what you are saying.

**Mr Speaker:** The Member is not at liberty, under Standing Orders, to reject what the Speaker says.

**Mr Roche:** What you have done is express the view that what I am saying is not relevant to the motion. What I am saying is entirely relevant to the motion. My point is —

**Mr Speaker:** It is not an expression of a view, but a ruling, and it must be understood that in the conduct of debates we have to abide by the rules. I advise the Member to read them again.

We cannot have the same speeches applied to every single debate, no matter what the content. Therefore I ask the Member to address himself to the question of Standing Orders, of which this is a proposed amendment for the establishment of a Committee. It is not an opportunity to reiterate again and again a set of principles, however laudable they may or may not be.

**Mr Roche:** I will continue. The point I was making —

**Dr McDonnell:** On a point of order, Mr Speaker. Do we have to listen to this if the Member insists on defying your judgement? Is there any alternative?

**Mr Speaker:** The Member is entitled to continue for as long as he has leave. I have ruled that he should attend to the question, which is the proposal to amend Standing Orders to establish a Committee. Please continue, Mr Roche.

**Mr Roche:** The point that I am developing is that there is something entirely incongruous with the whole idea of developing this Committee. That is the argument that I wish to be given freedom to develop. The point I was making is that the voluntary nature of decommissioning within the Mitchell review is absolutely incompatible with democracy. The core of democracy lies in the conduct of politics, free from the threat or use of violence. Democratic practice is therefore ultimately rooted in respect for the most fundamental of human rights. Democratic government must be based entirely on electoral support. This means that no political party in a democracy can claim a right to be involved in government on the basis of a so-called electoral mandate —

**Mr C Wilson:** On a point of order, Mr Initial Presiding Officer. In a debate on such a serious matter is it in order for the Member for Strangford, Mr John Taylor, to speak in loud tones? We are talking about an issue of human rights, yet there seems to be a great lack of interest in the subject matter. Surely my colleague Mr Roche should be given a reasonable hearing.

**Mr Speaker:** I have experienced a great deal more disorder and allowed things to continue. I have found that some of those who now wish to speak have at times not been too keen to hear what some other Members have to say.

It is not in order for exactly the same issues to be raised again and again in every debate, no matter what the debate is about.

This is not a debate about the fundamental principles on which this Assembly is established. It is not a debate about the Belfast Agreement or about decommissioning. It is a debate about an amendment to Standing Orders to create a Committee. I am prepared to give some leeway for the setting down of one or two principles, but to have an entire speech consisting of that, and not addressing the technical issues involved in the setting up of a Committee, is not reasonable and is not in order.

**Mr C Wilson:** Is it in order for a party to oppose the formation of this Committee, and is this the correct place in which to do so?

**Mr Speaker:** It is entirely in order for any Member to oppose it. The time to do that will be when the Question is put.

**Mr C Wilson:** Are you saying that there is no opportunity to speak against the motion, that the only way to oppose it is to vote against it?

**Mr Speaker:** That is not what I am saying. I have been giving leave for Members to speak, but it is clear that speeches which address the fundamental principles on which the Assembly is founded are going well beyond the remit for the debate. That is absolutely clear.

**Mr Roche:** My speech addresses the fundamental issue of what is required for an authentic commitment to respect for human rights. Democratic government must be based entirely on electoral support. This means that no political party in a democracy can claim a right to be involved in government on the basis of a so-called electoral mandate while at the same time retaining at its disposal the persuasion that comes from the barrel of a gun. The implementation of the Belfast Agreement has institutionalised the combination of the Armalite —

**Mr McClelland:** On a point of order, Mr Presiding Officer. Your position as Presiding Officer is being blatantly undermined by Mr Roche's persistence in continuing with his speech.

**Mr Speaker:** A number of transitions have not been appreciated. For those who study these matters let me say that I am no longer the Initial Presiding Officer.

**Mr McClelland:** My apologies.

**Mr Speaker:** You were correct, Mr McClelland; others were not.



It is clearly out of order to continue to speak about fundamental principles of the Belfast Agreement. If that sort of issue is referred to again, I will have to proceed further.

In respect of the previous point of order, it might be helpful for me to point out that if we move to a Division, those who called for the vote must supply Tellers. If Tellers are not supplied in time, there is no Division.

**Mr Roche:** This is an anomalous situation. We are considering a motion for the establishment of a Standing Committee on human rights, when we cannot actually explore the fundamentals of the issue and consider the question of to what extent this Assembly can authentically commit itself to the protection of human rights. That is the issue I was exploring. The implementation of the agreement has institutionalised the combination of the Armalite and the ballot box into the Government of Northern Ireland. It is entirely incompatible with the most fundamental of human rights. This is an affront to common decency.

Membership of and support for the IRA is entirely incompatible with genuine respect for human rights. Where does that place Mr Adams and, in particular, Mr McGuinness? In the recently published book 'Lost Lives', entry 487 describes the death of Robert Gibson on "bloody Friday". It is a horrendous account of what happened that day. "Bloody Friday" was the work of the IRA, but who within the IRA was responsible? Patrick Bishop and Eamonn Mallie, in their book 'The Provisional IRA', state that the bombings were planned by Seamus Twomey. They add that he was assisted by a leading Provisional who is now a senior member of Sinn Féin.

**Mr Speaker:** Order. I really must move on with the debate. I emphasise again that this debate is about establishing a Committee to scrutinise an aspect of the work of the Office of the First Minister and the Deputy First Minister. It is not a debate about the fundamental principles of the Belfast Agreement, the establishment of the Assembly or decommissioning.

**Mr C Wilson:** On a point of order, Mr Speaker. I want to place on record that my Colleague was attempting to raise a matter of concern relating to a major breach of human rights. It appears that the Assembly wants to stifle a debate on the matter at the time when Members are setting up a Committee to deal with that very issue. It is a scandal —

**Mr Speaker:** Order. The proper place — if there is a proper place — to raise that question is in the Committee. That is the point in setting up the Committee. This is not an opportunity for a debate about the fundamental principles.

Insofar as this is a point of order, that is my ruling.

**Mr C Wilson:** Further to that point of order, Mr Speaker.

**Mr Speaker:** Mr Neeson had a point of order.

**Mr Neeson:** Is it in order for a Member to hold up the establishment of a Committee when he is not prepared to sit on any Committee?

**Mr Speaker:** It is in order for the Member to raise such questions in the debate, so long as they are within the context of the debate.

**Mr C Wilson:** Further to that point of order, Mr Speaker. I appreciate your view, and I am prepared to accept the ruling of the Chair. However, there is something very wrong when a Member who is opposed to the formation of this Committee, on the basis that those who have committed the most serious breaches of civil and human rights will be chairing and sitting on Committees, cannot voice his opposition.

**Mr Speaker:** With regard to the point of order, the Committee will be established if the Assembly so wishes. Matters referred to the Committee may be discussed and debated in the Committee, and then they may come to the Floor of the House. However, this is a technical question of changing the Standing Order to establish such a Committee.

**Mr Molloy:** Chathaoirigh. In relation to the motion concerning "MLA", there was a long debate in the Standing Orders Committee on variations. I want it confirmed that it will be possible for Members to use a translation, whether in Ulster-Scots or in Irish, or a variation — perhaps "TD" (Teachta Dála). Members should be able to use their preferred variations.

**Mr Speaker:** I will leave it to the proposer to respond on that matter. However, if it becomes part of the Standing Orders and if I am asked about it I will, of course, respond.

**Mr Weir:** As some Members have indicated, there was considerable debate in the Standing Orders Committee some time ago about the use of "MLA". Indeed, it was so long ago that I was still on the Committee. Back then I and several other Members supported the "MPA" proposal. Other proposals were put forward. I felt that "MPA" was appropriate, given that it echoed what applied in the period 1982-86 and that it was closer to parliamentary lingo.

One of my reservations about the use of "MLA" was that it would make Members sound as though they were members of an African terrorist organisation. Perhaps in the light of other events, particularly the elevation of some to ministerial posts last year, I will withdraw my reservations. Perhaps it is more appropriate than was originally envisaged.



11.00 am

With regard to the Equality, Human Rights and Community Relations Committee, I appreciate the problems that have been raised and share the fundamental concern that exists about the breach of human rights in Northern Ireland. However, I do urge Members to support the creation of the Committee.

During the Standing Orders debate I, among others, raised the point that the Office of the First Minister and the Deputy First Minister was not to have an appropriate level of scrutiny. Each of the other 10 Departments is scrutinised by a Statutory Committee. How those Committees will work out in practice is another matter, but there will at least be some scrutiny. However, no Committee was established to scrutinise the work of the First and Deputy First Ministers. I consider that to be a missed opportunity, and it has left a hole in the scrutiny procedure that we apply to the Government.

Subsequent to the debate a Committee for Equality, Human Rights and Community Relations was proposed, which would cover a large part of the brief of the First and Deputy First Ministers. Although my preference is for a Committee to look specifically at the full remit of the First and Deputy First Ministers' responsibilities, we should take this opportunity to introduce some level of scrutiny to an area that may be under the control of a junior Minister. This would ensure that the First and the Deputy First Ministers' activities were kept under the spotlight in the same way as those of the other Departments. Notwithstanding the reservations held by some Members with regard to the human rights issue — and I understand those at a philosophical level — there are practical reasons for our agreeing to the establishment of the Committee. On this occasion the practical reasons should result in the whole House's supporting the creation of such a Committee.

**Ms Morrice:** The Women's Coalition welcomes the setting up of these important Committees. Members are aware that the way forward for Northern Ireland is to create a role for itself in Europe and the European Union. It is vital that a Committee be set up to ensure that links to the European Union are established or, where they already exist, strengthened.

The very fabric of the Assembly — the basis of all its work — is equality, human rights and community relations, so it is vital that a Committee be set up to this end. We would also like to see the creation of an additional Committee to scrutinise the Centre.

Finally, the Women's Coalition would like to ensure — and we seek clarification here from Mr Haughey — that the Committee on Equality, Human Rights and Community Relations will also be able to raise issues concerning European affairs and equality.

**Mr Haughey:** Mr Maskey referred to the powers of the European Affairs Committee and the Committee on Equality, Human Rights and Community Relations. Their powers will be extensive, though not as extensive as the powers of the departmental Committees. The main distinction relates to legislative initiatives. I refer Mr Maskey to paragraph 2(b), which enables the Committee on European Affairs and the Committee on Equality, Human Rights and Community Relations to raise any other related matter or matters determined by the Assembly. I also refer him to paragraph (3), which states

"The committee shall have powers to call for persons and papers."

That is the standard constitutional formula which enables the Committee to call any person within the jurisdiction of this House, to call for papers produced at any level within the Administration in order to examine those papers and to interrogate the persons responsible for the conduct of the Administration. Those are very extensive powers and will enable the Committee to conduct its business with a good deal of influence and power.

In relation to the issues raised by Mr Roche, there is nothing that requires any response by me regarding Standing Orders.

Mr Molloy raised the interesting question of whether an adequate translation of "Member of the Legislative Assembly" would be the term "Teachta Dála", which, as Members will know, is the designation used by Members of Dáil Éireann, giving rise to the letters "TD" after Members' names. I do not know if that was Mr Molloy's intention, but I am not an adequate enough Gaelic scholar to determine whether "Member of the Legislative Assembly" and "Teachta Dála" mean exactly the same. To me they do not seem to mean the same thing, but I would not be opposed to the use of the term "Teachta Dála" as a translation.

Mr Weir raised the issue of the designation "MPA", which was used in the 1982-86 Assembly. That was considered by the Committee on Standing Orders, and it was decided that "MLA" was a better designation in the current circumstances. Mr Weir also urged Members to support the creation of the Equality Committee, as did Ms Morrice, and I welcome their support.

*Question put and agreed to.*

*Resolved:*

That this Assembly confirms "MLA" as designatory letters for Assembly Members.

*Resolved:*

After Standing Order 57 insert a new Standing Order:

**"Standing Committee on European Affairs"**

- (1) There shall be a Standing Committee of the Assembly to be known as the Standing Committee on European Affairs.
- (2) It shall consider and review on an ongoing basis:

- (a) matters referred to it in relation to European Union issues; and
  - (b) any other related matter or matters determined by the Assembly.
- (3) The Committee shall have powers to call for persons and papers.
- (4) The procedures of the Committee shall be such as the Committee shall determine.” — [Mr Cobain and Mr Haughey]

*Motion made:*

After Standing Order 57 insert a new Standing Order:

**“Committee on Equality, Human Rights and Community Relations**

- (1) There shall be Standing Committee of the Assembly to be known as the Equality, Human Rights and Community Relations Committee.
- (2) It shall consider and review on an ongoing basis:
- (a) matters referred to it in relation to Equality, Human Rights and Community relations; and
  - (b) any other related matter or matters determined by the Assembly.
- (3) The Committee shall have powers to call for persons and papers.
- (4) The procedures of the Committee shall be such as the Committee shall determine.” — [Mr Cobain and Mr Haughey]

*Question put.*

*The Assembly proceeded to a Division.*

**Mr Speaker:** I call for the appointment of Tellers. I should explain what is to happen since this is the first time that we have had a Division. All Members take their seats while I am on my feet. Those who are supportive and those who are opposed should appoint two Tellers who should come to the front. If either side fails to appoint Tellers, there will be no Division. I shall give instructions on how to proceed after the Tellers have been appointed.

There are Division Lobbies on either side. The Ayes will go to the right, and the Noes to the left. The Tellers will move through two doors, where they will find the Clerks ready to take note of the votes as Members pass through.

11.15 am

**Mr Weir:** On a point of order, Mr Speaker. I presume that those abstaining will stay in their seats. That is normal parliamentary procedure.

**Mr Speaker:** The votes of those who proceed through the Lobbies are the only ones which can be counted. If Members pass through a Lobby and then realise that they have voted in the wrong way, as occasionally happens, they may then proceed to the other Division Lobby and vote on the other side. This will cancel their vote, but they cannot revise their vote in any other way.

**Mr Fee:** Is that a case of voting early and often? [Laughter]

**Mr Speaker:** It is a case of voting mistakenly, and twice.

**Mr C Wilson:** On a point of order.

**Mr Speaker:** I am taking points of order, and without setting any precedent, only because we are doing this for the first time.

**The First Minister (Mr Trimble):** Further to that point of order, Mr Speaker. My only experience of this was in the Chamber in 1975, when a Member from the DUP, it being late in the evening and he having dined well, made a mistake about which Lobby to vote in and had to go through both Lobbies. The Chairman of the Constitutional Convention then asked him to indicate how he had intended to vote so that it could be recorded.

**Mr Speaker:** I am grateful for that historical note. However, I will not be regarding it or anything else to do with the Constitutional Convention as an appropriate precedent. Members can vote twice, but their second vote will cancel their first, and there will be no further vote.

**Mr Hussey:** I understand that as this is a cross-community vote the designations will be established as when we go through the Lobbies. Is that correct?

**Mr Speaker:** That is absolutely correct. This vote requires cross-community consent, so as you proceed through, your name will be called. The Clerks may wish you to hesitate for a second, for when your name is called, your photograph will appear on the laptop screen, thereby enabling your identity to be checked, your designation to be noted automatically and the numbers to be calculated.

**Mr C Wilson:** I want to make it clear that I am opposed to the formation of a Committee on Human Rights on the basis that there will be — [Interruption]

**Mr Speaker:** Order. Mr Wilson, order — [Interruption] If there is further disorder the Member will be named. I do not wish to proceed in that way. It is entirely unnecessary. There must be order in the House, and I trust that you are all aware of the consequences of naming a Member.

We will proceed with the vote.

When the Tellers are satisfied that all Members who wish to vote have come through their Lobby, they, the Tellers, should go to cast their vote — to the other Lobby, if necessary — return to their own Lobby and advise me that the vote has been completed. I point this out for those who currently are Tellers as well as for those who might be in the future.

11.30 am

*The Assembly having divided: Ayes 68; Noes 3.*

**AYES***Nationalist*

*Gerry Adams, Alex Attwood, P J Bradley, Joe Byrne, John Dallat, Bairbre de Brún, Arthur Doherty, Pat Doherty, Mark Durkan, Sean Farren, John Fee, Tommy Gallagher, Michelle Gildernew, Carmel Hanna, Denis Haughey, Joe Hendron, John Hume, Gerry Kelly, John Kelly, Patricia Lewsley, Alex Maskey, Donovan McClelland, Alasdair McDonnell, Barry McElduff, Eddie McGrady, Eugene McMenamin, Francie Molloy, Conor Murphy, Mary Nelis, Danny O'Connor, Dara O'Hagan, Eamonn O'Neill, Sue Ramsey, John Tierney.*

*Unionist*

*Ian Adamson, Pauline Armitage, Roy Beggs, Billy Bell, Tom Benson, Esmond Birnie, Joan Carson, Fred Cobain, Robert Coulter, Duncan Shipley Dalton, Ivan Davis, David Ervine, John Gorman, Derek Hussey, Billy Hutchinson, Danny Kennedy, James Leslie, David McClarty, Alan McFarland, Michael McGimpsey, Dermot Nesbitt, Ken Robinson, George Savage, John Taylor, David Trimble, Peter Weir, Jim Wilson.*

*Other*

*Eileen Bell, Seamus Close, David Ford, Kieran McCarthy, Monica McWilliams, Jane Morrice, Sean Neeson.*

**NOES***Unionist*

*Norman Boyd, Patrick Roche, Cedric Wilson.*

<i>Total Votes 71</i>	<i>Total Ayes 68 (95.8%)</i>
<i>Nationalist Votes 34</i>	<i>Nationalist Ayes 34 (100%)</i>
<i>Unionist Votes 30</i>	<i>Unionist Ayes 27 (90%)</i>

*Question accordingly agreed to (by cross-community consent).*

**Resolved:**

After Standing Order 57 insert a new Standing Order:

**"Committee on Equality, Human Rights and Community Relations"**

- (1) There shall be a Standing Committee of the Assembly to be known as the Equality, Human Rights and Community Relations Committee.
- (2) It shall consider and review on an ongoing basis:
  - (a) matters referred to it in relation to Equality, Human Rights and Community Relations; and
  - (b) any other related matter or matters determined by the Assembly.
- (3) The Committee shall have powers to call for persons and papers.
- (4) The procedures of the Committee shall be such as the Committee shall determine."

**Resolved:**

In Standing Order 10, paragraph (1), insert "(g) Party Business". — *[Mr Cobain and Mr Haughey]*

**Resolved:**

In Standing Order 45, paragraph (1)(a), after "Portfolio;", insert "and". — *[Mr Cobain and Mr Haughey]*

**Resolved:**

In Standing Order 45, paragraph (1), delete sub-paragraph (c) and insert

"(2) Statutory Committees shall have the powers described in paragraph 9 of Strand One of the Belfast Agreement (CM 3883) and may, in particular, exercise the power in Section 44(1) of the Northern Ireland Act 1988." — *[Mr Cobain and Mr Haughey]*

## ASSEMBLY COMMISSION

### *Resolved:*

That the membership of the Assembly Commission shall consist of

The Speaker  
Mrs Eileen Bell  
Mr Gregory Campbell  
Rev Robert Coulter  
Mr John Fee  
Dr Dara O'Hagan. — *[Mr Molloy]*

## BILLS: FIRST STAGE

**Mr Speaker:** We now proceed to the First Stage of the first Bills to be brought to the House. As these are the first Bills to be presented, it may be helpful to Members if I briefly explain the process. The First Stage of a Bill is entirely formal and simply allows for the introduction of the measure. There is no debate, but Members will have an opportunity to debate and amend later.

At the First Stage I invite a Member proposing a Bill formally to move that the Bill be laid. The Clerk will read the long title of the Bill. Once established, that cannot be changed or amended. For that reason it is important that this be completed at First Stage. The Clerk will read the title of the Bill, as required under Standing Order 28(5), and that shall constitute First Stage. The Bill can then be ordered to be printed. The measure will be available to Members the following day or shortly afterwards.

As the first three Bills deal with the Commission, we are altering the procedure slightly in that those proposing the measures will come to the lectern. We have established that Members speaking for the Commission are acting for the House and, therefore, take a slightly different position. Otherwise Ministers and private Members speak from their places.

There are no votes, and there is no debate — a First Stage is purely formal. There will be an opportunity to vote on a Bill in principle at the Second Stage. The Committee and Consideration Stages will provide opportunities for discussion, and any amendments will be made at the Consideration Stage. At the Final Stage there will be a vote on the measure as a whole.

## ASSEMBLY MEMBERS' PENSIONS BILL

### First Stage

**Rev Robert Coulter:** I beg leave to lay before the Assembly a Bill [NIA 1/99] to make provision for the payment of pensions and gratuities to or in respect of persons who have been Members of the Northern Ireland Assembly.

*Bill passed First Stage and ordered to be printed.*

## ALLOWANCES TO MEMBERS OF THE ASSEMBLY AND OFFICE HOLDERS BILL

### First Stage

**Mr Fee:** I beg leave to lay before the Assembly a Bill [NIA 2/99] to make provision for the payment of allowances to or in respect of persons who have been Members of the Northern Ireland Assembly or holders of offices mentioned in section 47(3)(a) of the Northern Ireland Act 1998.

*Bill passed First Stage and ordered to be printed.*

## FINANCIAL ASSISTANCE FOR POLITICAL PARTIES BILL

### First Stage

**Mr Fee:** I beg leave to lay before the Assembly a Bill [NIA 3/99] to make provision for the making of payments to political parties for the purpose of assisting Members of the Northern Ireland Assembly who are connected with such parties to perform their Assembly duties.

*Bill passed First Stage and ordered to be printed.*



## NORTHERN IRELAND ASSEMBLY (MEMBERS' SALARIES) DETERMINATION 1999

**Mr Fee:** I beg to move

That the Northern Ireland Assembly (Members' Salaries) Determination 1999 (NIA 3) be approved.

If ever there was a poisoned chalice, I think I have one. It is my task, on behalf of the Assembly Commission, to present to the Assembly the Determination on Members' salaries. I would like to preface my remarks by saying that for the last 18 months the Shadow Assembly Commission has met regularly — 35 times, I think. Mr Peter Robinson presented a report on behalf of the Shadow Commission on 22 February. We have enjoyed widespread support and help from Members of the Assembly. It has been hard work, and I would like to put on record that I have enjoyed working with all of the Shadow Commission's members.

I had the unique experience of working with people like Francie Molloy and Peter Robinson, with whom I would not normally have worked. I was impressed by their contributions; the House owes them a very deep debt of gratitude. I am also looking forward to working with the new members of the Commission, Dr Dara O'Hagan and Mr Gregory Campbell. We have a job to do, and I hope that the new Assembly Commission can retain the confidence of the House.

Members will recall that, in February, the Shadow Commission recommended to the Assembly that we follow the recommendations of the Senior Salaries Review Body (SSRB) in respect of remuneration for Members and office holders. Today's Determination largely reflects that undertaking as well as the provisions in Section 47 of the Northern Ireland Act 1998, which states

“(3) A determination under this section may provide —

- (a) for higher salaries to be payable to Members of the Assembly —
  - (i) holding office as a Minister or junior Minister;
  - (ii) holding office as Presiding Officer or deputy;
  - (iii) holding office as a member of the Northern Ireland Assembly Commission; or
- (b) for different salaries to be payable to Members of the Assembly holding different such offices.

The salaries for the First Minister, departmental Ministers and the Presiding Officer are as recommended by the SSRB. Members will recall that the Prime Minister, on the Floor of the House of Commons, recommended that the salary of the Deputy First Minister be established as equal to that of the First

Minister. The Shadow Assembly Commission accepted that recommendation.

The Shadow Commission has agreed all other salaries for office holders. The Senior Salaries Review Body recognised that there would be a need for extra remuneration for certain office holders post-devolution, and the Shadow Commission recommended that those increased salaries should be paid. The posts to which we refer are junior Ministers, members of the Assembly Commission, and Chairmen and Deputy Chairmen of the Statutory Committees. The Review Body's recommendation in respect of a daily rate for the Deputy Presiding Officer has been translated into an annual amount. At this stage, the Commission makes no recommendation about remuneration for Chairmen and Vice-Chairmen of non-statutory Committees.

Another recommendation of the Senior Salaries Review Body was that salaries should be raised each year in line with the average increases at 1-1 mid-points of the nine Civil Service pay bands below permanent secretary. This has been done so that the salaries that are now presented differ from those in the Senior Salaries Review Body Report solely by the increase.

The SSRB also recommended that all salaries should be reviewed independently in the year 2001 and every three years thereafter. The Commission recommends that the Assembly adopt that recommendation.

Those who hold double or even triple mandates, as Members of the Assembly, of the House of Commons or/and of the European Parliament, will have their salaries as Members of the Assembly abated by two thirds. The Schedule will have to be amended should any additional office holders of the House who are entitled to be appointed. The Standing Orders may also need to be amended.

I regret that, although we are now implementing the recommendations of the Senior Salaries Review Body, the new salaries will be backdated only to the date of devolution.

**Mr Adams:** A Chaothaoirligh. Ar dtús, mo bhuíochas leis an Choimisiún seo agus leis an Uasal O'Fee agus leis na daoine eile a rinne obair chruaidh thábhachtach air. Ach tá achainí agam ar an Uasal O'Fee agus ar an Uasal Coulter, nó ba mhaith linn an cheist seo a chur ar athlá. Molaim go gcuirimid ceist seo na dtuarastal agus cúrsaí eile airgid siar agus go bhfillimid orthu ag an chéad suí eile den Tionól. Idir an dá linn, beidh an Coimisiún ábalta comhairle a thabhairt dúinn.

First, I pay tribute to Mr Fee and the other Commission members for their work. Sinn Féin asked John Fee and Robert Coulter whether this issue might be deferred to the next meeting of the Assembly so that the new Commission could consider the whole question of salaries and other financial matters. We asked for that

because, while I believe that politicians should be paid properly for the sacrifices that they and their families make, I have a huge problem with this increase of £7,000, which is almost three times the amount paid in a year to a person on social welfare.

At a time when students cannot get decent grants and when old people are not being awarded proper benefits we need to think about the matter again. The issue is bigger than any party, and it even has to do with the credibility of the Assembly. For those reasons I have asked that action be deferred and put to the new Commission.

Secondly, and on a lighter note, I congratulate the Antrim senior football team on winning a historic all-Ireland 'B' final yesterday. I ask other Members and perhaps the Minister of Culture, Arts and Leisure to extend congratulations to the team's management and to all who are involved in Cumann Lúthchleas Gael in County Antrim.

11.45 am

**Mr Speaker:** The Member may have seen some connection between his former and latter comments because of a family sporting connection and the fact that his salary is used to support his family, but it is a tenuous link.

**Mrs E Bell:** As a member of the Commission, I wish to support my colleague Mr John Fee. I also wish to pay tribute to the former Commission members with whom I have worked. The Commission is a hard-working body, and I found it satisfying to operate alongside people with whom I had not worked in the past. I look forward to co-operating with the other people on the new Team. Commission members aim to achieve consensus for the benefit of all Assembly Members.

The SSRB recommendations were accepted by the Assembly earlier in the year, and I wish to make it clear that we have not given ourselves a fat-cat pay rise. I am led to believe by others, including trade union representatives, that a Member's basic salary is equivalent to that of the principal officer grade in the Civil Service, so it would be unfair to accuse us of trying to feather our nests. It is also worth noting that a Member's average working day could be up to 20 hours and — *[Interruption]*

I have not seen Mr McCartney here very often, so I do not know how long his working day is.

Many Members have been present every day working and lobbying. "Democracy must be paid for" — those are not my words but the words of a number of trade union representatives. If we are to do an adequate job, we must be paid an adequate wage.

Performance-related pay — pay by results — is not favoured by any member of the trade union movement.

The unions realise, however, that it would be difficult, if not impossible, to gauge standards of performance. The public will be able to judge Members during their time in office, and any Member with whom people are unhappy may be thrown out.

This determination should be approved to enable us to become effective Members of the Assembly and get on with the business that we have been elected to do: governing Northern Ireland equitably and responsibly.

**Mr McCartney:** It is sad that one of the Assembly's first acts — if not the first — is to vote its Members a very hefty increase in salary. For the past 18 months the Assembly has sat — to say the least — very intermittently.

I do not often agree with Sinn Féin, but there are fundamental principles with which one is bound to agree, whatever one's political predilections. The suggestion that the Assembly should vote through a rise of the comparative nature that Mr Adams pointed out is nothing short of a disgrace.

Under these arrangements Mrs Bell will receive around £50,000. As far as families go — and I am speaking generally here — a number of Members are employing relations and paying them out of the £34,000 that they are about to get as a constituency allowance — a very, very healthy sum for those families indeed.

I have heard that some Members employ their wives at salaries of between £15,000 and £18,000 a year. I have also heard of Members who have not opened any constituency office to serve their constituents. My constituency office is open from 9.00 am to 5.00 pm five days a week and handles more than 3,500 constituency matters a year. In some places in North Down, such as the Kilcooley housing estate, there are people who need the services of someone who can help them. North Down is not all "gold coast".

When people look at this Assembly, which was supposed to bring them more efficient, more accountable, more sensitive and more human government, what do they find? They find Members voting themselves big, big salaries — increases of 25%. *[Interruption]* I hear murmurs from some Members. However, I believe that 30 of the 108 people elected were unemployed on the date of their election. Many of them have never contributed a single penny to this state by way of income tax, but they have taken plenty from it in benefits.

**Mr Ervine:** Name them.

**Mr McCartney:** The world knows who they are, and these Gentlemen and Ladies are about to vote themselves salaries. Members are about to receive £38,000 on an individual basis, and more than 50% will be voting themselves into jobs which will give them a range of salary increases: £64,000 per annum extra for



the First Minister and the Deputy First Minister; £33,000 per annum extra for Ministers; £10,000 extra for Committee Chairmen; £5,000 extra for Deputy Chairmen; £10,000 extra for the Chief Whips of some of the larger parties; and £5,000 extra for Deputy Whips. *[Interruption]*

**Mr McGrady:** That is not in there.

**Mr McCartney:** No, it is not in there, Mr McGrady, but it is in the can. I understand that it is being looked at and discussed by various Committees.

**Mr McGrady:** On a point of order, Mr Speaker. I have made no contribution to this debate, and I cannot understand why the Member is referring to me.

**Mr Speaker:** I appeal to all Members to speak through the Chair.

**Mr McCartney:** Mr McGrady may object, but when he makes unsolicited comments from a sedentary position he must expect a response.

**Mr Speaker:** Members may not be aware that remarks made from a sedentary position are recorded into Hansard only if they are referred to by the Member who is on his feet at the time. On this occasion the remark will be included in Hansard because it was referred to by Mr McCartney.

**Mr McCartney:** Thank you very much indeed.

Based on the very generous sums that I have done — generous to those who are in receipt of the payments — approximately 50 Members will be receiving enhanced salaries, and that number rises to 54 if I include the Whips. First, we have to explain to the public how we voted ourselves an increase of £9,000 a year on the basic salary. Secondly, we have to explain how we voted all of these additional moneys to more than 50% of the Members. According to my calculations, salary costs will be in the region of £9 million a year, and that is before we have even started to do anything. People are going to question why there was such an enthusiastic clamour from so many Members for the establishment of the Assembly.

People will question the bona fides of those who were enthusiasts for the establishment of this body, and these salary increases will give them very good grounds for doing so. Mr Adams, shrewd politician that he is, has clearly pointed the finger at what his party thinks will be the public's reaction to this sort of money being voted to Assembly Members. There is much wisdom in the suggestion that, before everyone puts their snout well and truly into the trough at this time, they should carefully consider whether it will be to their ultimate benefit. The Assembly was established on questionable principles, by the use of Executive power, to undercut the principles of democratic procedure.

**Mr Adams:** Ba mhaith liom cupla pointe ordaithe a dhéanamh. An chéad phointe is ea nach n-aontaímis leis an Teachta Dála sa mhéid a bhí le rá aige faoi na rudaí a dúirt mé féin.

On a point of order, Mr Speaker. I wish to make it clear that no Teachta Dála here decided on these salary increases. It was the Senior Salaries Review Body. I am asking for this to be deferred so that the Commission —

**Mr McCartney:** That is not a point of order, and it is coming out of my time.

**Mr Speaker:** I have to accept that. It is not clear to me that it is a point of order.

**Mr Adams:** I accept your ruling, Mr Speaker. May I make two further points? As I said earlier, Sinn Féin accepts that politicians should be paid. Our members will not benefit personally from this increase.

**Mr Speaker:** Order. I must remind Members that points of order are technical matters in respect of the debate. If, for example, a Member appears to misrepresent another Member or to present an inaccurate or disagreeable view of what that Member has said, that is not a point of order which can be taken up. It is a point of disagreement, and the Member who has the Floor would have to be asked to give way. He or she would then decide whether to accept an intervention.

May I also advise Members — I am rather cautious about doing so, but I want to be as open as possible — that the 10-minute rule applied only under the Initial Standing Orders. Therefore Members have less need to worry about any interventions from that point of view.

**Mr McCartney:** I do not wish to detain Members for very much longer than 10 minutes, but do I take it that the 10-minute rule does not apply to anything I have to say?

**Mr Speaker:** Let me clarify the position for the sake of fairness — and I do so with some caution. Under the new Standing Orders the 10-minute rule which was in the Initial Standing Orders no longer applies. However, I hope that Members will forget that and proceed under the previous arrangements.

**Mr McCartney:** At no stage in my address did I suggest that Members had assessed the salaries attributable to their office, either as ordinary Members or as people exercising ministerial power. However, it is for the Assembly to vote to accept them. That is the point I am dealing with. The intervention is irrelevant, since the Assembly will decide what salaries it will give itself, whether on the recommendation of some other body or of its own volition. To spend £9 million on salaries out of a total budget, which, I understand, is getting on for £40 million per annum seems to me to be gross extravagance. During the week I listened to a contributor to a radio phone-in programme suggesting

that Assembly Members should receive the same salary and constituency allowance as a Member of Parliament.

12.00

On the face of it, if they were politicians doing their job one could say that maybe that was reasonable. However, one then has to point out that a Member of Parliament is responsible for an entire constituency — one of 18 in Northern Ireland. There are six Members of the Assembly for each of those constituencies, so in relative terms one would be paying six times the amount in salaries and six times the amount in constituency allowances that a Member of Parliament receives for doing the same job for the entire constituency. That would be gross overpayment.

I return to the issue of what Members are doing with their constituency allowances. To my knowledge there are many Members of the Assembly who have not yet opened a constituency office. And some of those that have done so run their places intermittently. I know of one office that is open two mornings a week and deals not only with Assembly constituency business but also with parliamentary constituency business. That Member will be in receipt of £45,000 per annum for his parliamentary place and £34,000 for his Assembly place — almost £80,000 a year for an office that is open two mornings a week.

**Mr McClelland:** Will Mr McCartney take an intervention?

**Mr McCartney:** I will not. This is an open debate, and the Member will have ample time to make whatever points he seeks to make during his own speech.

**Mr Ervine:** Does Mr McCartney have two constituency offices?

**Mr McCartney:** I have only one constituency. I am a Member of the Assembly for North Down and the Member of Parliament for North Down. I have one constituency office for all of that. It is open from 9.30 am to 5.30 pm five days a week.

**Mr McClelland:** When Mr McCartney was leader of his now infamous political party did he ever complain to his Colleagues about their not opening offices and hiring their spouses as secretaries? If not, why not?

**Mr McCartney:** That is not a point of order, and I am surprised that you are taking points of information, Mr Speaker. However, I will answer.

I did complain. I certainly did, and I think it is totally wrong. When I talk about Members of this Assembly not providing the proper facilities and services for their constituents I do not care if they are members of the NIUP, Sinn Féin, the SDLP, the Ulster Unionists or, for that matter, the DUP. If they are not serving their constituents to the best of their ability then they are not

discharging the duties they imposed upon themselves when they stood for election.

I do not know how many Members have opened constituency offices; I do not know how many Members are employing wives, sons, daughters or other relations to whom they are syphoning off part of the money they are, being paid for running their constituencies. Of course, one cannot make a blanket criticism. I know of one or two relatives employed in such a position, and if their fathers or mothers were not employing them I would be happy to do so because they are discharging their duties with great care. I am not saying that relatives are necessarily failing to perform the functions of the job; what I am saying is that this practice raises a question. Just as in the law, justice must not only be done but also be seen to be done. Anyone who employs relatives and pays them Government money, invites the obvious question. It must make people suspicious.

The whole of Northern Ireland is looking to the Assembly. Are we setting the best example by voting for an increase of £9,000 — over 25% more — on what we received over the last 18 months when, relatively speaking, very little was being done here? Does that present an image of disinterested service? The situation is compounded because, in addition to their basic salaries, more than half the Members will receive substantial further sums. Does that present an image of service or dedication? Or does it raise the suspicion that in the ululations from some parties about this great Assembly there is a large dollop of greed and self-interest?

Mr Adams's remarks addressed this issue. Why do I say that? Because he compared the increase in the basic salary of an Assembly Member with what is available to those on the margins of society: the flotsam and jetsam of the ghettoes; the people who are unemployed or otherwise disadvantaged. There are questions that everyone here should be asking: are we doing right, and are we seen to be doing right? If the House rubber-stamps these proposals without further consideration, the people of Northern Ireland will judge it accordingly. I include all parties in this — not just Nationalists or Unionists or those of indeterminate orientation. Every Member must consider this issue and vote according to his conscience — not according to his pocket.

**Mr C Murphy:** A Chathaoirligh, in suggesting that this matter be referred back, we do not denigrate the members of the Commission and their hard work. The Assembly was entirely right to hand the determination of its salaries and allowances to the Senior Salaries Review Body (SSRB). However, the proposal for a substantial increase needs to be debated in the Chamber. If the SSRB had recommended a £10,000 cut in Members' wages, there would definitely have been some debate. The Assembly should not run away from this. I notice that the DUP has absented itself, by and

large, today, but that is its stock-in-trade on issues such as these.

The proposal for such a substantial increase when so many people live under huge disadvantage must be looked at very seriously, especially as this is the first sitting of the Assembly since the transfer of powers. If the Assembly's first act on receiving those powers is to vote itself a substantial pay rise, that will send out entirely the wrong message. Many people are living on less than the proposed increase, so it is only right that the Commission deliberate this matter further.

A number of points relate to my party and to pay increases. Sinn Féin Members did not take the salaries allowed during the shadow period. They took an allowance from the party, and no increases are planned for party members, even if salary increases are agreed. There is no difference between the treatment of Ministers and that of Back-Benchers, and when setting up constituency offices, which provide an excellent service, the party decided that no family members would be considered for posts in them.

Go raibh maith agat.

**Mr Fee:** I started by saying that this was a poisoned chalice, but I did not think that I would have to drink so much from it. Members need to be clear on a number of issues. The Northern Ireland (Elections) Act 1998 has been superseded, and I understand that the Assembly has no authority, without further action, to pay the salaries of Members.

Members need to resolve this matter, or they will not be paid. The level of remuneration has not been set by the Assembly. Members, quite rightly, unanimously decided on 22 February 1999 that the level of remuneration would be set by the SSRB. Indeed, it was Mr McCartney who said that it would be prudent to let an independent body decide on future increases.

It was explicitly on the basis of that advice that the Assembly Commission, in exercising its duty under section 47 of the Northern Ireland Act 1998, recommended to Members in February that the opinion of the SSRB be accepted, and every Member who attended that meeting agreed.

It is therefore with some personal annoyance that I find, at the last minute, that Members are not just asking the Commission to disregard its legal obligation to make provision for Members, the Secretariat, and everyone else —

**Mr Adams:** On a point of order, Mr Speaker. I want to establish whether referring this matter to the incoming Commission would stop salaries being paid. I too praised the work of the Commission. I accept that Mr Fee has a poisoned chalice. However, this is a matter of social justice.

**Mr Speaker:** I cannot rule on the technical question contained in the point of order. You will have to take the word of the Member presenting.

**Mr McCartney:** The Commission is not necessarily being asked — nor is the Assembly — not to make an order that salaries be paid. That is within the Commission's authority. Can the Assembly not decide to continue to pay the salaries at the existing rate and agree to debate this matter again when the appropriate salary will be determined?

**Mr Speaker:** I will respond to that as it is a point of order. It is not possible for the Assembly so to decide. For the Assembly to be able to agree that, notice of an amendment would have to have been given one hour before the sitting began. This matter can only be accepted, rejected or, by leave of the House, taken back. It is not possible for the House to make an amendment at this stage.

12.15 pm

**Mr McCartney:** Further to that point of order, Mr Speaker. If the House rejects the motion is there anything to stop us immediately putting it down again for another day — even Wednesday of this week — to enable us to deal with the matter *de novo*? It could be put down as an amendment to the motion, and it could include a provision for any payments to be backdated.

**Mr Speaker:** It is possible to vote such a determination down and for matters to be brought back to a subsequent sitting. However, I cannot give an undertaking that such a sitting would take place this week — it would probably have to be next week and before the recess, which begins on 17 December.

**Mr Ervine:** I would like Mr Fee to clarify a couple of points. Mr Adams — identified by Mr McCartney as a shrewd politician — asked for a deferment because it would not look good, given the social difficulties, to have this as the first item of business. How long a deferment does Mr Adams believe to be necessary? How long will it be until the social circumstances of the people outside are such that Assembly Members consider it wise to vote for an increase in their salaries?

Mr McCartney, without realising it, has insulted more Members today than he normally does. And when I say "insulted" I mean insulted. There are nuances that you may have to look at from the point of view of the greater protection of Members here.

First, Mr McCartney said that the Assembly was created under dubious Executive authority. If I am not mistaken, the Assembly was created by the will of the people of Northern Ireland. Of course, Mr McCartney is entitled to his opinion, but when he talks about unemployed people and about the flotsam and jetsam, I wonder what he really means. In the past,



Mr McCartney's forte was to ensure that, for example, a person who had lost a leg got the minimum compensation from those whose moral responsibility it was to pay out. That is what Mr McCartney did, for he is an exalted barrister.

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

**Mr Ervine:** I cannot give way, for I am being given way to. Mr McCartney is an exalted, learned man who does not know that an amendment must be put down one hour before the sitting.

**Mr Adams:** I agree with Mr Ervine that today Mr McCartney has insulted more people than usual. That he used my remarks to do so, I take as a compliment of sorts.

The Official Report will show what I said. It is not a matter of its not being nice to have this as the first item of business. It is a matter of its being socially wrong for us to draw such huge salaries — even though we may deserve them for the work that we do — when others down the line are being treated so badly by the system. How long will it take to rectify this? It probably will not be rectified until we are part of an Irish Republic.

**Mr Ervine:** That will never happen, Gerry.

**Mr Adams:** I happen to think that you should be an egalitarian politician — but there you are.

We tried to get this motion deferred until next Monday. I wanted the Commission to reflect upon the matter and discuss it further, but it appears that that will not happen. Fair enough.

**Mr Speaker:** Members should not use interventions as a substitute for speeches. An intervention ought to be directed, through the Speaker, to the Member who has the Floor. I have given reasonable latitude, but I urge Members to abide by this convention.

**Mr McClelland:** Most Members will agree that this has been one of the cheapest, most cynical political stunts that the Assembly has ever witnessed — and no doubt this is only the beginning. We have heard two of the better-off people in society crying crocodile tears, weeping for the unemployed and the disadvantaged. Doubtless Mr Adams will throw open the doors of his holiday home in Donegal to the oppressed and the disadvantaged of west Belfast, and Mr McCartney will do the same with his villa in France.

**Mr Speaker:** Order. Interventions are an opportunity, given by the Member who is speaking, for a brief remark. They are not a means of starting a debate all over again when the Member who moved the motion is winding up.

**Mr McClelland:** Mr Adams, my father spent 20 years working on a building site. In three years you have spent more money on suits than my father could afford

during those 20 years when he was slogging his guts out.

**Mr Speaker:** Order. Members must also recall that they should not address other Members directly.

**Mr McClelland:** Apologies, Mr Speaker.

**Mr Speaker:** I will not immediately assume that the matters refer to the Chair, but they should be addressed to the Chair.

Mr Fee, please continue.

**Mr Maskey:** A Chathaoirigh, on a point of order. I spoke last week about Members defaming, slandering and making comments willy-nilly. My party has not at any time during this debate brought up issues such as those that Mr McCartney has raised: Members employing people who are very close to them, or building little extensions to their houses and charging exorbitant rent. We did not mention matters like that. If Members want us to personalise this debate we will do so, but they should remember that when they slander or insult another Member, they will be treated likewise.

**Mr Speaker:** Mr Maskey has made a very clear, rational and important point. The rules of procedure are set in place to keep a degree of proper decorum. When Members transgress those rules by making direct and personal remarks, some of which, though not ones I have heard this morning, are unparliamentary and therefore out of order, other Members inevitably respond in like fashion, and that does not improve the proceedings at all. Mr Maskey's point is valid and ought to be borne in mind.

**Mr Adams:** On a point of order, Mr Speaker. Mr McClelland has just removed himself from my guest list.

**Ms McWilliams:** I would like some clarification of the paper to which the Member is speaking at the moment (NIA 3). To what extent did the SSRB decide the differential between the salary for being a Member of the Assembly and what is received by those who serve on the Commission?

**Mr Fee:** The SSRB simply made permissive comments; it did not make any determination on the amounts. The shadow Assembly Commission, in conjunction with the Department of Finance and Personnel and the Secretariat, and after consideration of the payments made to officers of other legislative Assemblies — Westminster, Scotland, Wales and the Dáil — made its recommendation.

**Mr Beggs:** Did the Commission as a body, and therefore all its members, agree with what has been presented here today?

**Mr Fee:** The shadow Commission, which comprised members from the UUP, the DUP, the SDLP and Sinn Féin, a representative of the smaller parties and the Initial

Presiding Officer, and which existed up to this morning, agreed this unanimously and reported it in February, when the Assembly also agreed it unanimously.

There are many issues for consideration, but I want to draw to a close. I have great sympathy with many of the Members who have spoken, but it appears, somehow, to have fallen to me personally to make a judgement on how to proceed. The Assembly must decide either to accept or to reject the Determination.

Sections 39 to 48 of the Northern Ireland Act deal with the responsibilities and the legal and statutory duties of the Assembly Commission. There has been no controversy about the provision we are making to pay the staff — from the Doorkeepers to the Committee Clerks. However, the Commission has a responsibility to the Members to set the salaries recommended by the SSRB, having taken professional advice. We can do no more.

We commend this Determination to the House.

12.30 pm

*Question put.*

**Several Members:** Aye.

**Several Members:** No.

**Mr Speaker:** This requires only a simple majority, and my judgement is that the Ayes have it. *[Interruption]*

If the Member wishes to challenge, he ought to do so in the normal manner, not *sotto voce*, and then there will be a Division.

**Mr McCartney:** Mr Speaker, I can be accused of many things, but never of being *sotto voce*.

*Question agreed to.*

*Resolved:*

That the Northern Ireland Assembly (Members' Salaries) Determination 1999 (NIA 3) be approved.

## NORTHERN IRELAND ASSEMBLY (MEMBERS' ALLOWANCES) DETERMINATION 1999

**Rev Robert Coulter:** I beg to move

That the Northern Ireland Assembly (Members' Allowances) Determination 1999 (NIA 2) be approved.

Before presenting the Determination on Members' allowances, I would like to endorse the points made by Mr Fee. In his opening remarks he welcomed the new Commission members and expressed his appreciation of the work done by those who have left the Commission. The Commission is the Assembly's body corporate, and it is charged by the Northern Ireland Act with responsibility for ensuring that the Assembly is provided with the property, staff and services it requires. Over the past 14 months the shadow Commission met on 35 occasions.

As Mr Fee has reminded us, the two Determinations and the three Bills which have just been ordered to be printed are not about advancing the interests of Members. They are about the Commission's fulfilling its corporate responsibility. Staff are entitled to secure a wage and to contribute to a pension scheme, and elected Members and their staff are no different. The Commission has no legal basis on which to pay Members or establish a pension scheme. That is why these Determinations need to be made and the Bills introduced at this early stage.

Now let me move to the business in hand — the determination of Members' allowances. In his address, Mr Fee emphasised the centrality of the SSRB's report to the salaries Determination. For the most part the SSRB's recommendations were followed in the allowances Determination, though current practice at Westminster and in Scotland and Wales also provided useful reference points. Close examination of the report shows that the figures in the Determination are slightly higher to reflect the recommended rise to allow for the increase in the retail price index over the previous year.

At first glance Members may think that the allowances Determination is rather too short to deal with a range of complex issues. It contains the basic provisions for the scheme, though no detail on its operation and administration. Staff in the finance office are currently drawing up guidance for Members on what is and what is not allowable and on how staff should handle claims. Members will have an early opportunity to comment as the guidance will have to be formally adopted by the Assembly.

I propose to take the various allowances in the sequence in which they appear in the schedule to the determination. All travel allowances are in accordance with the SSRB's recommendations. Subsistence

allowances are in line with those in Scotland and Wales, while the rates for meals mirror current Civil Service allowances, which are not liable to income tax. The total office cost allowances as recommended by the SSRB, though the determination does not apportion those allowances between salaries and other expenses. Arrangements have been put in place to enable the allowances to be front-ended. Members will be able to draw down what they require, provided that commitments to staff salaries, rent and rates for the year are met.

This should allow for better financial planning and ease some of the cash-flow problems that a number of Members have had under the current arrangements. During the shadow period, when office cost allowances were paid monthly, the Commission made representations to the Minister asking for them to be paid on a six-month block basis. Unfortunately, because of the political uncertainty, the Minister was unable to accede to our request.

The SSRB recommended that

“the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly each determine the financial or other assistance to be available to Members with disabilities.”

The Determination reflects the same level of assistance as exists in Scotland.

Recall expenses are in line with those for Westminster, Scotland and Wales, and travel arrangements for Members' employees are as recommended by the SSRB, with the allowances payable mirroring Civil Service rates, which do not attract a tax liability.

The allowances for staff pensions and redundancies follow the SSRB's recommendations, but it should be noted that there is no provision for the Assembly to run a dedicated pension scheme for Members' staff. Temporary secretarial allowances are in line with those at Westminster and in Wales, and Members holding a dual mandate will be pleased to note that the SSRB recommended that all allowances be payable to Members who are also MPs and/or MEPs.

This has been a detailed presentation, but it is important to assure Members that the Commission has tried to account for every eventuality using the SSRB report as its base.

I commend the Determination to the Assembly.

**Mr Ford:** I wish to refer to paragraph 4 — the disability allowance section. So far as I know, none of us are eligible for the additional allowance for disability. The last person in this place who was eligible was Eileen Bell's predecessor, Bertie McConnell, who was an Assembly Member for North Down in the 1970s. Mr McConnell was totally blind. Notwithstanding what Mr Coulter said about the Scottish allowance, £10,000 is a modest sum for the professional services that would

be required by a fully disabled Member, whether the handicap were physical, visual or auditory. Can the Commission re-examine whether that sum is an appropriate maximum before we come to a time when it might cause personal embarrassment?

The National Assembly for Wales has paid for some additional equipment for a Member's employee who suffers from a handicap. Can the Commission assure us that it will look at such a situation in a similarly favourable way should it arise here?

**Mr Ervine:** I had problems with the previous Determination, but I have little difficulty with this one, and I commend the work of the Commission. This Determination will ensure that parties such as the PUP can have full-time, fully operational offices staffed by people who are not members of our family. It is our party policy that such should be the case.

I have some concerns. I should like to look at the services that are funnelled through Members to constituency officers and, via their workers, to the broader populace. Whether we are dealing with Members' remuneration or Members' allowances, the Assembly is about the delivery of service.

There will be many cheap shots, and the newspapers will be full of comments about the large amount of money that is going to be paid to Assembly Members. However, we should not get upset. In jail every Christmas dinner menu was printed on Christmas Eve, as if to say that bad people like me should not have much time to anticipate a reasonable meal. Members must face the fact that their salaries and allowances will be brought to public notice. However, they will get over it, especially when they are spending the money.

My Colleague Billy Hutchinson and I have stated that we have full-time offices with full-time staff, which is beneficial and delivers a consistent service. Although we have three offices, we achieved only two portions of Members' allowances for office costs. That contrasts with Mr McCartney, who, by his own admission, has one office and complains about the costs that are drawn down by Westminster MPs and Members of the Assembly. Will he and the fat cats with Gallic holiday homes, who castigate us for wanting reasonable remuneration, lay their account books before us?

I am very conscious of the unemployed because I have been unemployed at times through illness. Many of those who have disparaged the unemployed in the past are cute on the subject of finance, especially when their bank balances are bulging.

I can now earn £38,000 a year, and I have to pinch myself to remind myself not to spend it all. Unlike many others, we are very much like Sinn Féin Members. It is not a case of “ourselves alone” because we have to help to keep others. We get an industrial wage and do not get



the full benefit of the £38,000. Would that we did, for then I could speak to Mr McCartney in France and the many other places where he may be found. The media will go on the attack, and some of the cute attitudes and the empty Benches show that there is a certain doubt and a feeling of guilt.

I am a member of Belfast City Council, for which I am remunerated. I do not wish to make public the earnings of the directors and the chief executive, but I can say that the chief executive receives close to what we pay our two Prime Ministers. That is the amount paid to someone who makes no decisions but simply implements those that are made by others. Members of Belfast City Council had to determine his pay, and we had to ensure that he was properly remunerated.

Would we suggest that the chief executive of Belfast City Council should earn more than the Prime Minister? If we hope to attract into politics those who have avoided all the issues in the bear pit of political debate, pious attitudes about money will not work. We have to make it worth their while.

I have been unemployed, mostly through sickness, but I am convinced that my abilities could earn me far

more than £38,000 a year. Had I not gone to jail but joined the Bar, perhaps we would have more than one exalted, wonderful black crow about the place.

*12.45 pm*

**Rev Robert Coulter:** The Commission followed closely the SSRB's recommendation 16, which says

"We recommend that the Scottish Parliament, the National Assembly for Wales, and the Northern Ireland Assembly each determine the financial or other assistance to be available to Members with disabilities to enable them to carry out their Parliamentary/Assembly and constituency duties effectively."

The recommendation for a payment of £10,000 per session was based upon the Scottish precedent, and it is open to the Assembly to review the level of support and table an amendment in due course.

I commend the Determination to the House.

*Question put and agreed to.*

*Resolved:*

That the Northern Ireland Assembly (Members' Allowances) Determination 1999 (NIA 2) be approved.

*Adjourned at 12.46 pm.*



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# NORTHERN IRELAND ASSEMBLY

Tuesday 14 December 1999

*The Assembly met at 2.30 pm (Mr Speaker in the Chair).*

*Members observed two minutes' silence.*

## ASSEMBLY AFFAIRS

**Mr Speaker:** At the final sitting of the New Northern Ireland Assembly, on Monday 29 November 1999, Mr Peter Robinson asked whether it was appropriate to refer to another Member as a murderer where it was believed that a Member had been responsible for murder. He questioned whether this was unparliamentary language.

He is correct. Where a reference is clearly made in respect of either an individual Member or a group of Members, this would be unparliamentary language, except in the circumstance where the particular Member being referred to had been convicted of the offence by due process and through the courts. There has recently been a circumstance in respect of the analogous term to which the Member referred in another place.

I have studied references made during the last sitting, and, whilst I believe that some Members were sailing close to the wind, I do not believe that unparliamentary language was used.

I have received formal notice from the Minister of Finance and Personnel that he wishes to make a statement. The statement will be made at a convenient time after 10.30 am tomorrow.

Some Members may have received an incorrect Marshalled List of Amendments. Owing to an administrative error a line was omitted at the end of the second amendment on the Marshalled List. That was corrected, and copies of the revised Marshalled List were issued. Let me point out, in case any Member has received an incorrect copy, that under the heading "Amendment to the Motion to insert a new Standing Order after Standing Order 57" the final line should read

"The Committee shall consist of 17 members."

Members who have a Marshalled List which does not include that sentence should dispose of it and obtain a revised version from the Doorkeepers in the Lobby.

**Mr Maskey:** On a point of order, Mr Speaker. I ask for a suspension of the Assembly for one hour, particularly in the light of your last comment. We have been handed a list of amendments, some of which are complicated and have far-reaching implications, and we have not been given time to consider them. That is not satisfactory. It is also unsatisfactory that this practice is starting to take root in the Assembly. Sinn Féin is very unhappy about the way this has been done. The issues involved in some of these amendments are very serious, so I ask for a suspension to enable us to consider this matter thoroughly.

**Mr P Robinson:** Further to that point of order, Mr Speaker. The request for a suspension has some merit. Some Members may be confused about which sheet of paper is being dealt with and about which amendment is pertinent. A shorter period — I believe that you can suspend proceedings for less than one hour — would be enough to enable us to clarify the position before starting the debate.

**Mr Speaker:** I can understand that there may be some element of uncertainty and confusion, and I apologise for that. It seems reasonable that we should suspend proceedings so that Members can consider the matter. May I have the leave of the House to suspend proceedings for 30 minutes?

**Mr Kennedy:** I have a piece of additional business.

**Mr Speaker:** Is it relevant to this question?

**Mr Kennedy:** Not directly.

**Mr Speaker:** Then it will have to be taken a little later.

May I have the leave of the House to suspend the sitting for 30 minutes to enable Members to consider these amendments? It is not because they came late — Members will know that amendments can be brought — but because there was an administrative error, and therefore an element was introduced about which Members may wish to be clear. When we return, Members may still be unclear, and we shall have to consider the matter again. I am somewhat hesitant to give a longer suspension at this point, because there is a good deal of business to be transacted today.

*The Assembly was, by leave, suspended at 2.39 pm and resumed at 3.10 pm.*

**Mr Speaker:** Members will have had an opportunity to look at the Marshalled List of amendments. Since we are all trying to find our way, perhaps I should explain what is meant by "Marshalled List of Amendments". When all the amendments are in, we marshall them for the ease of the House by putting them in the order of the items to which they relate. On this occasion it is fairly simple as there are only two amendments. However, in the case of a Bill with perhaps many amendments it would be more valuable to have a Marshalled List.

**Mr P Robinson:** On a point of order, Mr Speaker. I am reasonably content with the Marshallled List of amendments. The other problem we face relates to the Order Paper itself. On the first Order Paper that I received there was a motion, in the names of Mr Ford and myself, relating to the Committee of the Centre, seeking to bring under scrutiny other matters that were the responsibility of the First Minister and the Deputy First Minister. I now have two Order Papers with different font sizes. The amendment sheet says

“At line 3, delete from ‘Committee of the’ to the end of line 8 and insert —”.

The effect depends on which Order Paper is used.

**Mr Speaker:** You are right. These are contentious issues. I recently discovered that the Act on which this Assembly is based has certain imperfections of a similar kind, so we are not alone in this regard. The Order Paper that was issued first reads

“delete from ‘Committee of the’ to end of line 10 and insert —”.

With the reduced font size, “line 10” became “line 8”. This is a technical problem that we will have to make sure does not arise again. My apologies for the confusion.

**Mr Maskey:** A Chathaoirleach, on page 2 of the Order Paper, under the words “Proposed amendment to Standing Order 53”, we read

“Proposed: After Standing Order 52(4) insert a new Standing Order”.

Should that not be “53(4)”?

**Mr Speaker:** It should.

3.15 pm

**Rev Dr Ian Paisley:** On a point of order, Mr Speaker. I understand that the First Minister proposes to make a statement beginning with the words “With permission”. Does that mean that he will be speaking with the permission of the House? Will any Member be able to withhold permission.

**Mr Speaker:** It is intended to be with the permission of the Speaker.

**Rev Dr Ian Paisley:** Oh, that is different.

## NORTH/SOUTH MINISTERIAL COUNCIL: INAUGURAL MEETING

**Mr Speaker:** I call on the First and the Deputy First Ministers to make the statement.

**Rev Dr William McCrea:** Confusion seems to be the order of the day. Has the First Minister crossed the Floor permanently? Perhaps he feels more at ease with SDLP Members than with his Colleagues on the Unionist Back Benches.

**Mr Speaker:** In fairness to the First Minister, the Deputy First Minister and the House, I shall explain how we propose to deal with statements. In this case the First Minister or the Deputy First Minister or both will make the statement. Any Minister making a statement may use one of the lecterns that have been provided. Members will then be able to ask questions for up to one hour.

This will not be a debate, so there will no vote or long speeches. Questions — in this case to the First Minister and the Deputy First Minister — should be short and to the point. Either may reply, and both felt that it would be sensible for them to sit together. While I will call Members to speak, I will not call Ministers to respond. They will have to sort out between them who is to reply.

The Member should not read too much into the fact that today they are sitting on a particular side. That may change from statement to statement.

**Rev Dr Ian Paisley:** Mr Speaker, you have said there will be no opportunity to vote, yet at the end of the statement you will move that it be noted. Surely if that Question is before the House, Members must have an opportunity to say “Aye” or “No”.

**Mr Speaker:** I have not approved that wording. In any case, as the Member knows, statements are not normally followed, in this or any other place, by a vote. Those words will not necessarily be used at the end.

**The First Minister (Mr Trimble):** With permission, Mr Speaker, I should like to report to the Assembly on yesterday’s inaugural plenary meeting of the North/South Ministerial Council.

The following Ministers participated in the meeting: Mr David Trimble, Mr Seamus Mallon, Ms Bairbre de Brún, Mr Mark Durkan, Sir Reg Empey, Mr Sean Farren, Mr Sam Foster, Mr Michael McGimpsey, Mr Martin McGuinness and Ms Brid Rodgers.

This report has been approved by all the Ministers who attended that meeting and is made on their behalf by the First Minister and the Deputy First Minister.

The Council agreed a Memorandum of Understanding on Procedure, which sets out procedural arrangements

relating to the proceedings and operation of the Council. A copy of the memorandum has been placed in the Assembly Library.

The locations of the headquarters and the other offices of the six North/South implementation bodies were agreed. Waterways Ireland will have its headquarters in Enniskillen and three regional offices in the Republic. The Food Safety Promotion Board will be based in Cork, and the Trade and Business Development Board in Newry. The Special European Union Programmes Body will have its headquarters in Belfast and regional offices in Omagh and Monaghan. The Irish Language Agency of the North/South Language Board will have headquarters in Dublin and a regional office in Belfast, while the headquarters of the Ullans Agency will be in Belfast, with a regional office in County Donegal. The Loughs Agency of the Foyle, Carlingford and Irish Lights Commission will be based in Londonderry, with a regional office near Carlingford Lough. The Lights Agency will be based in the Dublin/Dun Laoghaire area. The new Tourism Company, when it is established, will have its headquarters in Dublin and a regional office in Coleraine.

**The Deputy First Minister (Mr Mallon):** The Council also appointed members to the boards of the Food Safety Body, the Trade and Business Development Body, the North/South Language Body and the Foyle, Carlingford and Irish Lights Commission.

The Council agreed an outline programme of work in relation to the six areas for co-operation identified in the 15 February 1999 report to the Assembly by the First Minister and the Deputy First Minister as a basis for follow-up in the appropriate sectoral formats. It also agreed that the relevant proposals in the outline programme of work should be tabled at the first meetings of the council in each appropriate sectoral format.

The Council agreed that it would meet in sectoral format to consider issues relating to the six implementation bodies and the six areas of co-operation at the earliest possible date and that the question of additional sectoral formats would be agreed by the Council meeting in institutional format. It agreed that the next meeting in plenary form would take place in Dublin in June next year.

A copy of the communiqué that was issued following the meeting, which gives details of the locations of the boards and the Tourism Company and of the board members, has been placed in the Assembly Library.

**Rev Dr Ian Paisley:** On a point of order, Mr Speaker. According to the Act it is incumbent on Ministers to report to the House. It was also stated to the people of this Province that the House would be sovereign with regard to these matters. You have now

told us that there will be no opportunity for us to put these matters to a vote, that there will simply be a statement.

I am well aware that a statement in the House of Commons attracts questions and answers only. Are you telling us that the reports from these bodies are going to be in the form of a statement? Having been told that all these matters will be finally decided by the Assembly, we are now being told that we cannot vote on what took place at the first meeting. No one in the Assembly other than those associated with Mr Trimble and Mr Mallon knew what was going to happen. We did not see an agenda. Now we are told that we, as representatives of the Ulster people, cannot vote on these issues.

**Mr Speaker:** Order. First, let me say that an agenda was circulated to Members. As regards voting on the matter, the Member knows and has said that statements do not afford the opportunity for voting. However, there is no reason why there should not be other appropriate opportunities for voting in the House if, for example, there were a question of administrative actions being probed or motions being put down in relation to them.

We now have two Standing Orders which will give Committees the opportunity to scrutinise various aspects of the work. In that context there may well be opportunities for matters to be raised and votes to be taken. As the Member knows, a statement is not meant to be used as an opportunity for a vote, but motions may, of course, be put down by Members.

**Mr P Robinson:** During the referendum campaign — indeed, even after it — the issue of accountability in relation to the decisions that would be taken on a North/South basis was much discussed. It was made quite clear by those from the Unionist tradition who supported the Belfast Agreement that there would be accountability. The distinction in this matter is vital. If, in order to make Ministers accountable for decisions that will be taken on a North/South body, there is a requirement for people to put down a motion objecting to what they have done, the onus is on those who object to get the necessary percentages of both sections of the community in order to ensure that those Ministers are stopped. If, on the other hand, the Executive is required to get the support of the Assembly for what it has done, the support must come from both sections of the community. That is the key distinction.

**The First Minister:** Mr Speaker, would it not be in order for you to remind Members that the creation of these implementation bodies was debated and voted on in January and, I think, March?

**Mr Speaker:** It is not for me to judge whether House procedures are satisfactory or unsatisfactory (politically they may be either); I can only rule on whether they accord with Standing Orders or 'Erskine May'. The



First Minister has made the point that there has been a vote on the matters. I can rule on points of order but not on political accountability or propriety or anything like that.

**Mr P Robinson:** Mr Speaker, I am sure you are aware that we took a decision — against the better interests of the Unionist community, I think — in relation to the establishment of such bodies. We are now dealing with the *modus operandi* of those bodies. That is a very different issue. I want it to be clearly on the record that on the basis of Mr Trimble's argument, what we have here are North/South bodies that will not be accountable to the Assembly unless Members put down motions which require the support of the Nationalist community.

**Rev Dr Ian Paisley:** We are not dealing with the content; we are dealing with the fact that this is the first statement from the First Minister about decisions taken at a meeting. We, as well as the general public, were continually told — and this was sold from the Unionist platforms both at the election and the referendum — that this House would be sovereign. The First Minister said on the television last night that we need not worry about the minority position in this Council, and that everything would come before the Assembly eventually. The First Minister cannot take it upon himself to say "I am going to make a statement". If he does, according to your ruling, Mr Speaker, we are never going to be able to have a vote on his statement. The words "I beg to move that the statement be noted" should be put to the House, and every Member should have the right to say "Aye" or "No". We are now being muzzled; we cannot even ask the First Minister questions. A Member can ask one question, the First Minister will reply, and then he moves on to another.

3.30 pm

Those of us who are parliamentarians in other places know the uselessness of questioning a statement. This is a Government's way of dealing with policy quickly, without having a real debate. May I put down a motion on this issue today, to be debated tomorrow?

**Mr Speaker:** The Member knows that he can, with the leave of the House, put down a motion today for debate tomorrow. If he did not receive the leave of the House, the first opportunity for such a motion would be at a subsequent sitting. I note what he says about the use of questions, and so on, in other places, but we must be cautious about being unduly critical of other places and other Parliaments. That is not proper. The situation in respect of a statement is clear, and the First Minister and the Deputy First Minister have volunteered the statement. There may be other ways of dealing with such a matter. A Member could put a motion down or new Standing Orders could be approved.

**Mr McCartney:** The real issue is the principle to which Mr Robinson and Dr Paisley have referred — the accountability of the Executive to the Assembly. I suggest that that principle was canvassed very strongly by Mr Trimble. Are he and his colleagues entitled to take Executive decisions and tell the House about them in the form of a statement without permitting any debate? In other words, can they make the Assembly subject to decisions already taken in the Executive?

The point that you are making, Mr Speaker, is that we can *ex post facto* have a debate on something that has already been decided upon at the North/South Ministerial Council. Such procedure would make a nonsense of the principle that the Executive is accountable to the Assembly.

**Mr Speaker:** I can deal only with the procedural point. Matters of principle will have to be discussed in another way. They may be related; I do not dispute that. My role is to address points of procedure. When you say that the Executive is not accountable, that is a matter of dispute in other places. This is not unique to ourselves, and it will continue to be a matter of dispute and discussion. The question is whether I can rule that any of the proceedings are out of order. I cannot do that, for they are clearly in order.

We should proceed so that Members have an opportunity to ask questions and get replies from the First Minister and the Deputy First Minister. To that end I call Mr Esmond Birnie. *[Interruption]*

**Mr Dodds:** On a point of order, Mr Speaker. Am I to understand that issues such as agreement on the Memorandum of Understanding on Procedure, the location of the headquarters and other offices of the six North/South implementation bodies, the appointment of a host of members to boards and the outline programme of work will not be subject to any vote — in other words, that Members will be unable to vote either "Yea" or "Nay" on those proposals?

**Mr Speaker:** Order. Although the issue of order has been clearly spelt out, Members are tending to make interventions in the form of points of order. The issue that the Member raises would be proper in the context of questions.

So far as the point of order is concerned, I have repeatedly given the ruling that a statement is not an opportunity for a vote. There can therefore be no vote on a statement today or any other day. That is the situation in other places, as the Member's Colleagues well know.

**Dr Birnie:** Can the First and the Deputy First Ministers confirm that Ministers Robinson and Dodds were asked to attend the inaugural meeting of the North/South Ministerial Council? Can they further confirm that, in spite of the lurid remarks by the DUP



about Unionists being permanently outnumbered on the North/South Ministerial Council, all decisions on that body will be by agreement?

**The First Minister:** I am very glad to be able to answer a question after that litany of bogus points of order, which contained questions to which the Members making them did not want answers. The statement made by the Deputy First Minister and myself was made in fulfilment of a statutory requirement. It was not a matter on which we had a choice.

As to the point raised by Dr Birnie, I can confirm that Mr Robinson (the Minister for Regional Development) and Mr Dodds (the Minister for Social Development) were asked if they would attend the inaugural meeting of the North/South Ministerial Council, but they both declined. Consequently, on that occasion, they were not nominated to represent the Executive, thus avoiding their being in breach of their pledge of office. It is an undoubted fact that they would have served themselves and their interests much better if they had participated.

With regard to decision making in the council, as the Assembly will know, under Section 52 of the Northern Ireland Act the First and the Deputy First Ministers, acting jointly, must, as required by the Belfast Agreement, nominate Ministers to achieve cross-community participation in the North/South Ministerial Council. That agreement requires that arrangements be made so that the Assembly as a whole is represented at summit level and in dealings with other institutions in order to ensure cross-community involvement. Decisions made in the Council are by agreement and within the defined authority of those attending. This ensures that there is, at each stage, consensus and that any decision taken at the North/South Ministerial Council is within the terms of the authority granted by the Executive of this Assembly. Each side of the council remains accountable to its legislature, whose approval will be required in the event of any decisions going beyond the defined authority of those attending.

**Mr Dallat:** Will the First Minister enlarge on the role of the Tourism Company that is to be established in Coleraine and say what impact, if any, it will have on the international tourist market, particularly in America and Europe?

**The Deputy First Minister:** The North/South Ministerial Council is to meet in sectoral format at the earliest possible date to consider the establishment of the Tourism Company. The company will be a publicly owned limited company and will be established by Bord Fáilte and the Northern Ireland Tourist Board. The new company will subsume the existing overseas tourist marketing initiative. It will carry out overseas marketing, promote activities in which both Bord Fáilte and the Northern Ireland Tourist Board are involved, and establish offices overseas for that purpose.

**Rev Dr Ian Paisley:** Will the first Minister tell us the content of the memorandum he received from the two DUP members of the Executive. Let him tell the Assembly what they said in their reply to the invitation to attend this meeting. It is scandalous that we have a first Minister who uses television to try to mislead people. He made it seem as though my Colleagues had sent him a lengthy presentation that was to be submitted to the North/South Ministerial Council.

The First Minister tells us that we had prior knowledge of this, but we received nothing except names. Perhaps he will now tell us how much this Food Safety Promotion Board based in Cork will cost each year. Perhaps he will also tell us how much the Trade and Business Development Body based in Newry will cost each year and how many people each will employ.

Perhaps he will tell us what complement of civil servants from both sides of the border this Special EU Programmes Body will have. How many will be based in headquarters, and how many in the regional offices in Omagh and Monaghan?

Perhaps he will also tell us about the Irish Language Agency of the North/South Language Body, which will have headquarters in Dublin and a regional office in Belfast. What is the difference between the headquarters of one of these —

**Mr Speaker:** Order. I think that we must, if not share power, at least share questions. The Member has asked a substantial number of questions, and I must ask Members to try to restrict their questions to one or to a limited number at least.

**Rev Dr Ian Paisley:** I have been in the House of Commons for a long time. Many questions are asked there.

This Assembly is gagged. I am being gagged. I am not being allowed to say on behalf of my constituents that I do not like something and intend to vote against it, because you, Mr Speaker, have ruled that this is a statement and that there will be no vote.

You have also ruled that the onus will not be on the Executive to get its business through the House but, rather, that it will be for individuals to resist and prevent it from going through. I believe that I am entitled to say that we should be permitted to know the difference between the headquarters and the regional offices of every body mentioned in this paper by the First Minister. We should be entitled to know the number of staff in each office and what the cost distribution is going to be. What will each of these offices cost? What about this new Tourist —

**Mr Speaker:** Order. There is little point in my trying to maintain order in the House when Members, even

though they are aware of the rules, bend them, stretch them and press them to the side.

The Member has asked a number of questions. In my experience, the more questions he asks, the greater the likelihood that the First Minister will respond by saying that he will write to the Member. The Member knows this well, having sat through many Question Times.

I appeal to the Member and to other Members to restrict their questions to a reasonable number.

**The First Minister:** As the Assembly knows, the details of the activities of these bodies were set out in the report which the Deputy First Minister and I presented to the House on 18 December last year, and the report was approved by the House in two votes made in the first few months of this year.

What we are seeing now is introducing nothing new in terms of substance; it merely sets out some of the administrative arrangements necessary to implement the decisions taken by the Assembly on those occasions.

With regard to costs, I regret to say that I am not currently in a position to give the detailed answers that the Member has sought. I will not on this occasion offer to write to him but will refer him to the statement to be made tomorrow, with your permission, Mr Speaker, by the Minister of Finance and Personnel. I expect that his statement will contain figures which will show the planned expenditure for each body over the course of the next financial year. The Member can then make his own assessment as to the significance of that expenditure in relation to the objectives to be achieved.

As to the distribution of work between headquarters and sub- and regional offices, all I can say at present is that headquarters will be headquarters, and a sub-office will be a sub-office. The extent to which the work is divided between one and the other will obviously vary from body to body, and no decisions have yet been taken. These are comparatively minor administrative matters which, I am sure, Members will wish to pursue through the relevant Committees.

3.45 pm

**Mr Maskey:** Go raibh maith agat, a Chathaoirligh. Last week the First Minister and the Deputy First Minister commented publicly on this matter. However, I want to raise it in the context of yesterday's meeting of the North/South Ministerial Council. Last week Mr Adams drew attention to the fact that his car had been bugged by British Intelligence, or members of a similar network, at a very sensitive period in the negotiations. That was a scandalous breach of faith, given that the negotiations with the IRA were at a very critical point. I would like to ask the First Minister and the Deputy First Minister — *[Interruption]*

**Mr Speaker:** Order.

**Rev Dr Ian Paisley:** You are very good at calling down others.

**Mr Speaker:** I have been remarkably patient, as Hansard will demonstrate.

**Mr Maskey:** Thank you, a Chathaoirligh. The First Minister and the Deputy First Minister commented on this matter last week. Was the fact that a car used by elected representatives was bugged, particularly at a time when both those Members were involved in delicate negotiations, raised at the North/South Ministerial Council?

**The Deputy First Minister:** The matter was not raised by any of the Ministers present. The agenda for yesterday's meeting was itemised and was adhered to. I note the import of Mr Maskey's question. However, I repeat that the matter was not on the agenda. No Minister asked for it to be put on the agenda, nor was its absence raised by any Minister.

**Mr Neeson:** Do the First Minister and the Deputy First Minister agree that if the Assembly is to fulfil its proper role it must operate on the basis of accountability? Do they also agree that accountability also relates to issues which were agreed by the North/South Ministerial Council? If so, then details of the outline programme of work with regard to the six areas for co-operation which were earlier identified should be before the House. If those details are not forthcoming now, when can we expect to have them?

**The First Minister:** I refer the Member to the outlines of those additional areas of co-operation which were originally annexed to the statement that was made by myself and the Deputy First Minister on 18 December 1998. The Assembly, on that date, approved brief descriptions of the subject matter for co-operation through existing channels. Under the heading "Agriculture" it said

"Discussion of CAP issues; Animal and Plant Health Policy and Research; Rural Development."

Brief outlines were given of the areas for co-operation through existing channels at that stage. The report of 18 December 1998 has been reprinted several times.

In addition, officials have considered possible ways in which that co-operation can be carried out in practice. Those proposals will be tabled through sectoral meetings of the NSMC in the coming months. As there are six areas where there are implementation bodies and six areas where further co-operation is to be considered, it will take some time to work through those. The details of the working through of these matters will be fully available for discussion between the Ministers responsible and their Committees over the coming months.

This was done so that the Committee could, as it should, share with the Minister the development of

these matters. At the moment, no decision has been taken with regard to these six areas for further co-operation beyond what was decided by this House on 18 December. We now have to start to work out in detail the practical implications of what we decided then.

**Mr C Wilson:** Is the First Minister aware that by entering into the arrangements that he agreed to yesterday with the representatives of the Irish Government — the arrangements laid out by himself and the Deputy First Minister in their joint statement today — he was not acting in accordance with pledges that he had made to the electorate who put him in this Assembly? Indeed, he was not even acting for all the members of his party.

Does he agree, therefore, that in Armagh yesterday he was simply representing a minority of Unionists, that he had no mandate to enter into any such agreement with the representatives of the Government of the Irish Republic? Can the First Minister explain why in 1974 he and his Colleague Sir Reg Empey opposed the Council of Ireland under the power-sharing Executive? I remember Mr Empey stopping traffic at the top of Bradshaw's Brae. Regardless of how one felt about that arrangement — and I was totally opposed to it — at least it was not polluted by the presence of Sinn Féin/IRA.

Perhaps Mr Trimble can tell us when his Damascus Road conversion took place and how he can justify sitting down at a table with those who are still fully involved in illegal activities and still inextricably linked to terrorist organisations. The reality is, as Mr Trimble, if he were honest, would accept, that he is here claiming to represent the people on the basis of their 71% endorsement of the Belfast Agreement, even though that consent was manufactured.

**Mr Speaker:** Order. Questions are clear. Elaboration changes them into something else.

**The First Minister:** The Member who spoke is suffering from a misunderstanding of the nature of what was done. There was no agreement then that was in any sense analogous to the Belfast Agreement. Yesterday there was simply a working out of the detailed implementation of agreements already entered into — namely, agreements made by the Assembly when it approved the report brought forward by the Deputy First Minister and me. This report was published on 18 December last and was subject to votes in this Chamber on at least two occasions. That was the agreement that we were implementing, and, of course, that flowed directly from the Belfast Agreement — the existence of the North/South Ministerial Council and these particular areas for co-operation were, in many cases, foreshadowed in the Belfast Agreement itself.

The Member who spoke answered his own question when he pointed out that the Belfast Agreement had been endorsed by a clear and overwhelming majority of the people of Northern Ireland voting in a referendum. It was subsequently endorsed again in the Assembly elections. It is quite clear that there is democratic validity for what is being done. On another occasion I will be very happy to take the Member through the differences between what was done in 1998 and what was proposed in 1974 in order to point out the manifold nature of those differences to him, but it would not be appropriate to take the time of the House today.

**Mr B Hutchinson:** May I ask the First Minister what is the time commitment for persons occupying positions in the bodies and whether they receive remuneration of any description? Are they committed to one day a week, one week a month, or one month a year? Are all the boards subject to section 75 of the Northern Ireland Act?

**The First Minister:** On the question of remuneration I can tell the Assembly that members of the boards will receive £4,000 or IR£5,000 per annum, Vice Chairpersons £5,200 or IR£6,500, and Chairpersons £6,400 or IR£8,000. With regard to the amount of time involved I cannot give a detailed response now, but it is fairly clear that there are significant responsibilities.

The remuneration is entirely in line with that for equivalent posts in other public bodies. The figures were agreed by the Finance Ministries in Dublin and Belfast, and we are satisfied that the whole matter is entirely in accordance with existing practice.

**Ms McWilliams:** Can the First Minister and the Deputy First Minister confirm that the consultation which preceded the issue of the memorandum was inadequate and that they did not meet the remit that they set out for themselves in the report of 15 February 1999 — to have further consultations with parties on the draft before it was finalised in the North/South Ministerial Council? In particular, do they agree that parties are right to be critical on hearing for the first time the nominations to these bodies and, indeed, the remuneration? Nowadays public bodies go to press when looking for nominees, particularly in cases where the persons appointed will receive financial remuneration.

If the First Minister and the Deputy First Minister agree that the consultation with the parties, particularly those which were involved in the multi-party negotiations that helped to establish the implementation bodies, was inadequate, what steps will they take to improve consultation in the future, particularly in relation to the independent consultative forum that is referred to in paragraph 19 (strand two) and the joint parliamentary forum referred to in paragraph 18 (strand two)?



**The First Minister:** Members should bear in mind that in the last two weeks we have done a considerable number of things in quite a short time. Not everything has been achieved, and it is perfectly clear that some elements of the agreement have still to be put in place. These include the establishment of the Civic Forum and parliamentary groups and the consultative forums with regard to North/South co-operation, to which the Member referred. We will consider these matters and take them forward as soon as we can.

There was a clear desire on the part of a number of parties — ourselves included — to see these major building blocks put in place as soon as possible, particularly as so many months had elapsed. Agreement was reached in December 1998 and was implemented by legislation in March 1999. The delay in establishing these institutions was causing considerable uncertainty and inconvenience in the public services North and South, and it was natural that once the Assembly went live our next priority would be to have the inaugural meetings of the North/South Ministerial Council and the British-Irish Council and to start to implement those things agreed in December 1998 and January and March 1999.

I am sorry if the Member feels that the consultation was inadequate. There will be plenty of opportunities in the Assembly for consultation about the working out of these programmes — in particular, through the appropriate Committees, whose purpose is to enable Members to obtain information, to make their views known and to be involved in the development of policy.

4.00 pm

**The Deputy First Minister:** Prof McWilliams referred to the Civic Forum. It is a requirement that arrangements for its establishment be made within six months of devolution. Steps are being taken to ensure that that will happen. Maximum consultation will take place, in the same way as before, so that it will be a genuine consultative forum, as intended. The same applies to the proposed interparliamentary forum. I welcome debate on that, and I welcome very widespread consultation. This is one of the most important matters that the Assembly can consider. It derives directly from the Good Friday Agreement, as does the Civic Forum. [Interruption]

**Mr Speaker:** I remind Members that electronic devices such as telephones and pagers should be switched off, left outside or set in such a way that they upset only the Member and not the rest of us.

**Rev Dr William McCrea:** What about bugs?

**Mr Speaker:** The same applies to bugs. This rule applies not only to those of us in the Chamber but also to people in the Gallery.

**Rev Dr Ian Paisley:** On a point of order, Mr Speaker. I am not sure that I heard the Deputy First Minister correctly. I understood him to talk about decisions with regard to an interparliamentary body. What does he mean by that?

**Mr Speaker:** If Members have further questions, that is well and good, but I am not clear that that is a point of order.

**Mr McCartney:** I direct this question specifically to the First Minister. Is he not being at best disingenuous and at worst misleading when he refers to this House as having endorsed, on 18 December 1998 and in February 1999, the arrangements whose outworkings were dealt with at the meeting yesterday? At that time were the First Minister and his party not telling both this House and the pro-Unionist community that there would be no further outworkings of the agreement and that they would not be participating in any Executive unless guns were handed in?

Did he not, both at that time and subsequently in the European election, support the literature of the Ulster Unionist candidate, Mr Jim Nicholson, which specifically said that if guns were not handed in, there would be no participation in government? Is it not therefore quite wrong of the First Minister to chasten Members of the Assembly with the suggestion that what happened yesterday was authorised on the basis of what happened on 18 December 1998 and in February 1999, at which time he was advocating an entirely different set of circumstances to those which presently obtain?

The second leg of my question relates to the appointment of the various members of these boards, whose remuneration, but not the extent of whose duties, we have been hearing about today. I note that Mr Barry Fitzsimons of the Ulster Unionist Party, who helpfully seconded the First Minister's motion at the executive council, is one of the appointees. Mr Jack Allen, a former chairman of the Ulster Unionist Party and currently the party treasurer, is another. Mr Bertie Kerr, a well-known Fermanagh Ulster Unionist apparatchik and, I believe, father of the First Minister's public-relations man, is an appointee, as is Lord Laird, who was elevated to the House of Lords on Mr Trimble's recommendation. All these gentlemen are paid appointees to these bodies.

Was Mr Bertie Kerr, for example, appointed on the basis of his well-known expertise in the food and health industry, or was it simply a question of jobs for the boys? I suppose that Lord Castlereagh got it wrong in 1800 when he said that with the Act of Union he had purchased the fee simple of Irish political corruption. Or is this something that is purchased, First Minister, in each generation?

**The First Minister:** I am very surprised to hear aspersions being cast on the founder of the Union, but that is another matter.

On the question of whether the House has been misled by comments which I have made today, I am quite at a loss to understand it. It is clear that the arrangements for the cross-border implementation bodies and the areas for further co-operation which were agreed by the Assembly on 18 December and subsequently are exactly those that were put in place on the coming into operation of the Act. The Executive made some fairly routine administrative decisions regarding their operation and then saw them brought into effect through the meeting of the North/South Ministerial Council.

As to the Member's effusions about the identities and personalities of those appointed, we are satisfied that all these people are fit and proper to carry out the tasks that they will have to undertake.

**Mr McClarty:** Like Assemblyman John Dallat, I am encouraged to hear from the First Minister and the Deputy First Minister that the Northern Ireland office of the new tourism company is to be located in Coleraine. That decision is a reflection of the expertise and experience on the north coast. Over the years, my constituency (East Londonderry) and part of North Antrim, have marketed themselves as the Causeway Coast. In that area is to be found the jewel in the crown of tourism north and south of the border — the Giant's Causeway.

**Several Members:** Speech.

**Mr Speaker:** Order. I do not question the veracity of what the Member says, but he should address himself to the question as quickly as possible.

**Mr Ervine:** On a point of order, Mr Speaker. I do question the veracity of what he said. With all the noise around me, I cannot hear a damn thing.

**Mr Speaker:** Order. I call Mr McClarty for his question.

**Mr S Wilson:** On a point of order, Mr Speaker. Can you explain to the Member for East Belfast the difference between veracity and content? I think it was the content rather than the veracity that he was questioning.

**Mr Speaker:** I am tempted to explain the nature of a point of order to all hon Members, but I will content myself with calling Mr McClarty.

**Mr McClarty:** I am sorry for not getting to the question quickly enough — I have been in the company of the DUP for far too long. Can the First Minister and the Deputy First Minister indicate when they expect the new company to be formed, and how many jobs will initially be located in Coleraine?

**The First Minister:** The reasons for locating the Northern Ireland office of Tourism Ireland in Coleraine are obvious, as the Member has pointed out. It appeared to be an entirely appropriate place, and it was equally appropriate to have a sub-office in Northern Ireland. We expect that the new company will be formed following a meeting of the North/South Ministerial Council in the appropriate sectoral format. This is likely to take place early in the new year. The development of the company, its budgets and staffing will be matters for early consideration. The eventual staffing of the body will depend on the structural arrangements agreed by the council with the respective tourist boards.

We cannot, therefore, know exactly how many jobs will be located initially in Coleraine. We expect that the office will be large, given the need for a major initiative on tourism in Northern Ireland.

**Ms Lewsley:** How will the North/South implementation bodies be financed?

**The Deputy First Minister:** The implementation bodies will receive grants from money voted by the Northern Ireland Assembly and by Dáil Éireann. The North/South Ministerial Council, with the approval of the Finance Ministers both North and South, will recommend the amount of each grant. The relevant Ministers, both North and South, will consider the financing of each implementation body when the North/South Ministerial Council meets in sectoral format. For the North/South Ministerial Council to decide such matters in yesterday's plenary format would not have been efficient. It is more efficient to deal with that matter in sectoral format when all the lead Ministers in each sector will be present.

**Mr S Wilson:** Will the First Minister comment on the statement he made before yesterday's meeting of the North/South Ministerial Council? He claimed that

"The vast majority of Unionists have always supported a mechanism that would facilitate co-operation between Northern Ireland and the Republic but which did not seek to undermine our constitutional sovereignty."

Shortly before the First Minister made that comment Mr Martin McGuinness of Sinn Féin, speaking to the same group of reporters, claimed

"I think that today's development is an exciting, even a joyous occasion. It will see as its culmination the eventual unity of Ireland."

I understand that, in the past, both Mr Trimble and Mr McGuinness have had some difficulty with the truth. Perhaps the First Minister will tell us who is lying in this particular case.

**Mr Speaker:** I should caution the Member. By asking that specific question, he is out of order.

**Mr S Wilson:** Perhaps the First Minister will tell us which of the two is telling the truth?

In the light of the extensive work programme referred to in the document and of the comments made by the Prime Minister of the Irish Republic before the meeting when he said

“We are not going to do all this and then go back”

will the First Minister confirm that this work programme will continue if there is no decommissioning of terrorist weapons? Will there be a going back or not?

Finally, it seems that party position has been the basis on which some of the appointments have been made. We have had no indication of the cost of the implementation bodies to be set up; and we have had no indication of the amount of work involved, and so on. Will the First Minister say whether a series of questions on a statement on which there is no debate or vote — to use his words to his party on 9 January — “before the vital vote on the setting up of these bodies” represents complete accountability of the bodies to the Assembly?

**The First Minister:** This does provide accountability to the Assembly. The North/South Ministerial Council will be more accountable to the Assembly than other bodies and organisations. If a Department decided to establish an office at a particular location, that would not be discussed at length on the Floor of the House.

4.15 pm

I have no doubt that there will be a higher level of accountability on this issue coming not just through this statement but through other channels as well.

On the question of costs, I refer the Member to my earlier comments. When the Minister of Finance and Personnel makes his budget statement tomorrow, he will give an indication of the cost of each of the implementation bodies. I do not have the figures to hand, and even if I had, I do not think it would be appropriate for me to give them in advance of the Budget statement.

As to whether this institution will go forward or back, of course we hope that it goes forward, although we are also aware of the factors that could disrupt progress. As to the Member’s opening question when he referred to my statements, I have no doubt as to the accuracy of what I said about Northern Ireland’s position as it is today in law and the lack of any constitutional implications of these bodies. The other statement that he referred to was of an aspirational character referring to possible events in the future. I have at present no knowledge as to whether this statement is inaccurate, but I believe it will prove not to be so.

**Mr M Murphy:** A Chathaoirligh, do the First Minister and the Deputy First Minister agree that the North/South ministerial cross-border institutions threaten no one and benefit everyone in the areas covered — loughs, waterways, roadways, agricultural trade and business developments? Do they also agree that the locations of the six border implementation bodies will enhance areas that have been deprived of positive development for so long? Having said that, I would like to welcome the Trade and Business Development Board to my home town of Newry. Do they also agree that following from that co-operation the North/South Ministerial Council will establish a co-ordinated and integrated approach to the development of the cross-border road links?

**The Deputy First Minister:** I fully agree that what was decided yesterday, what we are reporting on today — which will be part of the ongoing political process — threatens no one. It is something that can and will be of benefit to the people of Ireland, North and South. It will be of benefit to people in every part of the island. In Northern Ireland especially, it gives an opportunity to diversify, to expand and to have the type of relationship with the South of Ireland which makes sense in the type of world we live in nowadays. The world has shrunk in such a way that Ireland is now, whichever part of it we speak about, a very small place, and it is only by partnership that threatens no one and that will threaten no one that we can maximise our influence in socio-economic terms.

I fully agree with the Member regarding the locations. I believe that the institutions will be beneficial to the areas in which they are placed. They will have a substantial spin-off in terms of not just employment but also of status and in the type of involvement which we hope to encourage in terms of decentralisation as it applies in the application of these locations and surely will continue to apply in the various sectors of Government as we move along.

With regard to the Member’s last question, would that the Minister who is in charge of roads were sitting on the North/South Ministerial Council. I assure the Member that this matter will not go by default because of his absence. It is a matter that is particularly dear to my heart — and other parts of my anatomy considering the state of the roads at present.

**Mr K Robinson:** Can the First Minister and the Deputy First Minister confirm that the finance for the implementation bodies will be voted by the Assembly on an annual basis and that the House will therefore be able to check on their activities and how efficient they are? In these days of equality, East Antrim has been missed from the list of North/South bodies. For that I am thankful, but the best of it is that there are to be



East/West bodies, and the towns of Larne, Carrickfergus and Newtownabbey are available to host them.

**The First Minister:** It may interest Members to know that the Ullans agency that will deal with Ulster-Scots, while located in Belfast, does intend to have an outreach programme, which I am sure will not ignore East Antrim.

The answer to the most important first question about authority and accountability is simply "Yes". Finance for the implementation bodies will come through the Assembly and, of course, through the Dáil in Dublin. There is accountability to both institutions.

**Mr A Maginness:** May I congratulate both the First Minister and the Deputy First Minister on the successful and historic first meeting of the North/South Ministerial Council which will, we hope, open a new chapter in relations between North and South.

May I ask the First Minister and the Deputy First Minister what is the status of the Memorandum of Understanding and Procedure which was referred to by Dr Paisley? May I also welcome the nominations to the boards of the North/South bodies and ask what criteria were used for choosing the members?

**The Deputy First Minister:** The Memorandum of Understanding and Procedure is the product of very lengthy negotiations between officials North and South. Its function is to set out the arrangements for the proceedings and operation of the North/South Ministerial Council. Of course, the memorandum is not legally binding. Rather, as its name suggests, it represents simply an informal understanding between the two Administrations, North and South, on how the North/South Ministerial Council should operate. Either side can at any time propose changes to it, although any such changes will be adopted only by mutual agreement between the two sides, North and South.

It is important to note that nothing in the Memorandum of Understanding and Procedure overrides the Good Friday Agreement. Officials went to considerable efforts to root the memorandum very carefully in the provisions of that agreement. That is why, before every paragraph of the memorandum, is corresponding provisions of strand two of the Good Friday Agreement are reproduced in full. It was felt that it was appropriate to clarify that the Memorandum of Understanding and Procedure flowed directly from the agreement and was fully compatible with its provisions.

In relation to the boards, I thank the Assemblyman for his kind words. Fifty per cent of the board members were nominated by the Northern side of the North/South Ministerial Council and 50% by the Southern side.

It was important to have each board reflecting —  
[*Interruption*]

**Mr Wells:** On a point of order, Mr Speaker. It is obvious that the Deputy First Minister is reading a prepared answer. Could it be that Ulster Unionist and SDLP Back-Benchers were handed "probing" questions this morning?

**Mr Speaker:** Order. It is perfectly in order for Ministers to use prepared briefs. I am sure that when the Member's Colleagues respond they will also be using well-prepared briefs.

**The Deputy First Minister:** Mr Speaker, I sincerely hope that neither the Assemblyman nor any Member of the Assembly will expect Ministers to come here without adequate preparation.

It is important to cover the comprehensive span of the boards and, in some cases, the specific locations such as the Foyle, Carlingford and Irish Lights Commission. It is also important to draw on experience from the private as well as the public sector, for example, in the Trade and Business Development Body.

It was important to secure the diversity of cultural backgrounds, for example, in the Languages Board. I should like to make clear that the procedures for public appointments as set down by the Commissioner for Public Appointments do not apply to appointments to implementation boards. It was not, in any case, practicable to use these procedures as it was necessary to appoint board members quickly so that the implementation bodies could start working.

**Mr Wells:** Mr Speaker, I have not given advance notice of this question to either the First Minister or the Deputy First Minister. I am surprised that the First Minister has put his name to a communiqué and a statement which clearly made a fundamental mistake in the naming of the city which lies at the mouth of the Foyle. I would like to remind Members that the Loughs Agency will be based in Londonderry, and I hope that the First Minister will not in future sign any documents which get that wrong. It is Londonderry and will remain Londonderry.

**Mr Hussey:** On a point of order, Mr Speaker. I listened clearly and heard "Londonderry".

**Mr Wells:** The communiqué issued yesterday did not say Londonderry, and the statement in my hand does not say Londonderry. It is Londonderry and will remain Londonderry. I hope the First Minister remembers that, and if it sticks in the throats — [*Interruption*]

**Mr Speaker:** Order. This is an opportunity for the Member to ask a question.

**Mr Wells:** Is the First Minister aware of the implications of the Loughs Agency for the Carlingford Lough area? Is he aware that it will have control not only of the lough but also of all the rivers flowing into it? This will mean that a huge area, including places as

far away as Rathfriland, will be covered by bailiffs from the Irish Republic who will be based in an office in either Omeath or Greenore. Is he aware that bailiffs of the existing Fisheries Conservancy Board for Northern Ireland will be made redundant so that these new staff can be given their powers? Is he aware that fishermen from both sides of that community are incensed because they will have to buy licences from the Fisheries Conservancy Board and the Loughs Agency? One licence may have to be paid in sterling and the other in punts. This body is handing control of major fisheries such as the Clanrye, the Kilkeel River and the Whitewater into the hands of people who do not live in Northern Ireland and have no experience of controlling its fisheries. As a result of this decision, perfectly good staff will be made redundant.

**The First Minister:** There are a number of assumptions in the second part of the question, and they are, at present, only that. The arrangements that will take place with regard to regulation will be analogous to those that have been in place in the Foyle River basin for 45 years. In respect of certain operations, bailiffs have worked on the Northern Ireland side and the Republic of Ireland side throughout those 45 years. The assumption that the new agency in Carlingford will immediately dispense with the services of all currently operating in that area, who know it well, and recruit new people is a bold one. I caution the Member to wait and see what will happen in practice.

With regard to the first question, as someone with quite a few ancestors in the city cemetery in Londonderry, I am well aware of the distinction which exists between Derry City Council and the City of Londonderry.

4.30 pm

**Mr McElduff:** A Chathaoirleach. Ba mhaith liom ar dtús fearadh na fáilte a chur roimh an fhoras uile-Éireann don Ghaeilge, a bheidh suite i mBaile Átha Cliath agus i mBéal Feirste. Tá ceist na Gaeilge fíor-thábhachtach agus aithníonn an comhaontú an fhírinne seo. Cé gur maith an rud é go bhfuil an foras seo á chur ar bun, níl ann ach tús. An gcuireann an Chéad-Aire agus an LeasChéad-Aire fáilte roimhe seo agus an bhfuil siad sásta eolas a thabhairt dúinn ar bhallraíocht—

**Mr Hussey:** On a point of order, Mr Speaker. Can you clarify if this is a statement or a question please?

**Mr Speaker:** I can. It is a number of questions.

**Mr McElduff:** Go raibh maith agat, a Derek as sin—ar ghnóthaí airgid agus ar phearsanra an fhorais?

**Mr S Wilson:** Can you translate that for the rest of your party?

**Mr Maskey:** On a point of order, Mr Speaker. Would the Members who are being derogatory about a particular language take the same attitude if Ulster-Scots were being spoken in the Chamber? It may happen at some point, given that there are now provisions for an implementation body to promote that language.

**A Member:** Maybe some of them will learn it.

**Mr Speaker:** It is important that we afford each other the courtesy of being heard and, if it is possible, the courtesies of understanding and being understood.

**Mr Paisley Jnr:** On a point of order, Mr Speaker. Would it not be courteous to the rest of the House for Members to ask questions in a language that the vast majority of other Members understand?

**Mr Speaker:** I have repeatedly requested that what is said be repeated in the language that people generally understand. If that does not happen, only the Clerks and I have a translation available, and that is to ensure a point of order. I am not sure whether, if it is not clarified in English, the First Minister or the Deputy First Minister will feel free to reply, although the Deputy First Minister may be in a better position to do so than the First Minister.

**Mr Irvine:** Further to that point of order, Mr Speaker. I remember quite a debate on this on the Standing Orders Committee, and it was decided that no extra time would be allowed for translation. While there is no specific time for questions, you have made it clear that they should be kept to a minimum. That being the case, is it fair to now allow a translation into English?

**Mr Speaker:** The time limit that existed in the past was in the Initial Standing Orders. The time limit that applies now is one hour for questions and answers, though when points of order are raised that time is not — under my instruction — taken out of the one-hour period.

**The Deputy First Minister:** On a point of order, Mr Speaker. Like Assemblyman McElduff I welcome the creation of the language bodies. I welcome the fact that both languages, Ullans and Irish, will now be matters for consideration, North and South, at that level. I would like to believe that all of us in the House regard our language, traditions and heritage as a part of our cultural being and not as a political flagship or a political issue with which to promote what we regard as our culture, or to denigrate anyone else's. It is that respect, and, indeed, self-respect, which should inspire anybody involved in these two bodies to try to create a cultural unity that will accommodate the type of cultural diversity which is so needed in our society.

**Mr McElduff:** On a point of order, Mr Speaker. An dtig liom leanúint ar aghaidh leis an cheist?

May I continue with my question?

**Mr Speaker:** No, I am afraid you may not. I thought that I was calling the Deputy First Minister on a point of order. It is clear that he was responding to the question and giving a translation to the rest of the Members who did not understand it. It is for that reason that I had the clock started again. Clearly it was not a point of order, and Members are reasonably aware of what the question and the answer were.

**Mr McElduff:** On a point of order, Mr Speaker. With respect, I did not get my entire question.

**Mr Speaker:** That is clear, but a number of Members were not able to put all their questions, and not all Members were entirely pleased when I raised a point of order on the continuation of the questions.

**Mr Maskey:** On a point of order, Mr Speaker. The First Minister said to my Colleague Mr Barry McElduff "Too bad." That does not show good leadership, and it certainly does not demonstrate that the First Minister is living up to his position. He should show a little more maturity, though I realise that he sometimes finds that difficult.

**Mr Speaker:** Order. Asking questions about how Ministers are or are not responding, though one may have one's own thoughts or feelings about them, is not in order.

**Mr McFarland:** On a point of order, Mr Speaker. Does the principle that someone speaking in a language other than English should translate into English for the rest of us still apply in spite of what has just happened?

**Mr Speaker:** That practice was established as a courtesy at my request. I cannot do more, for there is no such requirement. *[Interruption]*

**A Member:** Point of information, Mr Speaker.

**Mr Speaker:** I am afraid there is no such thing as a point of information, and it is not proper to intervene while I am responding to a point of order.

As far as this is concerned, there is a dilemma. If someone takes the opportunity to speak in a language which other Members do not understand and then translates, this comes out of the time for questions, and that is not entirely fair to other Members. This is the case no matter what the language, and it may raise the question of whether the House wishes to go down the road of translation.

This matter is not dealt with in Standing Orders. It is not something which I can facilitate, but in trying to be fair to all Members, I must point out that if we request or insist upon a translation, that will eat up the time for questions, and that will not be entirely fair either. It was dealt with differently under the Initial Standing Orders, in that there was a time limit of 10 minutes, and no

matter what was being said, it came to an end then. That is not the situation now.

**Mr Paisley Jnr:** Further to the point of order, Mr Speaker. Can you confirm that if a Member from Sinn Féin/IRA, or any other party, wishes to waste his time and energy speaking in a language that the vast majority of the rest of us do not understand, that is a waste of his time? Please do not waste our time by forcing us to listen twice to the same gobbledegook.

**Mr Speaker:** I do not think that speaking in terms of this kind about things that are important to other people is helpful, respectful or characteristic of the courtesy which Members in general have tried to show in the House.

**Mr Hussey:** Further to the point of order, Mr Speaker. I understand perfectly what you are saying with regard to Members affording other Members the courtesy of being heard, and I am sure we all agree. Do you agree that a recent disruption at a police community liaison meeting in Omagh by Mr McElduff and supporters of Sinn Féin —

**Mr Speaker:** Order. That is very clearly not a point of order and not relevant to the Chamber.

**Mr Ervine:** Taking into account the fact that the First Minister and the Deputy First Minister did not consult as widely as they would have wished in respect of the appointments or nominations, will the First Minister tell the Assembly how many of the usual suspects appointed as members of the implementation advisory boards have stood for election in Northern Ireland, and which parties they represented? Does the First or Deputy First Minister share with me a desire that all Assembly Members should have their cars fitted with karaoke machines?

**The First Minister:** I am afraid that I did not catch the last question, so I am not in a position to respond. As to the substance of the first, I regret to say that I am not in a position to state how many of those appointed have stood for election either in Northern Ireland or in the Republic of Ireland, as the information is not available to me. I think maybe two. I see four digits are being held up by a Member. Whether it is possible to research that, I do not know. I cannot give that information.

As to the question of consultation, as we said earlier, there was an urgency to get things moving after the long delays, and I am sure Mr Ervine understands that. He will, I am sure, also understand that when we come to the more normal operation of these arrangements many opportunities will arise through Committees, through the Assembly and through specific consultations and debates to ensure that these institutions and co-operation schemes evolve with the widest possible consultation and involvement of the Assembly. It is our

intention to be as transparent as we can in all of this. That is why we were happy to make this statement and, indeed, to respond to the questions. I am sure the hon Member will share with me the feeling that some of the questions could have been more focused so that not so much time was wasted.

**Mr Speaker:** Order. The time is up, and we must move to the next item of business. *[Interruption]*

**Several Members:** No.

**Mr Speaker:** It is not a question of whether Members wish to; it is a matter of abiding by the Standing Orders.

I will give a minute for the First Minister and the Deputy First Minister to relocate. In fact, the First Minister already has.

## JUNIOR MINISTERIAL OFFICES

### *Motion made:*

That this Assembly approves the determination by the First Minister and the Deputy First Minister of the number of junior ministerial offices, the procedure for appointment and the functions which would be exercisable by the holder of each such office. — *[The First Minister and the Deputy First Minister]*

**The First Minister (Mr Trimble):** I should like to introduce the determination on the Order Paper under Executive Committee Business. The draft determination before the Assembly concerns junior Ministers. Section 19 of the Northern Ireland Act provides that the First Minister and the Deputy First Minister, acting jointly, may, at any time, determine that a number of Members should be appointed as junior Ministers and what functions should be exercisable by them. We have made a joint determination which would allow for the appointment of two junior Ministers by the First Minister and the Deputy First Minister. To be effective, such determination must be approved by the Assembly and, if approved, the First Minister and the Deputy First Minister have seven days to make the appointments. This does not preclude further appointments in the future, but the current ones would be to the Office of the First Minister and the Deputy First Minister, and, consequently, the persons appointed must command their confidence.

4.45 pm

The functions of these junior Ministers are set out in the determination. They cover the discrete policy areas of the Office of the First Minister and Deputy First Minister but not the responsibility for the institutional elements relating to the Executive Committee, the North/South Ministerial Council, the British-Irish Council or the British-Irish Intergovernmental Conference, which matters fall to the First Minister and Deputy First Minister as of right.

The Office of the First Minister and the Deputy First Minister is one of the new Northern Ireland Departments. The report we made to the Assembly on 15 February 1999 outlined the responsibilities of the Office. The Office of the First Minister and the Deputy First Minister has responsibility for the Economic Policy Unit, equality and community relations. It will liaise with the North/South Ministerial Council, the British-Irish Council, the British-Irish Governmental Conference, the Civic Forum, the International Fund for Ireland and with the Secretary of State on excepted and reserved matters.

The Office of the First Minister and Deputy First Minister will also deal with European affairs and international matters, and it will include the Policy Innovation Unit and the Executive Information Service. In addition, the Office will undertake important work in



relation to human rights and equality, and it will be responsible for the Office of the Legislative Counsel.

The First Minister and the Deputy First Minister also have extremely important joint functions under strand one of the Good Friday Agreement. They convene and preside over the Executive Committee and co-ordinate its work and the response of the Northern Ireland Administration to external relations.

A crucial feature of the Office of the First Minister and the Deputy First Minister is that it is a Department headed jointly by myself and the Deputy First Minister. There is, consequently and inevitably, a considerable element of negotiation between the two parts of the Office involved in jointly resolving policies and actions, and this places a particular burden on it which other Departments do not carry.

Members will recall that the report of the First Minister and the Deputy First Minister set out in detail some of the functions of the Economic Policy Unit. I do not need to rehearse all those functions in detail. They include undertaking, together with the Minister of Finance and Personnel and the Secretary of State, negotiations with the Treasury on the size of the Northern Ireland block grant and on European Union and International Fund for Ireland funding; determining, within the Executive Committee, the Administration's detailed strategic goals and inputting them into the programme of government and the allocation of financial resources; co-ordinating the Executive's economic policies and monitoring the effectiveness of public spending in achieving the Administration's economic goals, including having responsibility for the economic and social steering groups; co-ordinating European Union policy and reviewing the progress and effectiveness of European Union and International Fund for Ireland funding; and providing central initiatives such as the Policy Innovation Unit and improving the effectiveness of management in government.

Members will be aware of the importance of equality and human rights matters in the Belfast Agreement. That is reflected in the provisions of the Northern Ireland Act, creating, as it does, a single Equality Commission and establishing the Human Rights Commission. The legislative and executive competence of the Assembly, Ministers and Northern Ireland Departments is constrained by the obligation to act compatibly with the rights contained in the European Convention on Human Rights. That convention is now operative with regard to devolved matters in Northern Ireland, even if the Human Rights Act is not yet in force with regard to other matters. The Assembly has no power to pass legislation requiring Ministers or Departments to do anything which discriminates against any person on the grounds of religious belief or political opinion. The Act also requires equality schemes to be

prepared by public offices. These are critical functions for the Northern Ireland Executive Committee, and they will require sustained ministerial oversight.

I have given a picture of the functions of the Office of the First Minister and the Deputy First Minister, and I have underlined the wide range and critical importance of those functions in a number of crucial areas but particularly in respect of matters of policy co-ordination. This is a remarkable burden that the Deputy First Minister and I have to carry, and it was for that reason that I reached the conclusion that we urgently need ministerial deputies to whom much of the day-to-day work could be delegated and done under our joint supervision.

In mentioning the extent of the burden, I do not intend in any way to diminish the role of other ministerial colleagues in running their Departments, but I think that it will be acknowledged that the First Minister and the Deputy First Minister have a role in their own Department and in and through the Executive Committee which differs significantly from that of a departmental Minister.

**The Deputy First Minister (Mr Mallon):** It is crucially important that the work of the Office of the First Minister and the Deputy First Minister should not suffer from the attention of its Ministers being focused on the wider issues that the Administration as a whole has to face and the very demanding representative role that they both have to play at regional, national and international level. Accordingly, the First Minister and I have decided that it would be in the best interests of our Department if it were to be assisted by two junior Ministers.

I wish to say how we propose junior Ministers should operate and how they should be appointed. Junior Ministers would operate entirely under the direction and control of the First Minister and the Deputy First Minister, who will remain responsible to the Assembly for all that happens in that office. That is as it should be.

The First Minister and the Deputy First Minister operate jointly, decisions have to be taken jointly, and in appointing junior Ministers we must have regard to that. Each of the two junior Ministers will be responsible for assisting the First Minister and the Deputy First Minister in the exercise of their functions in relation to the Office of the First Minister and the Deputy First Minister.

**Rev Dr Ian Paisley:** Will the Deputy First Minister and the First Minister alone answer in the House, or will the junior Ministers also answer in respect of their particular brief?

**A Member:** In Committees.

**Rev Dr Ian Paisley:** And in Committees.



**The Deputy First Minister:** I will deal with that matter later. As I have said, in parallel with the joint responsibility of the First Minister and the Deputy First Minister, each of the two junior Ministers will have joint responsibility. However, within that arrangement there is substantial specific and urgent work for junior Ministers to take forward, particularly with regard to the Economic Policy Unit, the Equality Unit and work on community relations, the Civic Forum and victims. That is a huge panoply within the Equality Unit — so huge that when we were in serious deliberations about Departments many Members, with some justification, advocated that the issue of equality should have a Department of its own. I am conscious of the fact that there are enormous amounts of work to be done in that unit, not least in relation to the question of women's rights and the rights of children.

It is understood that it may arise that the junior Ministers, rather than the First Minister and the Deputy First Minister, should appear before Assembly Committees to answer questions. We will make arrangements in the Office of the First Minister and the Deputy First Minister to decide how junior Ministers will appear and exercise accountability to the Assembly.

There have already been suggestions that the appointment of junior Ministers should be taken forward by using the d'Hondt mechanism which led to the appointment of Ministers to this Executive. I understand why that may seem superficially attractive. The First Minister and Deputy First Minister need to have full confidence in the junior Ministers. Those junior Ministers will act under the direction and control of the First Minister and Deputy First Minister and will pursue policy objectives that are endorsed by both of us.

To draw junior Ministers from other parties would cause difficulties in at least two ways. First, there would be difficulties for the junior Ministers themselves. They would need to subordinate their own political views to those of the First Minister and the Deputy First Minister in carrying forward the policy and direction that is jointly established by us. Secondly, there would be difficulties in terms of our confidence in junior Ministers who hold different political philosophies and beliefs.

We have made it clear that this is an initial determination. On the basis of the merits of the arguments, we shall have to consider whether other colleagues will also need junior Ministers. Given the limited amount of time that they have been in post, it has not been possible to form a sensible judgement about that.

There is one safeguard worth mentioning. Any future determination for junior Ministers will automatically result in junior Ministers who are appointed under this determination ceasing to hold office. In other words, any future determination must cover all junior

ministerial appointments. That means that there is no question of our adding to the number of junior Ministers without the Assembly's being able to view the overall position and form a judgement about whether the allocation of junior Ministers is in line with the needs of government.

We have therefore determined, as we were empowered to do by section 19(1) of the Northern Ireland Act 1998, that two Members will be appointed as junior Ministers, that the appointments will be made by the First Minister and the Deputy First Minister acting jointly, and that the function of the junior Ministers will be to assist the First Minister and the Deputy First Minister in the exercise of the full range of policy responsibilities of their Office.

This determination meets specific identified needs. Good government requires the appointment of junior Ministers in the Office of the First Minister and the Deputy First Minister to carry forward the important policy areas that the Assembly has decided should reside there.

**Mr Speaker:** In order to avoid confusion, may I point out that when the First Minister and the Deputy First Minister are acting jointly that will be identified as such on the Order Paper. Therefore any proposal by them will be a joint proposal. That is why, as in this case, Members will find both of them speaking at the same point in the debate.

When they table a motion to which both names are appended but are not specifically acting as the First Minister and the Deputy First Minister, one of them may move a motion and make the winding-up speech, or one may move the motion and the other deliver the winding-up speech. There is a difference between that and the provisions in the Initial Standing Orders under which only one person could move a motion and deliver the winding-up speech. I mention that to avoid confusion and because it may be relevant to the amendment in the names of Dr Paisley and Mr Dodds.

**Mr Dodds:** I beg to move the following amendment: Delete all the words after "That" and add

"this Assembly, keeping in mind that the First Minister and the Deputy First Minister have already six paid assistants in their Office, disapproves their determination to appoint two further, junior Ministers."

The amendment stands in my name and that of Rev Dr Ian Paisley. First, I listened carefully to the First Minister and the Deputy First Minister and heard the list of responsibilities which the First Minister read out. Any Minister could list a considerable number of responsibilities, some of them in a broad range of policy areas, yet Ministers have one special adviser and one private office. Let us set this matter in context. Members will recall that when proposals were being drawn up about the membership of the Assembly, the Democratic

Unionist Party made it clear that 108 Members were far too many. However, it was agreed that there should be 108 Members.

If I am correct, this happened at the particular insistence of one of the smaller parties, which did not succeed in getting elected to this House. It was adamant that six Members should be elected from each of the 18 constituencies. The number of Members was dictated not by the interests or the needs of the people of Northern Ireland but by political considerations and for political interests.

5.00 pm

Similarly, when the House determined the number of Departments, it was clear to many of us that there was no real justification in having 10 Departments to serve the people of Northern Ireland and meet the needs of the community. As we pointed out at the time, the Deputy First Minister, Mr Mallon, was on record in a Sunday newspaper as saying that this happened for political reasons, to ensure that sufficient places were created to satisfy the political demands of parties in the House.

Once again, to satisfy paper needs, there is a proposal for two junior Ministers for the Office of the First Minister and the Deputy First Minister. Nothing said by the two Gentlemen who have spoken has given any real justification for the appointment of two more Ministers, no doubt with two more private offices, more civil servants at their beck and call and special advisers in addition to those already there — three special advisers, each with a private office.

When one considers what is already at the disposal of the First Minister and the Deputy First Minister to assist them in the execution of the various duties which they are asked to perform under the terms of the legislation and by agreement with the House, one cannot sensibly come to the conclusion that this justifies the appointment of two more Ministers — other than for the purposes of putting political appointees in positions and creating jobs for the boys.

I was interested to hear Mr Mallon say that it would not be possible or feasible or realistic to have junior Ministers who did not have the same political affiliation as their principals. Yet we have a First Minister and a Deputy First Minister who are of different parties.

**A Member:** Are they? *[Laughter]*

**Mr Dodds:** Others can develop that point. They have had their differences, yet it is impossible, we are told, to have junior Ministers who are from different parties, even though the entire system of government set up around this Assembly —

**Mr A Maginness** *rose*.

**Mr Dodds:** Mr Maginness may have questions about who is going to fill these junior ministries and so on, but he should address them to Mr Mallon. There will be opportunities in the debate for others to participate.

The reality is that the argument that junior Ministers may not be from different political parties does not stand up. The two senior Gentlemen are from different political parties, and the Government is made up of different political parties.

I find it disturbing that the determination contains no job description for these junior Ministers. We know only that they will assist the First Minister and the Deputy First Minister in the exercising of their functions. What functions these junior Ministers will exercise has been left completely open, and we are to be asked to vote for them even though we do not know specifically what they will do. After hearing from the First Minister and the Deputy First Minister we still do not know exactly what the lines of accountability are going to be. Will the junior Ministers come forward to answer questions in this House on behalf of the First Minister and the Deputy First Minister? Will they go to the Committee of the Centre?

I hope that we will eventually get a Committee set up to examine the functions of the Centre, for, having taken the decision last week to set up two Standing Committees, I notice that this week we are going to abolish those Committees and set up a different one.

Will the junior Ministers stand in for their superiors in the Committee? That has not been indicated either. It is quite clear that there is no real justification for these appointments. It is purely a case of ensuring a little bit more political patronage so that Mr Trimble and Mr Mallon can satisfy members of their own parties.

Northern Ireland will be the most over-governed part of Europe that it is possible to imagine, with many Ministers, junior Ministers, Assembly Members, councils and quangos. The House is aware of the feedback from the community last week, yet here we are, on the proposal of the First Minister and the Deputy First Minister, once again being asked to spend more on posts that are unnecessary in terms of the functioning of the Office of the First Minister and the Deputy First Minister. Two Ministers are surely enough. They would not want to admit that they are not up to carrying out all the functions that are within the remit of this determination. Are they saying that they cannot handle it, that they do not have the time to do it, or that other pressing engagements take up their time and they need extra help? No proper, coherent case has been presented. It is clearly a case of jobs for the boys, and the House should reject it.

**Mr Speaker:** The debate will now be on the amendment. If the amendment is passed, there will be

no vote on the substantive motion. If the amendment falls, there will be a vote on the motion.

**Mr McLaughlin:** Go raibh maith agat, a Chathaoirligh. Sinn Féin will vote against the amendment. We recognise the need for junior Ministers. That has been our consistent position. However, we have considerable difficulty with the determination because it is so imprecise. Why is the Assembly being asked to vote for what will be virtually a blank cheque for the First Minister and Deputy First Minister?

We have agreed and have given authority to the First Minister and the Deputy First Minister to nominate and appoint, but we require them to give us specific information about the functions. The documentation states that the junior Ministers will assist the First Minister and the Deputy First Minister in exercising of their functions. That has to qualify as the most indeterminate determination possible.

The point was well made by the proposer of the amendment that the Assembly is not equipped with the information that would allow it to make an informed decision. Is there any good reason why the Assembly was not afforded the courtesy of such information? Why should Assembly Members have to rely on media speculation about what is in the minds of the First Minister and the Deputy First Minister? Even a home help would be given a job description. This is a serious issue.

There is possibly a disagreement about how the functions of the Office of the First Minister and the Deputy First Minister should be divided. Perhaps a convention of “I’ll have whatever you’re having, and let us set aside all this trouble with accountability, proportionality and inclusiveness” has been arrived at.

If this Assembly is about anything, it is about a new beginning. We should set jobbery behind us for ever. Throughout the tortuous process that brought the Assembly into existence, Sinn Féin campaigned for transparency and accountability. We argued for checks and balances, democratic inclusiveness and proportionality. We have campaigned, as every party here will testify, for senior stand-alone Departments to be established for equality and children’s rights. We have also argued vociferously that the Office of the First Minister and the Deputy First Minister is top-heavy.

It is not surprising that there is a need for junior Ministers. If we had gone for a more equitable distribution across the Departments, this issue might not now be before the House. Despite our disappointment at losing those arguments in last year’s negotiations, Sinn Féin Members were hopeful that our concerns would be addressed by the First Minister and the Deputy First Minister. Regrettably that has not happened. They have spurned an opportunity to demonstrate a wider vision

for our society. They have chosen to forgo an opportunity to set aside party political interests for the wider interest. It is a matter of great regret that they have chosen jobs for the boys rather than inclusion.

The Office of the Centre is to become a closed shop for the Ulster Unionist Party and the SDLP. In their remarks, neither the First Minister nor the Deputy First Minister had the grace to admit that that is their position. Sinn Féin will vote against the motion and against the amendment. We shall ask the First Minister and the Deputy First Minister to reconsider this matter, both in terms of the specified functions of the junior Ministers and in respect of the benefits to the new political process of an inclusive approach that could bring some of the smaller parties into the frame. Go raibh mile maith agat.

**Mr Ford:** As has already been said, this is a rerun of the debate of 15 and 16 February, when we covered the report from the then First Minister (Designate) and Deputy First Minister (Designate). In that debate Members expressed concern about openness and accountability. As Mr McLaughlin says, we also discussed the setting up of Departments and the issue of equality, human rights, community relations and victims needing a Department of their own.

The determination is extraordinarily vague. I wish I had thought of the “indeterminate determination” line. I listened to the First Minister and Deputy First Minister, and I think that we have at least established something a little bit more determinate than was initially put on paper. It would have been much better if it had been put on paper in the first place. We seem to be discussing two major functions — the economic policy unit, with European connections and all that that implies, and the equality human rights, et cetera agenda. It is sad that issues such as community relations and victims’ rights are now regarded as an “et cetera”. We have not had the level of detail I had hoped for, although the Ministers did start to put a little flesh on the bones.

I am concerned about their raising the issue of confidence between Ministers and junior Ministers. Perhaps it is a statement of the current situation. Confidence is not exactly brimming over in the Chamber. It is understandable that people want their friends beside them. One reason Alliance Party Members will not take any junior Ministerial posts is that we do not see that as a viable option for a party which has no seats in the Executive. I welcome the Deputy First Minister’s assurance that any future determination on junior Ministers will affect the existing appointments. Therefore the matter has to be kept under review.

5.15 pm

I have considerable problems with the amendment proposed by the DUP. Mr Dodds eloquently explained



some of the problems but failed to outline many of the solutions. Had he been querying the six paid assistants, rather than the appointment of junior Ministers, he might have had more sympathy from my party.

Mr McLaughlin asked for some information. I hope that the Ministers, when they wind up, will add to the information given so far. I take issue with him on one point. He said that the arguments were not won — referring to the setting up of Departments in the December statement. Some Members did win the arguments, but the two largest parties dictated what was going to happen. Members will have to take issue on how that will be handled when the four-year review comes up. Clearly there are problems. Junior Ministers are needed now because the only alternative is to reconsider the way the 10 Departments were cast last December. It has only taken Members 51 weeks to realise the mistakes that were made.

I ask the Ministers to be more specific than they were in their opening speeches. Will they assure Members that there will be real roles for junior Ministers? These have been hinted at, but will there be real and clearly defined roles for these two Ministers, and for any future junior Ministers, before the determination is laid before the House — not a week or two after it?

Mr Mallon said that the Ministers will decide how the junior Ministers will answer to the Assembly. Can an assurance be given that Members will be told exactly how this will be done, if not at the end of this debate, then soon after?

One important possible use of junior Ministers has been ignored so far — namely, on those important cases where cross-departmental issues arise (for example, family and children's issues). I was nearly going to include the environment, which is supposed to be at the heart of the Government, but Mr Foster has left, and he might not have appreciated it.

Issues relating to families and children are of major concern across a number of Departments. Can Members be assured that the issue will be taken on board and properly co-ordinated within the Centre?

**Mr B Hutchinson:** I also oppose this motion. I oppose it on the grounds of the briefs of the junior Ministers, which my party would argue are far too broad and do not give an opportunity for an impact to be made on the workload and responsibilities of the Assembly. It would have been better if the appointments were to Departments other than the Office of the First and the Deputy First Minister. An obvious choice, and many parties have mentioned it, would have been a junior Minister for children. We are also concerned about the lack of information and believe that it makes it impossible for my party to support the motion standing in the names of the First Minister and the Deputy First Minister.

I listened to Sinn Féin's response. It seems that it is arguing for a slice of the cake rather than considering how the posts would best serve the community. Mitchel McLaughlin said that even home helps would have a job description — people who serve the elderly just as well as two junior Ministers would serve the Centre. Members must put this into context. I am sure that there will be an opportunity tomorrow to talk about what this is going to cost, and the money that the four parties which sit in Government will receive above the basic wage.

If an impact is going to be made, Members must ensure that people are put in positions where they can work across Departments and not just in one area.

**Ms McWilliams:** I am also concerned about the appointment of these two junior Ministers. In annex 1(a) of the report of 15 February 1999, the functions of the Office of the First Minister and the Deputy First Minister were laid out. I note that there were 26 functions. It seems that some of these have now been cut back or disappeared altogether. The determination is so general that it does not tell Members which of these functions are going to be delegated to junior Ministers and which will remain with the First Minister and the Deputy First Minister.

If we are proposing to pay a junior Minister £55,341 we should require the post to have a job description. This represents an increase of £17,305 on a Member's salary — assuming that the Member does not already hold another position.

The Assembly has already paid out £652,216 — in terms of the allocation of the posts of First Minister and Deputy First Minister, Chairpersons, Deputy Chairpersons and Assembly Commissioners — to the four parties in the Government. Before any more appointments are made each post should have a detailed job description, especially if it commands a substantial salary.

**Mr Ervine:** Was this figure not agreed unanimously by the Assembly Commission?

**Mr Maskey:** On a point of order, a Chathaoirligh. I understand that the members of the Assembly Commission operate on a non-party basis and do not necessarily represent their parties when making decisions. The Assembly will decide, and Members should bear that in mind. If they want to be smart, they should get the facts.

**Mr Speaker:** Members of the Assembly Commission are expected to act in the interests of all the Members of the Assembly.

**Ms McWilliams:** The point I was making is that in acting in that interest they have allocated £652,216 to four particular parties. It is with that concern in mind that I stress that we must be held accountable. Therefore

we should have job descriptions for the posts we continue to allocate. None of the parties are opposed to the position of junior Minister; we simply want to know in detail what that junior Minister is expected to do.

The issue that we come across during our constituency work — and this has already been debated in the Assembly — is that we have missed a trick by not looking at the needs of families and children. Northern Ireland is now the only devolved region that has not got a ministerial portfolio for families and children. Wales and Scotland have such a portfolio.

The motion is about the Office of the First Minister and the Deputy First Minister, and, again, I am concerned about the functions contained in that Office. Yesterday I was concerned that two Ministers, each with his own portfolio, took on the portfolio of “Minister for some victims” when they should have been attending to their own portfolios elsewhere.

We need to respond to the desperate needs in the community. Members who listened to last week’s debates should note in particular the issue of the memorial fund — this was raised by victims — and the lack of money coming from that fund to those who have suffered. The question victims constantly ask me — and I am sure they ask other Members — is “Whom do we go to?” It seems that Adam Ingram has this portfolio as a reserved responsibility. If the Office of the First Minister and the Deputy First Minister has a function in relation to victims, what is it exactly? Is it intended that all four Ministers and Adam Ingram should share this function between them?

I am also concerned that women’s issues, as usual, are last on the agenda. I am not sure if that is because women are far down in the alphabet or because that is where certain people consider they should be — the responsibility of a junior Minister.

We need to pay attention to this. If a junior Ministry on women’s issues had been established we might well have asked why, if the process of nominations to these bodies and implementation bodies is so transparent and so accountable, only 25% of the nominees are women. If we in Northern Ireland are to give ourselves the fresh start which the agreement constantly speaks about, then we have to move away from what has been referred to today over and over again as jobs for the boys — though I assume that sometimes those boys are men.

My party is opposed to the amendment. The position of paid assistants will be discussed in a later debate and has no relevance at this time to the appointment of junior Ministers.

**Mr McCartney:** Mr Speaker, I am sure that you, along with the other Members of this Assembly, will recall that in George Orwell’s ‘Animal Farm’ it was the pigs who were in charge of the operation and that

Napoleon the pig pointed out that, while all animals were equal, some — namely the pigs — were more equal than others. A point has been well made here that the major parties, particularly the SDLP and the Ulster Unionists, have hogged the spoils of devolution. What has happened today is another example of this.

Even the harsh critics of the peace process and of devolution — those on the editorial columns of the ‘Belfast Telegraph’ and the ‘News Letter’ — were somewhat put out last week to find that one of the Assembly’s first acts was to vote its Members a pay rise. And I made some comments about that.

I am glad that Prof McWilliams has raised this point again, because this is another example of jobs being allotted to Members of the major parties. Can anyone here doubt for a moment that Mr Trimble will appoint one of the worthies from the Ulster Unionist Party or that Mr Mallon will feel most comfortable with a member of the SDLP? In relation to the cross-border bodies, I have already referred to the basis upon which it appeared to me — and, I believe, to many members of the public — the four aspirants for office in the quangos were appointed from the ranks of the Unionist Party, and we are having a rerun here.

I was under the illusion that the Executive (indeed, the entire Assembly) was based not on the usual principle under which democracies operate — there being a majority and an Opposition which hopes to become the majority by persuading people to its way of thinking — but on this wonderful new consensus democracy. It was to be hands across the ocean and across the border, and everybody was to work in the spirit of political ecumenism.

We were to have a First Minister and a Deputy First Minister who were to work like a pair of Siamese twins joined at hip and thigh, and they were going to operate for the betterment of the entire community. Instead, we heard in the Deputy First Minister’s speech the suggestion that what is really needed to make this process work is a junior Minister who is not only a person from your own party but also someone you can trust implicitly because you may have to deal with the enemy within — that, of course, being Mr Trimble and his chum, who will be close by him protecting his back against the ravages of the SDLP.

**Mr S Wilson:** Will the Member give way?

5.30 pm

**Mr McCartney:** Not at the moment.

That is the scenario that we have. When I was a member of the Standing Orders Committee I indicated that the great danger in the Assembly — at that stage members of the minority parties and even Sinn Féin agreed with me — was that we would have a very



strong centralised Executive dominated by the two major parties, who would essentially carve up everything. The SDLP could always deliver the Nationalists no matter what Sinn Féin thought, and the Ulster Unionist Party could always deliver, or almost deliver, the Unionists. Between them they would carve up everything and divide the spoils.

I am in favour of this amendment. The Assembly, the Executive and all its outworkings are expensive and, in many cases, unnecessary and, I venture, will be inefficient. When I had discussions with Mr Mallon about the number of Departments, it became perfectly plain — as Mr Dodds has pointed out — that the criterion was not efficiency or having the right number to deliver an effective administration. They decided there should be 10 Departments because, under the d'Hondt system which had already been worked out, that would make for harmony. There would be five Nationalist and five Unionist Ministers.

There was no need for 10 Departments and 108 Members. In Scotland, where the population is three times that in Northern Ireland and where they have greater devolved powers, which include the tax-raising power, there are 129 Members. If they were pro rata with Northern Ireland they would have 350 Members. Similarly, Wales would have 218 Members instead of 60. Mr Dodds is absolutely correct in saying that the Assembly is completely overburdened given the number of Members and the Executive. However, having got that far, we have spawned, on the consensus principle, two First Ministers, 10 Ministers, 10 Committee Chairmen, with the possibility of an additional two, and 12 Deputy Chairmen, all of whom are on the payroll. Now we are to have two quite unnecessary junior Ministers.

I raised the issue of salaries being paid to the porkers in the House of Commons when the power to appoint junior Ministers was discussed. It was not sufficient that we were to be overburdened with Members and Ministers — the porkers — but we were going to be able to let the First Minister and the Deputy First Minister, as a matter of largesse and patronage, deliver fodder to the piglets, the baby Ministers and junior Ministers. The Deputy First Minister did not say that this was to be the end of the breeding pen of the piglets. He hinted that by a process, perhaps of artificial insemination, more litters of piglets would be delivered to the other Ministers. He was not ruling out the possibility that these baby porkers would be snuffling away at the fodder at some future date. We could have 10 little grunters all snouting about, each playing a role as a gofer for their respective Ministers.

Prof McWilliams and the other Members got it right when they spoke eloquently about the lack of definition in the duties of these baby Ministers. They do not have anything specific assigned to them. They are going to be

gofer piglets — “go for this” and “go for that”. They will be at the beck and call of the First Minister and the Deputy First Minister, and they will have to be friendly little piglets who grunt at the correct time because the large boars would be discomfited by having people beside them who were not happy with what they were being asked to do.

I speak of this in jest, but there is a very important, underlying principle which the public should be alerted to. It is the principle that public funds will be provided out of the block grant or from an increase in the regional rate — funds that will not be spent on hospitals or children's issues or a myriad of social and economic needs and requirements. They are going to be spent on fodder for the piglets. It is all about jobs for the boys.

Let us look at the First Minister and the Deputy First Minister. Between them they will employ six special advisers on a scale between £22,000 and £70,000. Rest assured few of them will come in at the bottom of the scale. These advisers are specialists who must have particular esoteric knowledge to advise the heavyweights whom they serve. They are going to cost a lot of money and will be at the beck and call of the First Minister and the Deputy First Minister. Of course that is only the top layer — the close chums to whom the new Minister will be added. There is also a raft of highly qualified civil servants with specific tasks who will be assisting the First Minister and the Deputy First Minister in the discharge of their duties.

The truth is that these junior Ministers are being appointed for the purpose of affording another means of party political control to the parties that really matter. The Northern Ireland Office was not interested in any of the little parties because none of them could deliver individually or collectively. Members of the Women's Coalition, the Progressive Unionist Party and the Alliance Party should be under no illusions that they have any clout here. They do not. They are here to make up the numbers. It was necessary to have 108 Members for the purpose of distribution. Members should realise that far from being a democratic Assembly this is an Assembly created by the machinations of the Northern Ireland Office to serve the interests of the British Government. The numbers, the distributions, the system and the placing of power in an Executive are designed to serve those interests.

I was surprised when I read two speeches of the Secretary of State, Mr Mandelson, in which he talked about an Assembly that was accountable to the Executive. He talked not about an Executive that was accountable to the Assembly but about an Assembly that was accountable to the Executive — and that was repeated twice. I pointed this out to Senator George Mitchell. He said that he would take it up with the Secretary of State, but he thought that perhaps it was a

mistake. If it was a mistake it was one that was repeated not once but twice, and it was never remedied.

In the wider scope of things Members may ask what Bob McCartney is talking about — this is about two junior Ministers. These two junior Ministers and the power of the two major parties to appoint them goes right to the heart of the matter. It is an example of the power that will continue to be exercised through the Executive by the SDLP and the Ulster Unionist Party.

Some parties in the Assembly are not minnows; they are budding herrings. I am talking about Sinn Féin and the DUP — both substantial parties in their own right, but in this game not carrying a great deal more clout than the smaller parties collectively.

I support the amendment. This is an example of unnecessary political jobbery. Nothing has ever arisen to show us that it is necessary. I share and sympathise with the views of Monica McWilliams and others about the criteria or job descriptions for these posts. The reason there is no clearly defined job description — a Minister for children's issues, a Minister for women and children's issues, or a Minister for any of the other matters — is that this is not about servicing a need. These appointments are about servicing party needs.

**Mr C Wilson:** I support the amendment. At a sitting of the Assembly on 15 February 1999 I did not move the motion that I had given notice of to have your position as Presiding Officer of the House formally endorsed and for you to become permanent Presiding Officer of the New Assembly, as it was then.

Let me refresh your memory by reading from the Hansard report of that sitting:

"When I first considered placing this motion before the Assembly, it was reasonable for me to expect that it would have the support of all parties. However, over the past few days it has become clear to me that the prospect of all-party support for the motion has disappeared. Indeed, I have received reasonably sound information to suggest that the SDLP and the Ulster Unionist Party intend to oppose it.

I feel that I have a duty to make clear the reasons for these parties' opposition to the motion to everyone in the Chamber, to those in the Galleries, and to the wider public. It gives an indication of the shape of things to come. We will have in the Assembly what in the business world would be known as a cartel. Those who have been preaching the gospel of inclusivity and responsibility sharing are about to carve up between them all the positions of responsibility in the Assembly. These jobs for the boys will be shared between the Ulster Unionists and the SDLP."

I mentioned that this was the shape of things to come, and what we are witnessing today is a further outworking of exactly that mentality. We have heard words like "inclusiveness" and the high-sounding reasons for bringing people together to share responsibility and authority. The reality is, Mr Speaker, that in the weeks to come you will need to fix yourself very firmly to your seat. There will probably be people

here eyeing up your position, not because they believe that they have more ability or that they would serve the Assembly better than you, but because of the job and the money that goes with it.

5.45 pm

The Assembly is rapidly running out of credibility as far as the public is concerned. What is happening here today is a further demonstration of that. This process has been based on deceit and lying. It has been based on lies, manipulation and propaganda on the part of the Northern Ireland Office. It is hardly surprising that we are faced with the sordid little mess that has been presented to us today. I look forward to a day when all of this is swept away — a day when all the items that are cluttering up the site can be removed and a proper, clear and democratic process can be restored, with an Assembly that is truly accountable to the people, an Assembly that exists because of the will and the wish of the people.

**Mr Paisley Jnr:** Over the years many of us have listened to the gross accusation that the old Stormont, the ancien régime, existed on the basis of corruption, that it was based on jobs for the boys and that Catholics need not apply. *[Interruption]* I hear people from the SDLP shouting "Hear, hear." Of course, it was black propaganda; it was lies. The reality is that today the SDLP are party to corruption. They are party to a decision that is about jobs for the boys, and people who are not part and parcel of their party, people who are not yes-men, need not apply. Over 400 jobs in the Assembly are to be advertised, and there have been allegations that those jobs will also be jobs for the boys.

**Mr A Maginness:** It ill behoves the DUP to make any criticism in relation to this matter, given the fact that your own two Ministers appointed parliamentary private secretaries without even coming to the Assembly to tell us that you had done so. You did this quietly and at your own bidding; nobody else asked you to do that, and you attempted to employ them.

**Mr Speaker:** Order. I encourage Members to speak through the Chair rather than directly to each other.

**Mr Paisley Jnr:** Thank you, Mr Speaker, for drawing that to the attention of Mr Maginness.

My party pays certain members to fulfil a political role, and it raises money to do so. It is perfectly entitled to do that. The money does not come out of the public budget or out of the Assembly's purse. It is hard-earned money, and we can do as we wish with it. There is nothing corrupt about this; we did not have to bring it before the Assembly for approval by the Member or his party. *[Interruption]*

We did not. It was a decision made within our party, and one we stand by. The Member will know that in

other Assemblies across Europe there are in parties similar functionaries who are paid to fulfil a certain role.

The issue is that in the first few days of the Assembly, since the Executive was established, we have seen more exploitation by the SDLP and the Ulster Unionists. We have seen exploitation of the party political role — *[Interruption]*

**Mr Speaker:** Order.

**Mr Paisley Jnr:** Posts have been given to party hacks or party friends and to people who are not fit for them.

**Rev Dr Ian Paisley:** The SDLP puts out the long arm to Europe, pulls back a former member and puts him in the First Minister's Office. I have not found out whether he is still being paid by the European Parliament.

**Mr Paisley Jnr:** In today's 'Irish News' it is suggested that the SDLP are paying daughters of Members with regard to the new posts that were established yesterday in Armagh. That point will raise its head again and again. Other Members referred to an article in the 'Irish News' which states that a number of positions have been given to party hacks and party faithful. I will not go over the names that Members have already read into the record.

None of the posts the First Minister and the Deputy First Minister are asking us to vote for have been equality-tested. We hear about equality and fair representation, but these posts have been tested to see who is fit to follow every whim of the First Minister and the Deputy First Minister. Those who match up to that standard will be appointed.

The comments made by the First Minister and the Deputy First Minister have exposed the fact that Northern Ireland is to be over-bureaucratized. For years democrats across Northern Ireland have complained that there is not enough people power, that we do not have democracy and that we need real and accountable democracy and access to the levers of power. Over the past few months there has been an increase in bureaucracy and a decrease in democracy. In the past, three Ministers serviced six Departments. Now we have 10 Departments and 10 Ministers, and we are to have two junior Ministers. That is an increase in bureaucracy, not an increase in democracy, and that is sad.

Who is to pay for these junior Ministers? The answer is that the money will come from the public purse. Mr Durkan (the Finance Minister) and Mr McGimpsey have been on the radio voicing their concerns about the budget and how they hope to make the figures add up. They will need a creative accountant, some stir-frying and bit of cooking to get the books to balance. The amount that will be taken from the public purse to service the new appointments will be a public scandal. I

do not often agree with the leader of the Women's Coalition, but she pointed to the tip of the iceberg when she spoke about how much this will cost.

What is the real purpose of these appointments? Is it accountability, transparency, openness and real democracy? The reason for appointing the two junior Ministers — Ministers literally without portfolio who can stick their noses into any business the First Minister and the Deputy First Minister decide — is to prevent proper Assembly scrutiny of the Office of the First Minister and the Deputy First Minister. Their actions will cover over what the First Minister and the Deputy First Minister are doing and prevent the establishment of proper scrutiny Committees to examine and probe.

At the commencement of this debate Mr Mallon said

"It was in the best interests of our Departments".

After voting for an exorbitant pay rise, he now wants someone else to do his job. As Mr Dodds said, if the Deputy First Minister and the First Minister do not feel up to the job, they should resign. To appoint someone else to do the jobs that they are paid to do is a scandal. The Deputy First Minister said that good government requires these posts. Good government does not require a waste of resources or the extending of bureaucracy and the diminishing of democracy. When Mr Dodds moved the amendment on behalf of my party he spoke about sincerity. I share the view that the First Minister and the Deputy First Minister are not sincere when they talk about equality, openness and transparency. Theirs is the most insincere position of all.

Let us call a spade a spade. This is a carve-up for party political purposes. I noted the comments of Sinn Féin inside and outside the Chamber. They were crying crocodile tears and saying that these junior Ministers should not be appointed: "Appoint us instead. Appoint Sinn Féin. Give us the jobs."

They do not object to the waste of resources or to the abuse of the democratic process. What they object to is that they have not been given the jobs, and that is another public scandal.

**Mr Haughey:** Perhaps the Member could inform me if he and his party are declaring that they have no interest in any further junior ministerial appointments and that they would eschew any nomination for such?

**Mr Paisley Jnr:** If the Member is confirming that his party will be proposing more and more junior Ministers and that he wants those posts because he probably will not get this one — he got a chairmanship last week — that is a matter for him, and I look forward to those proposals.

My party has made its position clear in the amendment, and anyone who supports our position can vote for the amendment. I hope that we will get support. It would not serve the purposes of open and transparent



democracy for the motion in the name of the First Minister and the Deputy First Minister to be passed.

Before giving way to Mr Haughey I mentioned Sinn Féin's using this for cover because it wants these jobs for the boys. It believes that this is the way it can justify what it has been about over the years. The more jobs available, the more access to power Sinn Féin will get. Of course, it makes Bobby Sands's stance all the better. It proves that it was right. Sinn Féin wants these jobs only to undermine and destroy this country. It has no interest in preserving or defending it or making it run better.

Let me send a warning to the First Minister and the Deputy First Minister and to the parties. They will probably proceed with these appointments. They will pick party hacks and party faithful. We have already heard the public outcry against certain Ministers with links to terrorist organisations who are now in the new Executive. May I suggest that if they are interested in salvaging what little credibility they have, they should not appoint these junior Ministers. If they are to appoint junior Ministers, let them be careful about whom they do appoint. According to speculation in the local press, certain names have been mentioned: people whom, in other places, the Law Society has described as unfit for public office; people who, in other places, have been told that they cannot practise alone as solicitors. If that is the calibre of people that the two parties are going to select, God help this country, and God help good government here. It is wrong and obnoxious to have this increase in largesse for the sole purpose of feathering the nests of the First Minister's and the Deputy First Minister's parties.

**Ms Ramsey:** I oppose the amendment. I wish to address a point made by Mr Paisley Jnr. I am amazed that Members can claim to know what Sinn Féin is saying. It annoys me sometimes that they should be sitting here with Sinn Féin.

We agree that there is a need for junior Ministers, but we do not believe that they should be attached to the Office of the First Minister and the Deputy First Minister. We argue that they should be appointed for specific areas.

6.00 pm

We strongly advocate that one of these posts should be in a department of children's rights, given that children make up one third of the population and we have the highest birth rate in the European Union. Many children live in areas of high and long-term unemployment, and 37% of them are affected by poverty. Also 39% of young people have mental health problems.

**A Member:** And hundreds are beaten by paramilitaries.

**Ms Ramsey:** The Member supports what I am saying about a junior Minister for children.

In an average week three children under the age of 16 will be raped and a further 12 will be indecently assaulted. The overall picture in relation to children and children's rights is a negative one. Sometimes I am ashamed that all the parties in the Assembly claim to represent the rights of children. However, when it comes to promoting those rights, their interest ends.

I agree with some Members that it is a case of jobs for the boys. Although the 10 Departments all have a remit for children, there is not a holistic policy approach. I am also concerned to ensure that the appointment of junior Ministers should not be looked upon as another opportunity for the Ulster Unionist Party and the SDLP to appoint some of their Colleagues who missed out on becoming full Ministers.

We should send the clear message that we are here to deliver benefits and to recognise the sizeable section of our community which has so often been ignored. When speaking about children, Members often say that they will do this and that for them. However, when it comes to the bit, no one cares because children do not have a vote. We should send out a clear message that children's rights should be at the centre of the Assembly.

**Mr Dodds:** In the debate on the amendment many parties expressed concern about the way in which the proposal has been put forward, the lack of detail in terms of the functions that are described in the written determination and the notion that the two parties that are represented by the First Minister and the Deputy First Minister should take these two positions of patronage to bolster their party positions.

Our amendment is totally consistent. We have pointed to the fact that this is not the place to talk about special advisers. We have mentioned the extent of existing support for the First Minister and the Deputy First Minister and the raft of civil servants.

I have not heard any proper case for the First Minister and the Deputy First Minister requiring two junior Ministers in addition to their raft of advisers and supporters to carry out the functions of that Office. It has clearly emerged during the debate that there is concern as to how the public will view this. Already a number of parties have described it as jobs for the boys. It is clear that that is what it is.

I urge Members to support our amendment. If a proper and reasonable case can be made, the First Minister and the Deputy First Minister can come back to the House. They have all the support and back-up that they need to carry out their current responsibilities. No proper case has been made for the appointment of these two junior Ministers. The determination is devoid of any job description or detail as to what these people

are to do. I again urge Members to support the amendment.

**The First Minister:** In replying to the debate I may not pick up every point made. However, I would like to focus on the key theme of quite a few contributors. Mr McLaughlin was the first to state it when he referred to the determination as being too imprecise. Others said that when they first saw the determination they felt that it did not convey enough information to them.

Members should bear in mind that the determination necessarily used formal language. It had to refer to the range of functions of the Office of the First Minister and the Deputy First Minister. It would not have been possible for the determination to refer to specific matters.

Several Members spoke about equality and they said how important that was. It is something we acknowledge. We appreciate how crucial the equality unit within the Office of the First Minister and the Deputy First Minister is going to be in the effective functioning of the Administration as a whole. We are well aware of the need to ensure that equality aspects have been properly examined with regard to every legislative measure and almost every policy issue. We know how important it is that legislative measures and policy issues should not be farmed out to 10 different Departments to have 10 different standards applied. There will be only one standard.

It would not have been wise to mention only that matter and to delegate it to a junior Minister. That would be to completely misunderstand the nature of the operation. This is not a delegation of any function of the Office of the First Minister and the Deputy First Minister. This is a matter of the appointment of junior Ministers who will act under the direction and control of the First Minister and the Deputy First Minister at all times. No function will be delegated to them. We will give them work to do, and that work may well be in the area of equality.

It was not appropriate, nor was it possible in terms of the formal language that is necessarily used in the determination, to assign specific roles to junior Ministers. Furthermore, when one considers the joint nature of the Office, Members will see how inappropriate that would be. It would be quite wrong for one junior Minister to be assigned to equality and another to the economic policy unit. That would clearly be wrong when it is a joint Office. We cannot have a joint Office shared between two parties and then delegate part of that Office to one party. That runs counter to the whole nature of the operation. While junior Ministers may be given a responsibility with regard to economic policy or equality, it will have to be done in a manner in which the Office operates as a whole. It will have to be done with a degree of joint approach, as is appropriate, and

with the ability to adapt it to the needs of the particular situation.

The determination necessarily had to cover the whole range of matters. However, the Deputy First Minister and I have a number of clear ideas in mind about what should be done and how it should be carried out. We also have a clear understanding of how it will have to be adjusted from time to time to meet the needs that are there.

The needs are considerable. I have mentioned the economic policy unit and the equality unit. They are major elements. However, there is also the very significant matter of cross-departmental issues. The agreement provides the First Minister and the Deputy First Minister with the task of co-ordinating policy across Departments. This is a more significant role with regard to this form of Administration than it would be with regard to a conventional one. As this is a multi-party Administration, a compulsory coalition of four different parties that do not always see eye to eye — indeed, we have difficulty seeing the eyes of some of our ministerial colleagues from time to time — the need for co-ordination at the centre becomes more important.

It adds to the burden because of the multi-party nature of the Administration as a whole and the multi-party nature of the Office of the First Minister and the Deputy First Minister. That underlines the need for this.

Reference was made to co-ordination on particular issues. That is something to which we will be paying very considerable attention. We are well aware of the need for a degree of co-ordination and focus on matters which do not fall within a single Department and where

“communication and co-operation between departments may be difficult because of the nature of this compulsory coalition”.

We will keep in mind particular things mentioned — for example, women’s issues and family issues. It is part of the responsibility of the Office of the First Minister and the Deputy First Minister to keep these cross-departmental issues in mind and to ensure that such matters do not lose out in the competition between Departments. I hope Members understand why the question of job descriptions is not appropriate. It is a matter of relating to the range of functions in the Office as a whole.

I would like to touch on some particular issues very briefly. Reference was made to victims. It is somewhat unsatisfactory that certain functions remain within the Northern Ireland Office while others have come to a Northern Ireland Department. The Office of the First Minister and the Deputy First Minister has a role with regard to liaison, but Departments such as Social Development and Health, Social Services and Public Safety also have a role. We are aware of the need to give a priority to victims’ issues. I hope the Assembly



will see before long that we have responded to it in a very particular way.

Children were mentioned. Equality, particularly in matters relating to targeting social need, covers the rights of children. They will continue to be a significant priority for us.

One comment was made which I thought was spectacularly inappropriate. That came, of course, from Mr McCartney, who said that this was not about servicing a need, but simply about patronage and departmental control between parties. That is utterly wrong. This is about serving a need. This is about ensuring that this Administration delivers a good quality service to the people of Northern Ireland as a whole. It is also about ensuring that, in spite of the unique nature of this Administration, what comes out at the end is co-ordinated and integrated, takes account of the crucial issues of equality and related matters and delivers a quality service to the people.

**The Deputy First Minister:** May I first of all make reference to what I regard as a new low in the standard of contribution. I refer to that made by Mr Wilson. I will leave it at that, but at times in the debate I thought that some people plumbed the depths. I did not understand how low they could go.

I do not wish to cover ground which has already been covered by the First Minister. I wish to make a number of points as briefly as I possibly can. In doing so, I will not be able to make reference to all the points that were raised.

The question of a job description has been raised. Let us not forget that the reason for the Office of the First Minister and the Deputy First Minister rests in the Good Friday Agreement. This Office was not thought up, devised or schemed by the First Minister or myself. It was devised by all of the pro-agreement parties as a unique form of Administration which is not easy for anyone, and it will not be easy when it comes to making any decision. While we are engaged in crawl-thumping, however, can we all remember that all the pro-agreement parties agreed this unique type of arrangement?

6.15 pm

May I turn to job description — *[Interruption]* I will not give way. The hon Member's party has had its say — and plenty of it.

May I very quickly list some of the areas the job description covers. There is the economic policy unit, which, in conjunction with the Department of Finance and Personnel, is one of the cross-cutting parts of the arrangement that the First Minister referred to. There is the equality unit, which many parties thought, as I said earlier, could stand with validity as a Department on its own. If that is the case, surely it deserves the type of junior Minister that we are talking about to ensure that it

properly functions among the economic policy unit, European affairs, international affairs, the Civic Forum, victims, women's issues, community relations, human rights, public appointments policy, machinery of government — to name just a few. The First Minister or myself did not decide these. They were decided in the agreement and in the legislation upon which the agreement is based. Let us not forget that. I would have thought that a fair job description of the type of function that will be required of junior Ministers.

Let me mention something that touched me deeply. Mr McLaughlin asked why the Assembly should rely on media speculation. Why indeed, especially when Mr McLaughlin's party declared its position on this in a Sunday newspaper known as 'Ireland on Sunday' and demanded — not requested but demanded — one of these posts for Sinn Féin and one for the DUP? So when we are into the crawl-thumping bit about costs let us remember that the crawl-thumping can work in two directions.

Mr McLaughlin went further. He made a point of telling us that in the negotiations prior to the setting up of the Departments his party proposed that children's issues should be a stand-alone Department. It did nothing of the sort, and it is on record that that is not the case. Those papers are on record, and I invite Mr McLaughlin and anyone else concerned to examine them.

He also spoke about Sinn Féin's contribution to the negotiating of — let me use these terms carefully — checks and balances in the arrangements for the Assembly. The reality is that during the two years those negotiations were taking place they opted out of any discussion on strand one — any discussion to do with the Assembly, the Office of the First and the Deputy First Minister, not to mention any checks or balances of that nature.

May I also remind Mr McLaughlin that on the question of children's rights — and that is a huge issue — his party holds the portfolios of the two Departments jointly responsible for bringing forward a children's strategy, along with Mr Dodds in his ministerial position. Let us see how all Departments — and I mean all — handle children's issues internally and elsewhere.

May I also remind the House that one of the most important functions of the Office of the Centre will be its responsibility for targeting social need. It will also be responsible for overseeing human rights. Nowhere will that need — and the application of that need — be more evident than in ensuring the well-being of children.

I would have liked to have the time to go through the contributions made by each Member, but I will make a few general points. I understand the position of Members who would like to have a junior Ministry for their party or who would like to have junior Ministries

for various parties. So would I. If the First Minister and I had made a different decision it might have been easier — much easier — for us, but, while I do not want to get into the business of casting aspersions, I can think of some people in the DUP that I would not want to put in charge of children's issues, women's issues or any other issue. That would be to the detriment of this Administration.

If Members think about what I have said they may consider that it was said advisedly.

I can think of others and other parties who have a crow-thumping attitude, but they stated publicly that they wanted a junior Minister. I would like to see all parties have a junior Minister. If that had been the proposal, would we have had the financial analysis that has been put forward today? Would we have had all this self-righteousness? Would we have had all the variation between pontification and the gutter stuff that we have heard from some quarters?

There is a serious and immediate need for the appointment of junior Ministers. I refer Members to that job description. I refer them to the future well-being of this Administration. I refer them to the fact — and reference was made to this — that it is right that Members of this Assembly should be appointed. There were one or two references to the fact that other advisers might be able to do this. That suggestion was implicit — other advisers might be able to do this. The First Minister and I could not possibly have agreed to that. That decision-making process is a matter for this House and no one else. It is most surprising, not to say almost shocking, that those who are and have been attacking the position of policy advisers may themselves have certain ideas on that matter, that they may themselves have made indications of that nature, that they may themselves recognise that there are a remarkable number of problems within any Department on which help and advice are needed.

Unfortunately I do not have the time to refer to every point that was made. However, all points will be replied to in writing.

I look forward to the experience of applying the new targeting social need (TSN) in the Office of the First and Deputy First Ministers. In those circumstances I look forward to going to all the parties to tell them what the equality unit and equality legislation requires of them. I will try to explain to everyone that women's issues and children's issues should not be used as a political, emotional brush to beat people with. They are much too serious for that.

This is a crucial responsibility, and it is a responsibility which the First Minister and I are determined to fulfil. I will say it again: we need the two junior Ministers to ensure that the work in that job description is carried out and that the crucial issues, especially those which centre

on TSN, economic policy, children, women and human rights, with other factors, are properly dealt with. That is what this is about, and I regret that some Members have helped to degrade a motion which is to the benefit of those in society who need it most.

**Rev Dr Ian Paisley:** On a point of order, Mr Speaker. Is it in order for the Deputy First Minister deliberately to mislead the House? There is nothing in the agreement about junior Ministers — nothing. He has tried to achieve a cheap sell to the public. But I welcome his declaration of war on the Democratic Unionist people. We accept that, we take up the gauntlet —

**Mr Speaker:** Order. I can understand that Members may want to make points, but points of order need to be points of order.

**Mr C Wilson:** On a point of order, Mr Speaker. I concur with some of the comments made about the new dimension to Mr Mallon as Deputy First Minister, which we are seeing —

**Mr Speaker:** You asked for a point of order.

**Mr C Wilson:** It is a point of order. Mr Mallon said that Mr Wilson had stooped to new depths in debate. I want him to clarify what comment he was referring to.

**Mr S Wilson:** And which Mr Wilson.

**Mr Speaker:** I assume that the point of order is that there are a number of Messrs Wilson in the House. Given that the Deputy First Minister did not clarify which of those Members he was referring to, none of them can query it on behalf of any of the others. Therefore we should move to the vote.

**Mr C Wilson:** The Deputy First Minister made an attack in general on Unionist Members. It would be helpful if he could identify on behalf of the Wilson clan —

**Mr Speaker:** Members made attacks on each other during the debate — it was characteristic of the debate. I cannot take it as a point of order.

*Question put* That the amendment be made.

*The Assembly divided: Ayes 24; Noes 67.*

#### AYES

*Fraser Agnew, Paul Berry, Norman Boyd, Mervyn Carrick, Wilson Clyde, Nigel Dodds, Oliver Gibson, William Hay, David Hilditch, Roger Hutchinson, Gardiner Kane, Robert McCartney, William McCrea, Maurice Morrow, Ian Paisley Jnr, Ian R K Paisley, Edwin Poots, Iris Robinson, Mark Robinson, Peter Robinson, Jim Shannon, Jim Wells, Cedric Wilson, Sammy Wilson.*

## NOES

*Ian Adamson, Pauline Armitage, Billy Armstrong, Alex Attwood, Roy Beggs, Billy Bell, Eileen Bell, Tom Benson, Esmond Birnie, P J Bradley, Joe Byrne, Joan Carson, Fred Cobain, Robert Coulter, John Dallat, Duncan Shipley Dalton, Ivan Davis, Arthur Doherty, Pat Doherty, Mark Durkan, Reg Empey, David Ervine, Sean Farren, John Fee, David Ford, Sam Foster, Tommy Gallagher, Michelle Gildernew, John Gorman, Carmel Hanna, Denis Haughey, Joe Hendron, Derek Hussey, Billy Hutchinson, Danny Kennedy, James Leslie, Patricia Lewsley, Alban Maginness, Seamus Mallon, Alex Maskey, Kieran McCarthy, David McClarty, Donovan McClelland, Alasdair McDonnell, Barry McElduff, Alan McFarland, Michael McGimpsey, Eddie McGrady, Gerry McHugh, Mitchel McLaughlin, Eugene McMenamin, Monica McWilliams, Jane Morrice, Conor Murphy, Mick Murphy, Sean Neeson, Mary Nelis, Dermot Nesbitt, Danny O'Connor, Eamonn O'Neill, Sue Ramsey, Ken Robinson, Brid Rodgers, George Savage, John Tierney, David Trimble, Jim Wilson.*

*Question accordingly negatived.*

6.30 pm

*Main Question put.*

*The Assembly divided: Ayes 49; Noes 38.*

## AYES

*Ian Adamson, Pauline Armitage, Billy Armstrong, Alex Attwood, Roy Beggs, Billy Bell, Tom Benson, Esmond Birnie, P J Bradley, Joe Byrne, Joan Carson, Fred*

*Cobain, Robert Coulter, John Dallat, Duncan Shipley Dalton, Ivan Davis, Arthur Doherty, Mark Durkan, Reg Empey, Sean Farren, John Fee, Sam Foster, Tommy Gallagher, John Gorman, Carmel Hanna, Denis Haughey, Joe Hendron, Derek Hussey, Danny Kennedy, James Leslie, Patricia Lewsley, Alban Maginness, Seamus Mallon, David McClarty, Donovan McClelland, Alasdair McDonnell, Alan McFarland, Michael McGimpsey, Eddie McGrady, Eugene McMenamin, Dermot Nesbitt, Danny O'Connor, Eamonn O'Neill, Ken Robinson, Brid Rodgers, George Savage, John Tierney, David Trimble, Jim Wilson.*

## NOES

*Fraser Agnew, Paul Berry, Norman Boyd, Mervyn Carrick, Wilson Clyde, Nigel Dodds, Pat Doherty, David Ervine, Oliver Gibson, Michelle Gildernew, William Hay, David Hilditch, Billy Hutchinson, Roger Hutchinson, Gardiner Kane, Alex Maskey, Robert McCartney, William McCrea, Barry McElduff, Gerry McHugh, Mitchel McLaughlin, Monica McWilliams, Jane Morrice, Maurice Morrow, Conor Murphy, Mick Murphy, Mary Nelis, Ian Paisley Jnr, Ian R K Paisley, Edwin Poots, Sue Ramsey, Iris Robinson, Mark Robinson, Peter Robinson, Jim Shannon, Jim Wells, Cedric Wilson, Sammy Wilson.*

*Question accordingly agreed to.*

*Resolved:*

*That this Assembly approves the determination by the First Minister and the Deputy First Minister of the number of junior ministerial offices, the procedure for appointment and the functions which would be exercisable by the holder of each such office.*

*The sitting was suspended at 6.55 pm.*

*On resuming —*

## ASSEMBLY MEMBERS: CODE OF CONDUCT

### ASSEMBLY BUSINESS

8.00 pm

**Mr Speaker:** I propose to make a slight change to the order of the rest of the business. There are two motions in the name of Mr Conor Murphy which would make amendments to the Standing Orders that were agreed at the last sitting in respect of the two Committees that were set up to scrutinise the Office of the First Minister and the Deputy First Minister. However, given the debate that is likely to ensue, not on the substantive motion that follows on the Committee of the Centre but on the amendment, there is the prospect, if the amendment and the substantive motion are carried, of negating the two proposals in Mr Conor Murphy's name and of those Committees, whose terms of reference are set out, no longer existing. For this reason I propose that we defer the two issues until later. Whether or not the two proposals remain competent will depend on the outcome of the votes on the Committee of the Centre proposal and the amendment. Given that this will save time, I am sure there will be general agreement.

**Mr Speaker:** We proceed to the motion on the Code of Conduct. Members may be surprised to see a motion on a Code of Conduct and Guide to the Rules identical to the one that was unanimously voted through by the Assembly earlier this year. The reason is that the transitional sections in the Northern Ireland Act do not permit a decision taken by the New Northern Ireland Assembly on this matter to be carried forward beyond devolution. We must formally take the same decision again. The Register of Members' Interests before devolution was desirable; it is now a legal requirement. It is impossible to get proper guidance without the Code of Conduct and Guide to the Rules, which are only properly extant if the Assembly has agreed on them post devolution.

#### *Motion made:*

That this Assembly agrees the resolution set out in Annex A to 'The Code of Conduct together with the Guide to the Rules relating to the Conduct of Members' [NIA 1] as made by the New Northern Ireland Assembly on 1 March 1999. — [*Mr B Hutchinson*]

**Mr Boyd:** Mr Speaker, you have answered some of my queries about the Register of Members' Interests. I spoke to the Clerk of Standards on Friday 10 December and asked him why, by 21 May 1999, 17 out of 18 Sinn Féin Members had not complied with the directive that this was to be completed by 30 April or with the letter of 30 April which said that we had to comply by 21 May.

Would it be in the public interest to find out why 17 of the 18 Sinn Féin Members had not declared their interests? What had they to hide? Do Mr Adams, Mr McGuinness and others in Sinn Féin have other incomes which should have been declared?

**Mr Speaker:** Order. Let me repeat what I said. Prior to devolution there was no statutory requirement in respect of the Register. It may have been desirable to have interests declared, but there was no statutory requirement. That statutory requirement came with devolution, and it cannot be met without the passage of the Code of Conduct and Guide to the Rules.

I caution Members against raising matters of privilege on the Floor of the House, for a number of reasons. The due process is for such a matter to be raised with the Clerk of Standards — and the Member has indicated that he has indeed sought such guidance — and then, if appropriate, for it to be taken to the Standards and Privileges Committee.

If such a matter is to be raised on the Floor of the House, it ought to be contained in a motion on the Order Paper, and if it were to be debated on the Floor of the House tonight under the auspices of the current motion, two things would be accomplished besides those I have



already mentioned. First, it could be argued that such a debate would diminish due process if the matter were later raised in the Standards and Privileges Committee. Secondly, if there were a vote on the matter, there would be no way of properly discussing any possibility of appeal. The proper process is to go through the Clerk of Standards and then to the Committee on Standards and Privileges, and any decision of that Committee could then be appealed on the Floor of the Assembly. If the matter had already been dealt with here, there would be no proper process for appeal. I strongly caution Members that this is not something that we should debate now, because of the timing, because of the place and because of due process.

**Mr Boyd:** Is it in order to make comments on the Code of Conduct for Members?

**Mr Speaker:** It is.

**Mr Boyd:** May I draw the attention of the Assembly to the first page. The public-duty section says that Members have a duty to uphold the law and to act on all occasions in accordance with the trust placed in them by the public. Members have a duty to act in the interests of the electorate and the community as a whole, and they have a special duty to their constituents. It is therefore obscene and appalling that Members who, in the words of the Prime Minister, Tony Blair, are inextricably linked to terrorist organisations which carry out shootings, bombings, robberies, racketeering and extortion are now in positions in Government. Thus we are seeing all the evil of the “ballot-box and Armalite” strategy.

I would like to draw the Assembly’s attention to the seven principles of public life. The first principle is that of selflessness. Holders of public office should take decisions that are solely in the public interest and not to get financial or other benefits for themselves, their family or their friends.

Back in 1986 the new Minister of Education said

“In the whole of Western Europe there is not a revolutionary or socialist organisation that enjoys as much popular support as we do, and we must be conscious of that fact and build on it.”

How does Martin McGuinness reconcile the IRA Army Council with that first principle of selflessness?

On the second principle of integrity, the Minister of Education —

**Mr Speaker:** I must return to what I said earlier. If the Member raises specific issues which are almost

accusations — and the Member of whom he is speaking is not here to respond — he will prejudice any due process. If the Member wishes to comment on the Code of Conduct itself or on the Guide, that will be perfectly appropriate, but comments about Members who are here, and especially about those who are not here, are not in order.

**Mr Boyd:** The point is that since the Belfast Agreement there have been murders, shootings, beatings and exilings by Sinn Féin/IRA.

**Mr Haughey:** On a point of order, Mr Speaker. Is the matter before us not whether the Code of Conduct is appropriate to the needs of the House rather than whether individual Members are observing it? Will you please give a ruling that will make it clear to the Member that this is the case and that he is not entitled to raise these matters now?

**Mr Speaker:** Mr Haughey is correct. The Code of Conduct must be appropriate to the needs of the House, but it goes further than that: its purpose is to fulfil the law. Were we not to agree this issue it might be argued that the House was in default of its responsibilities. That is an entirely separate issue from any questions, queries or accusations in respect of Members which, as I have already ruled, are out of order.

I must say to Mr Boyd that if he is merely going to raise questions about other Members, individually or as a group, I will have to rule that his speech is out of order and proceed to the next item of business. If, however, he is going to address what is in the document under discussion, that is another matter.

I must caution the Member not to return to his original line.

**Mr Boyd:** If the Code of Conduct is to mean anything, it should not be abused by certain Members who are now in positions of authority.

**Mr B Hutchinson:** The whole point of the Code is that Members will be able to be tested against it, but it will not be possible to apply that test until the Code has been agreed.

*Question put and agreed to.*

*Resolved:*

That this Assembly agrees the resolution set out in Annex A to ‘The Code of Conduct together with the Guide to the Rules relating to the Conduct of Members’ [NIA 1] as made by the New Northern Ireland Assembly on 1 March 1999.



## ASSEMBLY STANDING ORDERS

**Mr Speaker:** There is a misprint on the Order Paper. In the words “After Standing Order 52(4)” the reference should be to Standing Order 53.

**Mr Maskey:** I beg to move the following motion:

In Standing Order 53 add the following paragraphs:

“(5) The Business Committee shall consist of thirteen Members.

(6) Each party delegation shall be entitled to cast the number of votes equivalent to the number of Members who adhere to the Whip of that party.”

Go raibh maith agat, a Chathaoirligh. Ba mhaith liom an leasú ar Ordú Seasta 53 a mholadh agus ba mhaith liom cúpla focal a rá. I wish to propose this amendment to Standing Order 53, and, a Chathaoirligh, I wish to say a few words.

These changes are supported by all of the parties that are participating in the Assembly’s Committees. The intention is to carry on from the model which was used in CAPO in the early days of the Assembly. In spite of the fact that there were Members who were politically opposed to one another fundamentally, they nevertheless worked well together in a consensual way to try to ensure that the business of the Assembly was conducted in a proper and orderly way.

I also wish to point out that the changes seek to re-establish the very important principles of inclusivity and proportionality — I believe that this was lost sight of today by some senior Members, including the First Minister and the Deputy First Minister — by increasing the membership from 11 to 13. This will allow all the other parties to have representation on this Committee and will give proper weight to the proportionality principle, since voting, if there is voting, will be on a proportional basis.

8.15 pm

**Mr Speaker:** Because the motion seeks to change Standing Orders, it requires cross-community support. As I have accepted in the past that no dissent implies cross-community support, I will treat this on the same basis. However, if there is any dissent I shall have to call a Division.

*Question put and agreed to.*

*Resolved:*

In Standing Order 53 add the following paragraphs:

“(5) the Business Committee shall consist of thirteen Members.

(6) Each party delegation shall be entitled to cast the number of votes equivalent to the number of Members who adhere to the Whip of that party.”

## ASSEMBLY BUSINESS COMMITTEE

### *Resolved:*

That the Business Committee shall consist of

The Speaker  
Mr Davis  
Mr Ford  
Mr B Hutchinson  
Mr Maskey  
Mr Morrow  
Mr C Murphy  
Dr McDonnell  
Mr McGrady  
Ms McWilliams  
Mrs I Robinson  
Mr Watson  
Mr J Wilson. — *[Mr Maskey]*

## ASSEMBLY STANDING ORDERS

### *Motion made:*

In Standing Order 54, line 1, delete “Standing” and insert “Ad Hoc”. — *[Mr J Wilson]*

**Mr Haughey:** I no longer have any authority in relation to Standing Orders, but Members will recall that I was co-Chairman of the Committee on Standing Orders with Mr Cobain during the shadow period of the Assembly. I am therefore in a position to inform the House about the deliberations of that Committee and its conclusions.

At the end of our period on the Committee several matters remained to be tidied up. As Members, Mr Cobain and I have attempted to assist the House in tidying up those loose ends, and a number of matters have been dealt with in that way. Unfortunately, this matter is one that we missed, and I should like to inform the House of the circumstances in which it arose.

The Standing Orders Committee considered the matter, and it was agreed that equality proofing of certain legislative measures which would come before the House should be carried out by what would effectively be an Ad Hoc Committee. There were discussions about what this Committee and others, apart from the statutory departmental Committees, should be called. It was in that context that the Standing Order which mistakenly referred to the Equality Proofing Committee as a Standing Committee came before the House.

Standing Committees are set up to exist throughout the lifetime of the Assembly, but that would not be appropriate for this Committee. I chaired the meeting in which this issue was considered, and it was agreed, after legal advice had been taken from the Office of the Clerk of the House, that I would propose amending Standing Order 54 accordingly. I will read briefly from the speaking notes which were prepared for me by the Committee staff. They say

“The Committee on Standing Orders wishes to make a minor amendment to Standing Order 54. Originally, when drawing up Standing Orders, we had thought it appropriate that the special Committee on Equality Matters referred to in paragraph 11 of Strand 1 of the agreement should be a Standing Committee. However, on further reflection, and having taken more advice on the matter, we are clear that this Committee is not one which should have the fixity of a Standing Committee. It needs to be constituted and reconstituted as necessary to deal with the matters referred to it. Its membership will vary according to the subject at hand to ensure that its deliberations are not prejudiced and that no conflicting interests are allowed to bear upon matters. This Committee is unique, or, as the agreement puts it, ‘will be a special Committee’, but its constitution is intended to be ad hoc and not permanent. It is therefore a special Ad Hoc Committee and should be so described, and that is the effect of the change to the Standing Order that is being proposed.”

I thank Mr Wilson and congratulate him on spotting this deficiency. I support his motion.

**Mr Maskey:** Go raibh maith agat. I do not entirely accept the explanation given by Mr Haughey. Indeed, I wish to draw attention to the fact that during the last few meetings of CAPO — now the Business Committee — it was the fairly universal, if not unanimous, opinion of its members that the final work of the Standing Orders Committee was not of a very high standard. Indeed, it was most unsatisfactory, and I made that point myself. I can name Members who shared my view. If I remember correctly, it was shared by Members from all the parties sitting around the Committee table.

I do not accept for one moment that paragraph 11 of Strand 1 intended this to be an Ad Hoc Committee. In spite of what the Deputy First Minister said, we did have lengthy discussions in the Good Friday negotiations on equality and related issues. This very question came up, and it was deliberated upon at length. We can deal with that later. Recent work by the Standing Orders Committee has not been good. Mr Wilson, as I recall, is not even a member of the Standing Orders Committee. There is an agenda at work here.

This motion is seeking to downgrade the functions of this Committee. In my view — and I have argued this at the Committee in the last week or two — if a Committee is reduced from being a standing one to being an ad hoc one, its standing is reduced. There is no doubt whatsoever that our society needs to do a great deal of work on refocussing and reorientating itself on this very complex question of equality.

A Standing Committee becomes an expert Committee, a Committee that can draw upon the relevant people in any Department. If the Committee feels that there is a difficulty with legislation in a Department, it can call on people from that Department and from the departmental Committee — perhaps even Ministers and Chairpersons — and any other expertise it may require.

I ask the Assembly to take this matter seriously. The best thing to do is appoint a Standing Committee. Indeed, it is a Standing Committee and should remain so in order to gain expertise. In view of the likely response to the other changes on the agenda tonight, it is all the more important that the equality issue is protected in the Assembly.

This Committee is being downgraded, and I have no doubt that the equality agenda will be further downgraded as a result of other changes tonight. This is a disgrace. I understand why some people in the Chamber wish to downgrade the equality provisions, but I do not think that other parties should collude in that. I ask Members not to support this motion.

**Mr McFarland:** There is a degree of confusion here. As a member of the Standing Orders Committee, I

would like to say a few words. I do not wish to address items of business concerning the Department of the Centre, which is where the equality issue rests. However, if this motion is resolved, there will be a Committee to examine equality issues.

That Committee, if the Assembly agrees to it, will be permanent. The Assembly agreed this Committee last week, but a change has been proposed. The Equality Committee under discussion is specifically designed to have the legal aspects of equality referred to it by the Assembly. If someone in the Assembly is not happy about the equality aspects of a particular Bill, he can have it referred to the Committee for re-examination. In theory it will have been examined already, but if a Member is not happy about it the Assembly, if it agrees this motion to amend the Standing Order, will be able to set up an Ad Hoc Committee to examine the matter further. As I understand it, this Committee was not designed to look at equality matters per se, which is why it is changing from being a standing one to being an ad hoc one and why there will be a Committee looking at equality, in one form or another, I hope, after these deliberations.

#### **The Minister of Finance and Personnel (Mr Durkan):**

I listened to what Mr Maskey said about the contribution to the negotiations and to his suggestion that Mr Haughey's reference to paragraph 11 of the agreement was a misrepresentation of what was intended by those who negotiated the agreement. As one who had a considerable hand in drafting paragraphs 11 to 13, which is essentially the special procedure that will concern this Committee, I can tell Mr Maskey, and assure the House, that what Mr Haughey is saying is correct. That was the clear intention of those who negotiated and drafted those paragraphs.

**Mr Maskey:** I know that Mr Durkan was involved in those negotiations, but so were we. This was not our intention, though it may have been his and the intention of others. I need clarification on that. He is entitled to his opinion.

**Mr Durkan:** I note Mr Maskey's point, but I have no recollection of Sinn Féin's involving itself in that point of the negotiations whatsoever. Sinn Féin did make a case in relation to the Equality Commission. Some of us pointed out that the provisions for the Equality Commission on its own were not enough. The Equality Commission is outside this House, and so too are the courts, so we cannot rely on them. We said that we needed an equality provision that would allow the House to test whether the Equality Commission had been given full information on any particular measure.

At any time when a Petition of Concern is raised that a measure be tested in terms of its impact on equality or rights, this Ad Hoc Committee will be able to examine the matter and call for all relevant persons, including

people from the Equality Commission and the Departments, and papers. It will really be quite powerful. You, Mr Speaker, in a former life, knew something of the provenance of this matter and were involved in the negotiations on it.

This was designed to be an ad hoc measure because we believed that, depending on what the issues were, parties would want to put different people forward who had expertise in particular sectoral matters, be that expertise economic, social, legal or whatever. We thought that the parties would want to pick horses for courses precisely because there would have to be thorough investigations and that this would allow them to put their most specialised people to work. In fact, it was envisaged that there might be several versions of this Committee at any given time, several Ad Hoc Committees, created by this special procedure, to examine different measures. This was not seen as downgrading equality proofing in any way. It was actually seen as adding to it and substantiating it in a way that would make its work transparent and effective to the House. It was aimed at complementing all the other equality measures and not, as Mr Maskey wrongly suggests, downgrading them.

**Mr J Wilson:** I am grateful to Members for their contributions. However, I remain convinced that a Standing Committee with a fixed membership is not the best way in which to proceed. The Assembly must set up a special Ad Hoc Committee which can draw on the expertise which is in this Chamber as the need arises. I urge Members to support the motion.

8.30 pm

**Mr Speaker:** A change to Standing Orders requires cross-community support. If there is no dissent the motion will pass. If there is any dissent we will move to a Division.

*Question put and agreed to.*

*Resolved:*

In Standing Order 54, line 1, delete "Standing" and insert "Ad Hoc".

**Mr Ford:** I beg to move the following motion:

After Standing Order 57 insert a new Standing Order:

**"( ) Committee of the Centre**

- (1) There shall be a Standing Committee of the Assembly to be known as the Committee of the Centre, to examine and report on the exercise of the executive functions carried out in the Office of the First Minister and the Deputy First Minister, other than those addressed by the Standing Committee on European Affairs, and the Committee on Equality, Human Rights and Community Relations, and on any other related matters determined by the Assembly.
- (2) The Committee shall have the power to send for persons and papers.
- (3) The procedures of the Committee shall be such as the Committee shall determine."

At this time of night Members may be gratified to know that my comments will be shorter than they might otherwise have been. This motion was put down because there is a gap in the Standing Orders.

Today we have debated the enormous range of functions which rest with the Office of the First Minister and the Deputy First Minister and the centralisation that has taken place there. In effect, we now have joint Prime Ministers who are also heads of the largest single Department. This is not just because of Standing Orders. The Good Friday Agreement lays down procedures for Committees in paragraphs 9 and 10. It is sometimes forgotten that paragraph 8 says

"There will be a Committee for each of the main executive functions of the Northern Ireland Administration."

Some of us are concerned that this scrutiny function appears to have been lost. The more paranoid of us have been wondering what has happened to it. There are clear crossovers with other Departments. I am not sure that the Minister of Finance and Personnel, who has just spoken, would be very happy if his areas of responsibility were subject to scrutiny while the Economic Policy Unit within the Committee of the Centre was not. The issues which we have already debated on equality, community relations, human rights and victims also need to be covered.

This motion has been put forward because a gap has opened up and some issues are not being properly covered. An amendment is to be moved which appears to my Colleagues and me broadly to cover our concerns. Given the frequency with which Standing Orders have already been amended, further amendments may be forthcoming. Having said that, I welcome the change.

**The Deputy First Minister (Mr Mallon):** I beg to move the following amendment: Delete all of paragraph (1) after "Committee of the" and insert

"Centre to examine and report on the following functions carried out in the Office of the First Minister and the Deputy First Minister, and on any other related matters determined by the Assembly:

- (a) Economic Policy Unit (other than the Programme of Government);
- (b) Equality Unit;
- (c) Civic Forum;
- (d) European Affairs and International Matters;
- (e) Community Relations;
- (f) Public Appointments Policy;
- (g) Freedom of Information;
- (h) Victims;



- (i) Nolan Standards;
  - (j) Public Service Office;
  - (k) Emergency Planning;
  - (l) Women's Issues.
- (2) This Committee shall replace the Standing Committees on European Affairs and Equality, Human Rights and Community Relations. Standing Orders "Standing Committee on European Affairs" and "Committee on Equality, Human Rights and Community Relations" are, accordingly, revoked.
- (3) The Committee shall consist of 17 Members."

This amendment, which relates to how the Assembly will scrutinise the work of the Office of the First Minister and the Deputy First Minister, is in the names of David Trimble and myself.

It is clear that all sides in the Assembly agree that there should be scrutiny of the policy functions that fall within the Office of the First and Deputy First Ministers. The Good Friday Agreement says

"There will be a Committee for each of the main executive functions of the Northern Ireland Administration".

It is important to note that the Good Friday Agreement refers to "a Committee".

The Assembly previously approved the creation of two non-Statutory Committees — one relating to equality, community relations and human rights, and the second to look at European matters. The motion on the Order Paper calls for a third Committee to examine the remaining functions of the Office of the First and Deputy First Ministers.

The effect of the amendment would be to follow the practice which exists for all the other Departments and to create a single Committee to perform the scrutiny function for the Office of the First Minister and the Deputy First Minister, thus complying fully with the terms of the Good Friday Agreement.

The amendment proposes detailed and specific policy functions for which the Committee would have a scrutiny responsibility. In the debate on junior Ministers we made clear the importance that we attach to these policy functions. Issues such as equality, community relations and economic policy go to the very heart of the new institutions that have been established, and it is right and proper that the Assembly should be able to scrutinise those functions fully.

David Trimble and I have considered very carefully what was said in the debate that was held in the Assembly in March, when the Standing Orders were debated. In that debate there was widespread support for scrutiny of the Office of the First Minister and the Deputy First Minister. Our proposals are designed to meet that concern.

It is important to recognise the difference between what we are proposing and the call for a third Committee for the Office of the First Minister and the Deputy First Minister in the motion. Our amendment clearly recognises a critical distinction.

That distinction is between the policy functions carried out by the Office of the First Minister and the Deputy First Minister and the institutional roles which David Trimble and I play as a consequence of the positions we hold. It would be without parallel for Executive Committee business or any institutions relating to the First Minister and the Deputy First Minister to be the subject of Assembly scrutiny.

It is essential that discussions in the Executive Committee or the negotiating positions for the Northern Ireland Administration in relation to the North/South Ministerial Council or the British-Irish Council remain private. The Executive collectively, and the First Minister and the Deputy First Minister specifically, are accountable to the Assembly for those decisions and their ramifications. That accountability to the Assembly is critical, and it is one that we fully recognise.

The other key difference between our amendment and the motion is that we are seeking to remove the requirement placed on the Committees dealing with equality, community relations and human rights and European matters to examine only matters "referred to it".

The amendment to the proposed Standing Order is cast in the following terms:

"to examine and report on the following functions and on any other related matters determined by the Assembly".

In the amendment we are seeking to expand the role which the scrutiny Committee can play in relation to the Office of the First Minister and the Deputy First Minister, and that would bring that Committee into line with the departmental Committees established for the Departments of all Members of the Executive Committee.

The amendment is fully reflective of the Good Friday Agreement, which refers to a committee to scrutinise the main Executive functions. It places the Office of the First Minister and the Deputy First Minister on the same footing as those of all the other Ministers and ensures that the Committee established to scrutinise the work of the Centre will operate in the same way as all the other Committees. It establishes very clearly the functions that the scrutiny Committee will cover.

**The Minister for Regional Development (Mr P Robinson):** I detect some sleight of hand in what is being proposed.

The initial motion was put down on the basis of what the Assembly considered was the best option, and it had decided that two Committees should be set up. It



decided, following the judgement of the First Minister and the Deputy First Minister, that one Committee should deal with European matters and the other with equality issues.

I did not agree with that decision. My party made it clear to you, Mr Speaker, in a private meeting, that we felt that serious issues were arising from the First and Deputy First Ministers' refusal to come forward with a proposal to cover other areas within their remit. We attempted to address this through a motion — and I think its terms would have been broadly acceptable to a number of parties, outside of those whose representatives were in the Office of the First Minister and the Deputy First Minister — and that would have dealt with all of the other matters that fall within the responsibility of the First Minister and the Deputy First Minister.

The amendment which we are discussing today produces, to me at least, a better structure — one in which it will be possible to have those responsibilities scrutinised. Having taken that step forward, however, and having suggested one Committee through which this can be comprehensively dealt with, they step back and, I regret to say, do not include in the amendment all of the functions that are their responsibility. That is to be regretted, and I hope that they will reconsider, even before this debate is over.

The division suggested by the Deputy First Minister is somewhat spurious. Any Minister could choose to distinguish between the type of functions that are operated in his or her Department. It would be very easy to say that the Committee should be allowed to look at the policy issues that we deal with but not at the administrative matters that are our responsibility. I do not think that that would be satisfactory to the Assembly in respect of any other Department, so why should it be so for the Department of the Centre?

It is apparent, from earlier discussions, that the First Minister and the Deputy First Minister consider that their Department has such a weighty burden that they need to draw in further assistance to help them carry it, that they have matters of significance and substance to deal with. But that is contrary to the kind of open government that many of us are arguing for. Only today, I said that we should move away from colonial-style government where you do not produce the facts, where you do not allow people to scrutinise a Department in detail. In effect, the First Minister and the Deputy First Minister are saying that their Department is different from the others, that only some of its functions may be scrutinised, but not all.

Speaking as a Minister, at least for the present, I admit that it is not comfortable to have to defend one's policies and provide answers to questions from awkward people on the Committee — and I am not looking at anybody in particular — who want to get to

the bottom of an issue that is important to them. But that is what a democracy is about. One should not be advocating policies that one cannot defend, whether it is to do with North/Southern or anything else.

8.45 pm

In annex 1a of the report from the then First Minister (Designate) and Deputy First Minister (Designate) Members will see that they raised fewer than half of the number of issues that the Committee will be capable of scrutinising. That report itemised very clearly the various issues for which they were responsible. I expect that it did not take into account many of the other areas on which they will make their opinions known, express views and even take decisions, areas that we will never be able to address because as soon as the Chairman of the Committee wants to move from the issue that is before him to one that a Member raises, he will have to look at his remit. The remit states that the Committee of the Centre is only to examine and report on the specific functions that are laid down as subjects that the Committee is entitled to scrutinise. If the Committee goes outside those specific functions, it will be acting *ultra vires*, and the First Minister and the Deputy First Minister will hold up their hands and say "I'm sorry, but it is not within your remit to look at those issues; you will have to have a special motion resolved by the Assembly in order to do that." The amendment is saying that the Assembly can deal with other issues, if it so determines, but that it will require a further vote in the Assembly, and a weighted vote at that.

I say to the First Minister and the Deputy First Minister that it would be far better if they came clean on the issue and made themselves subject to the same kind of scrutiny that other Ministers will be subject to. It is in the interests of any Department to put forward its arguments on issues publicly and to stand over matters that it has been dealing with privately.

The Deputy First Minister advanced the argument that they could not talk about the private negotiations that go on on a North/South basis and so forth in a Committee and that they are subject to the scrutiny of the Assembly. Well, if the negotiations are so private, it might be a lot easier for them to talk to the Committee rather than to the Assembly in a public session. That might be an easier route for them to take.

This does look, at best, a little indecisive. Last week Members sat here and set up two Committees, and this week we are demolishing those two Committees and setting up a different one in their place. The public might just expect people to think a wee bit ahead of the game and not set up one thing one week and then try to get a new structure going in its place the following week. If they have this new flexibility, next week they will come and add on the other 12 or 13 subject matters that they have not included in the amendment today.

I say, most assuredly, that this matter will not go away. They are not going to get off with it. They are going to be scrutinised, and if they are not scrutinised in a Committee, they will be scrutinised here. And it would be far better for scrutiny to be done in the atmosphere of a Committee, where we can lay the facts open and have proper discussion, than in the Assembly.

Clearly there are matters that the legislation enables the Assembly to deal with in open session, particularly North/South matters. But in spite of what the legislation says there is a plethora of issues in the report from the then First Minister (Designate) and the Deputy First Minister (Designate) that have not been included.

I ask the First Minister and the Deputy First Minister to think again. If they are not prepared to do that today, and to include all the areas over which they have responsibility for scrutiny, we shall put down a substantive motion to have them included. We cannot amend their amendment, so we cannot do that today, but we will do it at the earliest possible opportunity and continue to bring this issue up until it is properly addressed.

The public have a right to be certain that not just 10 Ministers but all Ministers will be subject to this kind of scrutiny. Many of them are likely to ask "What have these two guys got to fear? Let them stand on their own feet in exactly the same way as every other Minister and be answerable in the same way as every other Minister. They should not be different."

**Mr C Murphy:** A Chathaoirleigh, it is important to trace the history of this Committee of the Centre. There was a huge amount of discussion and consternation in the Standing Orders Committee when it was discovered that there was what was described as a gap in the legislation and no provision for a Statutory Committee to scrutinise the Centre. We got the NIO Minister, Mr Paul Murphy, in to discuss ways of attempting to plug the gap through legislation in the House of Commons, but we were unsuccessful.

The urgency to resolve the matter increased greatly in December 1998 when the determination from the First Minister and the Deputy First Minister appeared to "pack out" the Centre. This was reinforced by their positions at that time. We had not opposed the absence of a Committee on Equality in the 10 Departments that were agreed, but we were keen to see proper scrutiny of the Centre.

Various solutions were suggested in the Standing Orders Committee to deal with the issue. One of those was to spread scrutiny of the Centre over a number of Committees, and I felt that there was general agreement on that. The motions that were passed by the Standing Orders Committee suggested that a Committee on Equality, Human Rights and Community Relations, a

Committee on European Affairs, and a sort of catch-all Committee to deal with the other matters that rested with the First Minister and the Deputy First Minister would be established.

I understand from the minutes of the Standing Orders Committee that the joint Chairmen and the Clerk of the Standing Orders Committee were mandated in July to present a proposal for a Committee of the Centre. At a previous sitting of the Assembly, we agreed to set up the Committee for Equality, Human Rights and Community Relations and the Committee for European Affairs. Surprisingly, the draft Order Paper for that sitting proposed a Committee of the Centre in the name of one of the then Chairmen of the Standing Orders Committee, yet that proposal was withdrawn from the Order Paper itself.

There is an element of farce in that at which the DUP has rightly poked fun, but I note that it does not express any regret at the potential loss, given the terms of the amendment, of the Committee on Equality, Human Rights and Community Relations. That should strike home on this side of the House.

Today we have had a proposal, which has been dropped, and an amendment relating to a Committee of the Centre, and neither came from the Standing Orders Committee, where such was supposed to originate. Indeed, the amendment came from the Office of the First Minister and the Deputy First Minister. It is a matter of concern that the Standing Orders Committee was mandated to do this and did not. I believe that there has been a welter of confusion over Standing Orders. As a member of the Committee, I accept the criticism from Members about its way of doing business in the months before the transfer of power. In spite of that there are greater concerns about the amendment from the Office of the First Minister and the Deputy First Minister.

**Mr Haughey:** I was one of the Chairmen of the Standing Orders Committee, yet I am hearing for the first time about this welter of confusion. It is amazing that no one was aware of it during our work.

**Mr C Murphy:** The welter of confusion arose from the fact that several motions were tabled, some of them in the name of both former Chairmen of the Committee. One was in the name of just one of the Chairmen, and it was withdrawn. If that is not confusing, I do not know what is.

**Mr Haughey:** Does the withdrawal of one motion constitute a welter? Does that conform to the ordinary understanding of everyday English — a welter of confusion?

**Mr C Murphy:** I was on the Standing Orders Committee and also on the Business Committee, and I suggest that Mr Haughey read some of the Business Committee minutes in which he will see what that

Committee thought of the performance of the Standing Order Committees in recent months.

We have other concerns about the proposal from the First Minister and the Deputy First Minister and not just because the detailed proposal on how the Department of the Centre would be scrutinised by the Assembly comes from the Department which is the subject of that scrutiny. We are also concerned because half of the items on the long list of the Department's functions are omitted from the list given by the First Minister and the Deputy First Minister in their amendment.

What concerns me most is the proposal in the amendment to scrap the Committees that we established last week. They are the Equality, Human Rights and Community Relations Committee and the Committee for European Affairs. *[Interruption]*

**Mr Speaker:** Order. The hubbub is beginning to get above what is reasonable. The Member who is speaking must be given a hearing.

**Mr C Murphy:** I turn to the debate that arose from the determination by the First Minister and the Deputy First Minister on 18 January, when the current Minister of Higher and Further Education said, in relation to equality,

"We believe that the Assembly should assist in this task by the establishment of a special Committee to scrutinise equality."

That was reinforced by Mr Nesbitt, who will be a beneficiary of today's proceedings. He said

"Indeed, we believe there is a case for a Scrutiny Committee to deal with this aspect of rights and equality."

It was intended then to have a Committee to scrutinise the equality functions at the Centre. Suddenly today, without any notice and regardless of any discussion and agreement in the Standing Orders Committee, in the Committee to Advise the Presiding Officer and in the Business Committee, the SDLP and the UUP, as represented by the First Minister and the Deputy First Minister, have changed their minds on the issue.

Given that these gentlemen have spent most of the evening trying to convince us that the remit of the Department of the Centre is so vast that four Ministers are needed to cover it adequately, we must question the logic of their proposal to reduce the number of Committees scrutinising that Department from three to one. The suspicion that they do not want proper scrutiny of their Department is hard to avoid.

The net effect of today's business is likely to be less scrutiny, less accountable Government and the downgrading of equality. Contrary to Mr Mallon's suggestion, that is not the vision of politics that underpinned the Good Friday Agreement. It should be rejected to allow us to proceed, as we agreed some

months ago, with proper scrutiny of all the functions of the Executive. Go raibh maith agat.

**Ms Morrice:** I oppose the amendment. As Mr Peter Robinson and Mr Conor Murphy have said, we are surprised by its introduction. For about 18 months it was understood and accepted that the Committee on European Affairs and the Committee on Equality, Human Rights and Community Relations were necessary and would be set up. The effect of the amendment would be to revoke the Committee on European Affairs and the Committee on Equality, Human Rights and Community Relations and, as Mr Peter Robinson has said, to reduce the amount of scrutiny of the Department of the Centre. Fewer than half the matters for which it is responsible would be subject to scrutiny.

There is a dire need for the Equality, Human Rights and Community Relations Committee, and the best example of that need is to be found in yesterday's appointment of people to advisory boards. The Deputy First Minister has said that equality goes to the very heart of our institutions. Where was the gender balance when those board members were appointed? For example, Trade Business and Development has 12 members, of whom four are women; Food Safety has 11 members, of whom two are women; the North/South Language body has 16 members, of whom five are women; and the Foyle, Carlingford and Irish Lights body has 12 members, of whom two are women.

9.00 pm

If we are serious about equality why was more effort not made to ensure that there was a gender balance? That would have given a much needed example of the new Government's attitude to equality. Equality and women's issues should be at the heart of the practice and not just the words of this institution. They are not political points to be scored. That was not the case with appointments to these bodies.

Europe is our future and European affairs cut across every Department. I have often heard complaints about the Dublin Government's interfering in our affairs, but people forget that since 1973 the Dublin Government, along with the French Government and the German Government, have been setting the price of our butter. This interference in our affairs has been happening since we joined the European Union. European affairs affect every policy area, and it is very important that we have a Committee on European Affairs to cover that. This has always been accepted in the Assembly, and I do not understand the logic of this amendment to eradicate these two Committees.

The most important point, and one that Mr Peter Robinson has raised, is that the effect of this amendment would be to leave 13 out of the 26 areas for which the



First Minister and the Deputy First Minister are responsible with no scrutiny whatsoever. The North/South Ministerial Council would not be covered, nor would the British/Irish Council and key issues relating to the machinery of government. Liaison with the Secretary of State and the International Fund for Ireland would not be covered, and information services, which are vital to the machinery of government, would have no scrutiny whatsoever. Neither would there be scrutiny of cross-departmental co-ordination, the Assembly Ombudsman, the Policy Innovation Unit and the awarding of honours.

It would be wrong of the Assembly to accept this amendment on the grounds that there should be openness and transparency. Committees should be able to scrutinise all areas of government. We need a Committee on European Affairs, a Committee on Equality, Human Rights and Community Relations and a Committee of the Centre, covering all the Centre's responsibilities. That is the way forward.

**Mr Ervine:** I oppose the amendment and therefore support the motion. I am dismayed by today's affairs. I do not wish to believe that the First Minister and the Deputy First Minister are naïve, but it is the best option open to me. The only alternative is to think, as has been suggested, that there has been a sleight of hand. We agreed to have two Committees and to generate a third to cover the remit of the First and Deputy First Ministers' Department. Substantial portions of the report they produced when they were, as Mr Robinson said, "Designate" are absent. The fact that there has been no consultation about this and the immediacy with which they have landed pieces of paper on this Table are bound to give people cause for concern.

A malaise is creeping in. Whether it is because of the amount of patronage there is for some Members or the benefits of creating junior Ministers, with which we agree, I do not know — we are just not happy with what is happening because we have not been told enough about it. This behaviour is arrogant and in the nature of big parties. Members can see from Hansard that we have talked about the fear of patronage before. We have also talked about the lack of inclusion, and the big parties are inclined to get carried away with that.

I am not advocating that anyone from a small party like ours should be the chairman of such a committee, but I am saying very clearly that unless there is consultation, there will not be support. If something were to be done which seemed either naïve or shifty — and I would prefer it to seem naïve — I would be inclined to believe that it was neither if someone were reasonable enough to discuss it. Each issue has to come to the Floor of the House. The requirement for cross-community support may or may not make a difference this evening, but it will at some point in the

future. Let the two large parties who are responsible for this — and they will no doubt support the First Minister and the Deputy First Minister — be warned that if it is to be the nature of things in the future, we will not support matters about which we are unclear or which are designed for the benefit of the big parties alone. In that respect today's proceedings have not been good, and we will undoubtedly support the motion.

**Mr McCartney:** What we are experiencing today is not the fundamental sickness that will affect the Assembly, but merely some of the symptoms of that sickness. The Assembly was founded on unique and undemocratic principles. Such principles were imported because it was said that Northern Ireland was a unique place for which the ordinary principles of democracy were unsuited, and that is why the Belfast Agreement created the sort of institution that we have here. Ministers were elected on a peculiar and unique system — the d'Hondt system. It is unique in British parliamentary experience. It may be suitable for some German Länder, but it is not suitable here.

There is an absence of democracy in the sense that there is no Government and no Opposition — an Opposition that could hope that by persuading the electorate of the defects of the current Government it would one day enter into Government in their place. Such an Opposition would have had the task of questioning and examining, on the Floor of the Assembly, the workings of the Government. Instead of that, we have the consensus arrangement under which the four major parties divided up the 10 ministerial offices among them and, together with the First Minister and the Deputy First Minister, control the Executive. If this continues, subject to the present position of the DUP, the vast majority of the Assembly will always be in Government with a few minor parties hanging about, perhaps least of all my own, such as the Women's Coalition, the Alliance Party, the United Unionists, and, to a lesser extent, Sinn Féin and the DUP. Essentially, the Executive is controlled by two parties which, with a little assistance from their friends from time to time, can deliver the Nationalist and the Unionist vote in accordance with the principles on which the Executive has been erected.

Therein lies the problem. To counterbalance the overwhelming power of the Executive, which is centred on the two major parties, we were to have a series of scrutinising Committees. Again, the overwhelming membership of those Committees would come from the four major parties that constitute the Executive. At an early stage in the meetings of the Standing Orders Committee, I pointed out that Standing Orders would have to be very zealous in protecting the Assembly against an over-mighty Executive. I and other members of the Committee will recall that Dr Farren, who is now the Minister of Higher Education, suggested that the

plenary sessions of the Assembly should be held on two days a month as all other business would be conducted in Committees and by the Executive. Plenary sessions were seen to be an irritation to the backside. That was the extent to which the Assembly was to be reduced, and one has to superimpose the party system on all that.

Under this amendment, the Assembly can deal with any other related matters, as determined by the Assembly, as well as with the 50% of the matters in the Annex that are excluded from the scrutiny of the Committee of the Centre. What will happen when it is decided to have a vote on whether a matter should be sent to that Committee? The SDLP will follow its leader, and the UUP will try to screw up enough support to carry it through if voting is on the basis of a majority decision. The two of them will organise their Members to vote down any proposal from the rest of us to have such a matter sent to the Scrutiny Committee for examination. The distribution of patronage and the organising of those on the payroll are part and parcel of the means by which Executives in every country control their legislatures.

One of the difficulties about Westminster, the Mother of Parliaments, is that its role is being totally reduced. There is an elite in the Executive and a collection of Lobby fodder in Parliament. Because they are part of the hierarchical party system, they want to keep their noses clean to ensure that they will progress up the greasy pole to the ultimate position. They go through the Lobby, although most of them do not know which Lobby to go through and have to be directed by the Whips. The Executive is exercising more and more control and is reducing the plenary sessions of Parliament to a ghastly joke.

Under that arrangement, however, there is at least an Opposition. There is still the hope that somewhere along the line the Opposition will become the Government, as happened to Labour. Therefore there is at least some examination, if only out of self-interest. Where is the self-interest here? The self-interest, if any, lies between the two major parties.

I must make it plain that the Government and the Northern Ireland Office knew this all along. Those Members of the Women's Coalition who ululated when this great thing was brought into being, those Members of the PUP who were conned — some of them were told that, in other circumstances, they would be world statesmen — are, in effect, no longer necessary to the propagation of this scheme. So far as the Centre is concerned, the Women's Coalition may go on about its equality agenda, women's rights and Europe, and Ms Morrice can talk about butter and all the rest of it, but the truth is that the Women's Coalition is a pain in the butt to those who really want to get on with the business of running this Government. Those people do

not want to be faced with the idea that one or other of the smaller parties could be heading a Committee that was going to give the ruling parties any trouble. That is the truth. *[Interruption]*

9.15 pm

I hear Mr Ervine muttering about patronage in North Down. There is no patronage in North Down. I am not looking for anything from the Government by way of financial remuneration, and I am bitterly opposed in principle to the honours system, so I am not concerned with that.

Let us get back to the main issue which is that this amendment relates to the ever-increasing centralisation of power within the Executive and within the control of the First Minister and the Deputy First Minister. That is why the smaller parties are being excluded from this. That is why, through working the party system, they will be able to prevent the smaller parties from ever bringing any matter to be scrutinised by this Committee. This is all about Executive power against the power which Members, as a body, hope to exercise in plenary sessions. All of this is related to matters which we discussed last week and this week — matters such as patronage, with more than 50% of Assembly Members on the payroll at a salary above their normal one.

It makes you begin to wonder who is dispensing this patronage. Who will decide who is to be a Whip? Who will, as happened this morning, decide who will be a junior Minister and for what? The Executive, not the Members. While we have this fundamentally flawed, allegedly consensual arrangement, effective scrutiny Committees under the control of the Assembly will be vital. If those at the very centre of power can, by this amendment, exclude matters from the scrutiny of the Assembly or its Committees — and they are effectively excluding them from both — the Members' function is thereby diminished.

Members should think very carefully about the fundamentals of this. Why are Members here? Are they really here to be Lobby fodder for the First Minister and the Deputy First Minister? Are they motivated by what is best for the people of Northern Ireland or are they motivated by party loyalties alone, or are they, from time to time perhaps, motivated by a mixture of party loyalties and self-interest?

I have heard the allegation made that it is all right for Bob McCartney — he is not worried about his salary or this or that. That may or may not be true, but it does invest me with the capacity to stand here, owing nothing to any man and wanting nothing from any man, and say what needs to be said. It is time the Assembly and its Members started taking note, or are they all going to be placemen and placewomen?



I listened to the Members from the Northern Ireland Women's Coalition, and behind all their talk about Europe and women's rights was the suggestion that both were admirably fitted to be a Chairperson in charge of the question of Europe or women's rights. The talk about inclusivity is because the smaller parties — and the Women's Coalition in particular — are being excluded from office. That is what this is all about.

All of this, however, is cloaked with the appearance that they are very concerned about these things. Their concern makes me smile, not at the subject matter of their concerns, which are very real, but at the way in which these Ladies are presenting them, a way which any intellectual feminist abandoned 20 years ago. *[Interruption]*

**Mr Speaker:** Order.

**Ms Gildernew:** Go raibh maith agat, a Chathaoirleach. I do not want to repeat what my Colleague Mr Conor Murphy has already said. However, I have to put on record my disappointment at events in the House tonight.

The Assembly has moved from our position in the Good Friday Agreement, which suggested that we have a dedicated Department of Equality, to talking about and rejecting the suggestion that we have a dedicated junior Minister for equality. It has moved from talking about and rejecting a standing committee to scrutinise equality, human rights and community relations to lumping the equality unit into the Office of the First Minister and the Deputy First Minister, where it will be swallowed up entirely.

Inequality, discrimination, community relations and human rights have now been shifted again, and we must question the agenda which is driving the debate in the House tonight. The inequalities which have existed for years were what prompted me to enter politics in the first place, and I am disgusted that every attempt to scrutinise the delivery of equality in our society is being thwarted. Go raibh maith agat.

**The First Minister (Mr Trimble):** It is my job to wind up the debate on this issue, and I hope to be brief.

I wish to touch on some of the contributions which have been made, and, first of all, I shall touch on the penultimate contribution — that made by Mr McCartney. It was interesting to listen to the Member contrast the operation of parliamentary principles, as they are known at Westminster, with our practice here. I do not intend to follow him into the detail of that. Rather, I wish to note the contrast between the differences he drew and the fact that he treated Assembly Members here in exactly the same way as he treats Members of Parliament at Westminster. If he continues to do that, he will have as many friends in this Assembly as he has at Westminster. *[Interruption]*

Moving on to the points of substance that were made by other Members, specifically Ms Morrice and Mr C Murphy, I expressed concern about the rationalisation that these proposals are to bring about. It is fair to say that over the months — indeed, years — a number of different proposals have been made on scrutiny of the Office of the First Minister and the Deputy First Minister and the responsibilities within it, and a number of Members here have changed their positions on the matter.

We should acknowledge that we have arrived at what I think is the best outcome. We are not abandoning scrutiny on equality issues, European issues or other issues, but we are consolidating them on a better basis. Mr Robinson acknowledged this because he conceded that this amendment will produce a better structure, and I agree. By way of criticism, Mr Robinson also suggested that we are attempting to treat the First Minister and the Deputy First Minister more favourably than other Ministers and that some matters will not receive scrutiny. That is not a valid criticism. We have to draw a distinction, as the amendment tries to do, between the process by which policy is formulated and the question of a policy's merits, how it is implemented and what its consequences are.

In all systems, the process by which policy is evolved and the discussions which take place with officials are free from scrutiny. That is also true of other Departments. I am certain that Mr Robinson, together with his ministerial colleagues, will respond in the same way as we are responding if his Committee asks what advice he received from officials and what matters were considered when he was formulating policy.

The Deputy First Minister made the point when he was introducing this matter. He said

“It is essential that discussions which take place in the Executive Committee, or the negotiating positions for the Northern Ireland Administration in relation to the North/South Ministerial Council or the British-Irish Council should remain private.”

The amendment provides for that. It also provides for the scrutiny of all of the significant functions in the Office of the First Minister and the Deputy First Minister which have any Executive character and does so in a much more rational and coherent manner than previous proposals.

It is a pity that it came through late. However, this reflects the fact that over the past few weeks we have had a flurry of items to focus on in the operation of our Office. I apologise to Members that the amendment was tabled at such short notice. This was largely because we were able to focus on the matter only last night, when we started to look at its implications. The amendment evolved after consultations with some Members. I concede that not all Members were consulted.

**Mr P Robinson:** First, having listened to the First Minister and the Deputy First Minister, I am not convinced that there is a distinction between the policy issues and the outworking of those issues in their Office that is any way different from that of any of the other Departments. Every Department has policy and strategic issues, and there is an outworking of those policies. Ministers will be questioned, interrogated, and turned upside down on all of those issues — and rightly so.

I do not think that there will be any such distinction either in the minds of those on the Committees. They will be able to ask us how we arrived at our decisions, and in many instances they will have taken part in our arriving at them. In formulating our decisions we will have to seek advice, and, under legislation, we will be given advice by the Committees. The First Minister and the Deputy First Minister will be denied that advice by excluding these matters from the remit of their Committee.

Secondly, by excluding those matters, the First Minister and the Deputy First Minister know that they are taking one significant power away, and that is the power to require papers to be produced. That cannot be done in the Assembly, but it can be done in Committee if the excluded matters are included in the Committee's remit.

**The First Minister:** I return to the point that I made earlier. The distinction, which the Minister is trying to blur, does exist. It is to be found in the Deputy First Minister's comment which I quoted earlier. It is essential that discussions which take place in the Executive or the negotiating positions which we adopt — regardless of whether they be for the North/South Ministerial Council, the British-Irish Council, or Brussels — remain private. That was our central concern when we framed this amendment.

We have provided for effective scrutiny to cover all the concerns that were expressed by Ms Morrice, Mr Murphy and Mr Irvine. I am quite confident that we have in this amendment a more coherent, better and more effective procedure for scrutiny than we would have had in the provisions that were otherwise evolving.

**Mr Speaker:** I call Mr Ford to make his winding-up speech.

**Mr Ford:** I was expecting Mr Peter Robinson to speak.

**Mr Speaker:** I am content to call Mr Robinson.

9.30 pm

**Mr P Robinson:** I am reluctant to speak for a third time on the issue, but if you insist, Mr Speaker, I shall do so. My speaking a short time ago was little more than an intervention, but since the First Minister allowed me to make it, it was valid. I also note that he did not bother to respond to it, which shows how worthwhile it must have been.

I accept — and I made this very clear during my remarks — that in structural terms there are significant advantages in having all issues dealt with in one Committee. Some of those who wish to see three Committees instead of one would regret that before too long, since there would be an overlapping of functions.

The key issue, on which all of those who have spoken against the amendment are united, is that all the functions of the Department must be scrutinised, whether by one Committee or three. If I am asked to choose whether I would rather have one Committee dealing with half of the matters or three Committees dealing with them all, I will opt for the latter. We should not, however, be forced to choose.

I offered the First Minister and the Deputy First Minister an opportunity to place the rest of their responsibilities under the Committee's remit so that we could deal with them all in the proper, structured way suggested. Unfortunately, they did not avail themselves of that opportunity, and, regardless of the arithmetic at the end of today's debate, it is simply not going to wash.

Issues will arise. The First Minister and the Deputy First Minister may feel that they are avoiding them by not having all their responsibilities included in this remit. It is, however, a feature of all deliberative Chambers that they have in them people of sufficient ingenuity to ensure that such matters are raised again and again. However, it is far better to do it in some structured way such as in a Committee than have it come out through cracks in the system, which would be most unfortunate for the whole running of the Assembly.

I cannot read the mind of the Member who moved the motion, but I detect from what people have been saying that a number of them are not content with the amendment and intend to vote against it. I hope that they will do so in sufficient numbers to allow the First Minister and the Deputy First Minister to recognise that they are not carrying the House with them. When we are dealing with the very structures of business, it is not sufficient to have a mere majority. Policy issues differ from those of structure in that, with a policy issue, one can get away with a mere majority. One can operate the policy. However, one cannot expect people to work on an ongoing basis within a structure that does not have the consent of a significant number of this Assembly's Members — it will simply not work.

They should learn the lesson, sooner rather than later, that they do not have the mind of the Assembly on this issue yet. If they were prepared to set up two Committees last week, only to dump them this week and set up another, then, before too long, if they do not accept the burden of what is in the motion, they will have to return to the Assembly to seek sufficient consensus. I trust that they will take this on board.

This is not a matter of looking for opportunities to snap at the heels of the First Minister and the Deputy First Minister — though for some that might be the case. The reality is that this would be good for democracy. It would give people an opportunity to get off their chests all the issues which burden them and, more importantly, burden the people outside. If they are not given vent within a democratic structure, they will be given vent outside in an undemocratic fashion. It is up to democrats to make sure that the opportunity for this is given within the structures of the democracy, rather than allow it to be pushed out where it will adopt a more unseemly face. I trust that they will think again. Even if they win the vote today, they will have to return to this issue before too long.

*Question put* That the amendment be made.

*The Assembly divided: Ayes 53; Noes 32.*

#### AYES

##### Nationalist

*Alex Attwood, P J Bradley, Joe Byrne, John Dallat, Arthur Doherty, Mark Durkan, Sean Farren, John Fee, Tommy Gallagher, Carmel Hanna, Denis Haughey, Joe Hendron, Patricia Lewsley, Alban Maginness, Seamus Mallon, Donovan McClelland, Alasdair McDonnell, Eddie McGrady, Eugene McMenamin, Danny O'Connor, Eamonn O'Neill, Brid Rodgers, John Tierney.*

##### Unionist

*Ian Adamson, Pauline Armitage, Billy Armstrong, Roy Beggs, Billy Bell, Tom Benson, Esmond Birnie, Joan Carson, Fred Cobain, Robert Coulter, Duncan Shipley Dalton, Ivan Davis, Reg Empey, Sam Foster, John Gorman, Derek Hussey, Danny Kennedy, James Leslie, David McClarty, Alan McFarland, Michael McGimpsey, Dermot Nesbitt, Ken Robinson, George Savage, David Trimble, Jim Wilson.*

##### Other

*Eileen Bell, David Ford, Kieran McCarthy, Sean Neeson.*

#### NOES

##### Nationalist

*Michelle Gildernew, Alex Maskey, Barry McElduff, Gerry McHugh, Mitchel McLaughlin, Conor Murphy, Mick Murphy, Mary Nelis, Sue Ramsey.*

##### Unionist

*Paul Berry, Mervyn Carrick, Wilson Clyde, Nigel Dodds, David Ervine, Oliver Gibson, William Hay, David Hilditch, Billy Hutchinson, Roger Hutchinson, Gardiner Kane, Robert McCartney, Maurice Morrow, Ian R K Paisley, Edwin Poots, Iris Robinson, Mark Robinson, Peter Robinson, Jim Shannon, Jim Wells, Sammy Wilson.*

##### Other

*Monica McWilliams, Jane Morrice.*

*Total Votes 85      Total Ayes 53 (62.4%)*

*Nationalist Votes 32      Nationalist Ayes 23 (71.9%)*

*Unionist Votes 47      Unionist Ayes 26 (55.3%).*

*Question accordingly agreed to (by cross-community consent).*

*9.45 pm*

**Mr S Wilson:** On a point of order, Mr Speaker. Were all Members aware of the correct Lobby to go through? There appeared to be some confusion in the Alliance Party.

**Mr Speaker:** Order. Members are still learning, but I have no doubt that they were fully aware of how they were voting.

**Mr S Wilson:** Further to that point of order, Mr Speaker. As Speaker and as a psychiatrist, do you deal with political schizophrenia, and would you counsel some of your own party members?

**Mr Speaker:** When I come to this Chair I must leave all my other attachments to the side — for the sake of my sanity, if nothing else.

*Main Question, as amended, put.*

*The Assembly divided: Ayes 52; Noes 33.*

#### AYES

##### Nationalist

*Alex Attwood, P J Bradley, Joe Byrne, John Dallat, Arthur Doherty, Mark Durkan, Sean Farren, John Fee, Tommy Gallagher, Carmel Hanna, Denis Haughey, Patricia Lewsley, Alban Maginness, Seamus Mallon, Donovan McClelland, Alasdair McDonnell, Eddie McGrady, Eugene McMenamin, Danny O'Connor, Eamonn O'Neill, Brid Rodgers, John Tierney.*

##### Unionist

*Ian Adamson, Pauline Armitage, Billy Armstrong, Roy Beggs, Billy Bell, Tom Benson, Esmond Birnie, Joan Carson, Fred Cobain, Robert Coulter, Duncan Shipley Dalton, Ivan Davis, Reg Empey, Sam Foster, John Gorman, Derek Hussey, Danny Kennedy, James Leslie, David McClarty, Alan McFarland, Michael McGimpsey, Dermot Nesbitt, Ken Robinson, George Savage, David Trimble, Jim Wilson.*

##### Other

*Eileen Bell, David Ford, Kieran McCarthy, Sean Neeson.*

**NOES***Nationalist*

*Michelle Gildernew, Alex Maskey, Barry McElduff, Gerry McHugh, Mitchel McLaughlin, Conor Murphy, Mick Murphy, Mary Nelis, Sue Ramsey.*

*Unionist*

*Fraser Agnew, Paul Berry, Mervyn Carrick, Wilson Clyde, Nigel Dodds, David Ervine, Oliver Gibson, William Hay, David Hilditch, Billy Hutchinson, Roger Hutchinson, Gardiner Kane, Robert McCartney, Maurice Morrow, Ian R K Paisley, Edwin Poots, Iris Robinson, Mark Robinson, Peter Robinson, Jim Shannon, Jim Wells, Sammy Wilson.*

*Others*

*Monica McWilliams, Jane Morrice.*

<i>Total Votes 85</i>	<i>Total Ayes 52 (61.2%)</i>
<i>Nationalist Votes 31</i>	<i>Nationalist Ayes 22 (71.0%)</i>
<i>Unionist Votes 48</i>	<i>Unionist Ayes 26 (54.2%)</i>

*Main Question accordingly agreed to (by cross-community consent).*

*Resolved:*

After Standing Order 57 insert a new Standing Order:

**“( ) Committee of the Centre**

- (1) There shall be a Standing Committee of the Assembly, to be known as the Committee of the Centre, to examine and

report on the following functions carried out in the Office of the First Minister and the Deputy First Minister and on any other related matters determined by the Assembly:

- (a) Economic Policy Unit (other than the Programme of Government);
- (b) Equality Unit;
- (c) Civic Forum;
- (d) European Affairs and International Matters;
- (e) Community Relations;
- (f) Public Appointments Policy;
- (g) Freedom of Information;
- (h) Victims;
- (i) Nolan Standards;
- (j) Public Service Office;
- (k) Emergency Planning; and
- (l) Women's Issues.
- (2) This Committee shall replace the Standing Committees on European Affairs and Equality, Human Rights and Community Relations. Standing Orders 'Standing Committee on European Affairs' and 'Committee on Equality, Human Rights and Community Relations' are, accordingly, revoked.
- (3) The Committee shall consist of 17 Members.
- (4) The Committee shall have the power to send for persons and papers.
- (5) The procedures of the Committee shall be such as the Committee shall determine."

*The sitting was suspended at 10.00 pm.*



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# NORTHERN IRELAND ASSEMBLY

Wednesday 15 December 1999

*The sitting begun and suspended on Tuesday  
14 December 1999 was resumed at 10.30 am.*

## BUDGET PROPOSALS (2000-01)

### **The Minister of Finance and Personnel (Mr Durkan):**

With permission, Mr Speaker, I would like to make a statement.

This morning we reach another important milestone on the road to fulfilling our new responsibilities under the Good Friday Agreement. I have the honour of laying before the Assembly the first Budget agreed by the Executive Committee.

The management of public spending is one of the fundamental responsibilities of any Government, and this is the first time in almost 30 years that local politicians have had the privilege of accepting this responsibility. The Budget for the next financial year 2000-01 has been agreed by the Executive Committee, and in fulfilment of section 64 of the Northern Ireland Act (1998) I now lay it before the Assembly.

The Act and the Good Friday Agreement envisage that the Assembly and its Committees will be able to scrutinise the Budget proposals before voting on them at some future date. I want to explain the background before taking questions on this statement.

We have also taken charge of the Budget for the remainder of this year, 1999-2000. This will require very careful management by all Ministers to match spending to the resources available. However, today we are looking forward to the Budget for next year.

Our intentions in the agreement were that the spending plans should be embedded in and support the programme of government. As we take responsibility for the public services devolved to the Assembly under the agreement, it is vital that we develop a clear and coherent view of what we are trying to achieve and that that view is both realistic and visionary. That is right at the core of our new role, and we have a compelling obligation, but also a great opportunity, to set the new direction for the policies and services that are needed and wanted by our people. The programme of government will express the vision, and the spending

plans will be one of the most important means of delivering that programme.

We now have to move from championing a few issues to deciding priorities among all the issues — from opposing to leading — and hence earn the respect of those who have entrusted us with this role. We must graduate from making demands to making decisions; from making demands against each other to making decisions with each other and for each other. The new politics will be not about arguing the worst in each other but about achieving the best for all.

Reaching agreement on the programme of government and the spending plans will mean addressing the hard choices that lie ahead. However, by virtue of the talks process, and from the experience that many Members have of working together in district councils and other bodies, I believe that we are well prepared for the task.

Some very clear guiding principles are expressed in the agreement. The Budget has to command cross-community support, and there can be no question of any Minister, or the Executive Committee as a whole, pursuing spending plans which are manifestly unfair. Quality and equality are the twin ethics which must inform the development of public policy, the delivery of public services and the management of public spending.

In the new structures there needs to be scope for each Minister and the respective departmental Committee to work together to produce detailed plans which will ensure that departmental budgets are used in the best possible way to serve the interests of all. Working closely with the Office of the First Minister and the Deputy First Minister, my Department and I will be examining spending plans and proposals in order to get the best possible value for money.

Work is only beginning on the process of drawing up the programme of government, and we have entered devolution very late in the cycle for planning a Budget for next year.

For these reasons the Executive Committee has decided that the Budget plans for the year 2000-01 should roll forward the plans that we inherited.

This is not to say that the Executive Committee is satisfied with the total spending power given to us in these plans or with the detail of how the funds are to be distributed. We believe that the plans can and must be improved, and as we improve them our having democratically elected local politicians taking decisions will be seen to be making a strong, positive and valuable difference. However, our view is that the changes we make should be guided by the programme of government, when it is ready. It would be wrong to be rushed into premature shifts in spending allocations, especially at this stage of the year.



Time and circumstances do not allow us to demonstrate yet the difference devolution will make. To engage gratuitously in significant or even superficial reallocations at this point would be an indulgence tantamount to political joyriding with the associated risks of danger and damage.

The plans we have inherited give us a total of £8.9 billion for public services. Of that amount we have full discretion for about £5 billion. The rest is needed for the likes of social-security benefits or for matters that have already been defined, such as the EU peace programme, and for which specific additions have been agreed by the Treasury in London. The total is decided by the Cabinet in London, and we will need to do all we can to ensure that we receive a fair and acceptable share of the Chancellor's cake.

As many Members are well aware from other contexts, once the final allocation is known, the remaining responsibility is to take the best possible decisions on the use of whatever fixed total amount of money is available. The allocations to the range of services we have inherited reflect the decisions taken by the previous Secretary of State in December 1998 following the comprehensive spending review, and those decisions set fixed totals for spending on that range. Much has happened since then, and new costs affect almost all of our public services. In the longer term we will need to take decisions on dealing with these pressures as we work to set out our priorities in the programme of government. In the meantime, the Executive Committee's view is that it is best if each Department adjusts its spending plans for the first year, with the agreement of the Department of Finance and Personnel, to enable it to make the necessary provision for developments since December 1998.

The plans that we have inherited make provision for the new costs of the Assembly, the new Departments, the North/South bodies, the North/South Ministerial Council, the Civic Forum and the Equality Commission. These costs are significant, and, although we are in no doubt that the provisions of the agreement have to be paid for, we also have a responsibility to operate the new structures with a proper concern for economy. The Department of Finance and Personnel and the Public Accounts Committee, which has yet to be appointed, will seek to promote the need to get good value for money in all aspects of the new arrangements.

The only revenue measure which is under our control is the regional rate. This is now part of the financing of our total spending plans. We have inherited plans that depend on the domestic regional rate's being increased by 8% per year for the next two years. One associated factor was the decision by the previous Secretary of State to increase spending on the water and sewerage system. This is necessary to enable it to reach the

standards that have been set by the EU. We will need to review the regional rate as part of our work on the programme of government, but for the year immediately ahead the Executive Committee has decided to roll forward the plans that we inherited. This will mean an increase in the domestic regional rate of 8% and in the non-domestic regional rate of 5.3%.

The spending plans for 2000-01 do not yet include the expenditure which had to be deferred from 1999-2000 as a result of the delay in the sale of Belfast harbour. If the sale does proceed, it will be possible to go ahead with action on the key projects which were held up this year.

Also still ahead are the decisions on the new round of EU structural funds. There will need to be further extensive discussion on their use, and especially on the use of the new peace programme, which is a unique resource available to be used as effectively as possible in the new context we face. At this first formal opportunity, I would like to express our thanks for and appreciation of the consistent and patient support from the European Council of Ministers and the Commission, throughout the peace process and our thanks too for the goodwill that has also been shown by so many. We owe much to the former Commission, and especially to President Santer and Commissioners Wulf-Mathies and Flynn. We have already received indications of support from President Prodi and Commissioner Barnier, and we look forward to working with them and their colleagues to ensure that wider European experience can help us to grow as a region.

Members will be relieved to know that I will not attempt now to explain all the details of the spending plans for each service for the year ahead. Some of the key facts are covered in the Budget document which has been made available to Members. The figures for individual services for next year are in some cases higher and in some cases lower than for this year. There are various reasons for this, such as one-off items of spending in 1999-2000, changes in the responsibilities of departments for services and reallocations determined in the comprehensive spending review. Also, the figures are rounded to the nearest million, which I admit can distort the comparisons. The Committees will be provided with more detailed figures to enable them to scrutinise these proposals, and I am sure that they will wish to look at all of the factors in detail.

The allocations include the costs of devolution, which are higher than was specifically provided for in the comprehensive spending review. I refer here, for example, to the costs of the Assembly itself and of the North/South bodies. We have been able to cover the additional costs by using funds which had not been finally committed in the comprehensive spending

review. Thus the allocation in this Budget for each of the new Departments will maintain the same level of service provision as in the publicly announced plans inherited from the comprehensive spending review.

Each departmental Committee will be able to take evidence on the implications for services for 2000-01 in its Department, and Ministers will provide details as appropriate. Many people working in key public services are depending on our decisions to enable them to make more detailed plans — for example, for their school or hospital. Thus the position needs to be finalised as soon as possible. In the meantime, Departments will be planning on the basis of the figures set out in the Budget document unless and until any changes are agreed with the Assembly, and they will be providing the necessary details to their sponsored bodies on this basis.

However, I encourage everybody to remember that these plans cover only the first year of our responsibilities. We should devote most of our energies in the next few months to developing a programme of government that can truly express our hopes and aspirations for our people. At the same time we will be participating in the next United Kingdom spending review, which will cover the years 2001-02 to 2003-04. This will be on the new basis of resource budgeting, which will make sure that, in a new way, our thinking is focussed on the outcomes we are trying to achieve and will bring home more fully the true resource costs of the options for action. Next year's review will be not just about disciplined financial management but also about conscientious policy setting.

I look forward to the opportunity next year to present a Budget that is built on that process and demonstrates our view of the priorities and objectives for the services for which we are now responsible.

I am very grateful for the understanding, co-operation and support that have been shown by all Ministers during the urgent discussions that we have had on the Budget since devolution. I recognise the pressures that this Budget has entailed for them. Many Departments will be anxious to avail of any in-year easements or savings that may become available as 2000-01 progresses. This underlines the importance of disciplined financial management, and I hope that the Assembly Committees will take account of the significance of this need for discipline as they begin to examine the spending plans. The Department of Finance and Personnel and I will work with and for all the other Departments and Ministers. We will not be high-handed, but we will be hard-headed.

I invite the Assembly to consider these Budget proposals and to approve them following timely deliberation by the Committees.

10.45 am

**Mr Leslie:** The Minister will be aware that there was some discussion yesterday about the cost of the North/South Ministerial Council. In the Budget statement, references are made to approximately £8 million of expenditure, distributed among five Departments. There is also a reference to the sum provision of these costs in the Office of the First Minister and the Deputy First Minister. Can the Minister tell the House what he considers to be the likely first-year cost of these bodies? Also, can he confirm that these costs will be divided equally between the Northern Ireland Assembly and Dáil Éireann — in other words, that the amounts spent by the Assembly will be matched by amounts by Dáil Éireann?

Secondly, may I draw the Minister's attention to his remarks about the sale of Belfast harbour. He said that if the sale were to proceed, it would be possible to go ahead with key projects which were held up this year. If this sale does not proceed, does he envisage some of the infrastructure projects, which are of considerable importance in a number of areas, being funded in other ways? Does he envisage trying to make savings elsewhere in the Budget in order to enable these projects to go ahead even if the sale of the port does not proceed?

**Mr Durkan:** I understood that I would take a series of questions and reply to them in the way that happened yesterday.

If we achieve the sale of the harbour this year we will be able to make moves on deferred projects that it was intended should be undertaken. If we do not do that, we will not be able to move on those projects, and the Departments that would have been sponsoring them and the Department of Finance and Personnel will have to see what options remain. Those decisions would have to be taken not by my Department but by various Departments and the Executive Committee.

The cost of the North/South bodies is shared between ourselves and the authorities in the South, and the manner in which that happens varies from body to body, depending on the nature of the work involved. We do not pay any more than a fair and reasonable share of the costs.

It should also be understood that these bodies were set up to achieve benefits, and they will achieve those benefits. We should not look at those bodies simply in terms of cost. We need to look at the benefits that will accrue from the programmes that will be undertaken and at the savings that may accrue from the workings of the bodies and from broader North/South co-operation in the future.

**Mr Speaker:** I should have made it clear that the Minister will respond after each question.

**Mr McClelland:** I welcome this Budget and the Minister's statement that future Budgets

"will be on the new basis of resource budgeting, which will make sure that, in a new way, our thinking is focused on the outcomes we are trying to achieve and will bring home more fully the true resource costs of the options for action."

I recognise that it would have been difficult for the Minister, in the short time available, to look at the vexed question of student grants and loans. In future budgets, will he look at the possibility of making money available to the Department of Higher and Further Education, Training and Employment so that it can meet this expenditure?

**Mr Durkan:** The Minister for Higher and Further Education, Training and Employment has indicated an interest in this question, as has the departmental Committee. We will wait and see what comes from that. I should point out, however, that there are financial implications. The abolition of fees would mean that the institutions would lose that part of the £1,025 per student fee income that they receive from private sources. To compensate the institutions for that would cost us some £15 million per year at today's prices. In exploring our options we need to understand that any such expenditure would have to come from somewhere else, and those immediate cost implications are not the only ones. This matter is for the Minister and the departmental Committee to explore. I am simply pointing out the cost implications.

On the broader area of resource budgeting, Members should not see this as some new, dry financial management advice from the Treasury. It is a means of making sure that our approach to public expenditure moves beyond a fixation with inputs and with comparing one year's inputs with the next year's. The traditional approach has been to increment the inputs year on year, without focusing on achieving the real outcomes we want, or even on what those outcomes are. The shift to resource budgeting will create convergence between necessary disciplined financial management and conscientious policymaking. Having identified the outcomes that we want, we will then compare budgets and performance to see that output is related to outcomes and that input is sufficient to achieve those outcomes. This will be better than the more limited and, in policy terms, less effective approach that we have been used to.

**Mr Poots:** I cannot see whether the Minister has a red briefcase, but I know that he has a red file, which is a good start.

The Minister has set out a cost of £10 million against the 10 new Departments. That is a little less than the £90 million postulated by the Ulster Unionist Party's financial whizz-kid, Jim Nicholson, but it is still a significant amount. The Minister also set aside

£8 million for the North/South bodies. What are the costs of the North/South Ministerial Council and the Civic Forum, which is buried somewhere in the Office of the First and Deputy First Ministers?

The Minister also said that it has been possible to cover the additional costs by using funds that were not finally committed in the comprehensive spending review. This is a little different from the approach that he took last year when he said that there was an understanding at the round-table discussion that over the life of the Assembly the additional costs for the new arrangements would be recovered elsewhere.

Mr John Taylor also indicated that any extra expenditure should be offset by rationalising the remainder of public administration in Northern Ireland.

What plans does the Minister have to reclaim this money from other sources — for example, by reducing the number of quangos? Members heard yesterday that more quangos are to be created. The money for these new institutions would normally have gone to schools or roads if it had not been used. How does the Minister intend to reclaim the money to fund these institutions?

**Mr Durkan:** Five hundred thousand pounds has been provided to meet the costs of the North/South Ministerial Council, and £360,000 for the Civic Forum.

As I said in my statement, the costs of the new institutions are being carried in such a way that the Budget allocation for each of the new Departments will allow the same level of service provision as was provided for in the publicly announced plans of the comprehensive spending review which we have inherited. The costs are not being levied against any of the planned programmes.

The wider and slightly longer-term question of making good those costs by achieving savings in other administrative areas will be addressed in the programme of government. These savings will not be achieved overnight, and we must ensure that the total administrative structure is working effectively. The new Departments, having a greater focus on their own responsibilities — and perhaps being able to brigade together the more compatible and less incongruous ones — will be able to deliver more effective and efficient programmes.

Many of the new Departments may also be in a better position to explore other options, such as the private finance initiative, than previously.

**Mr McElduff:** A Chathaoirligh. Ba mhaith liom fáilte a chur roimh an tuairisc seo agus ádh mór a ghuí leis an Uasal Durkan ina phost nua. I welcome the report and offer support to the Minister in his new role. All Members will take time to study the public expenditure plans. Previously, by lobbying, I and others

secured a commitment from the Department of the Environment, in conjunction with the Department of Finance and Personnel, for a review of the £2,900 allowable-costs limit for houses in rural areas which are not yet connected to a water main. I look forward to such matters being resolved in the immediate future, because decisions of this nature were put on hold until the transfer of powers was complete. I look forward to the Ministers' working with the heads of Departments to clear up such outstanding matters.

I also look forward to an increase in the overall Northern Ireland Budget and to the peace dividend, with the increasing normalisation of society. Go raibh maith agat.

11.00 am

**Mr Speaker:** Questions should be couched as questions. Otherwise it will be difficult for the Minister to respond.

**Mr McElduff:** I am looking for a commitment from the Minister that he will clear up these outstanding matters.

**Mr Durkan:** I am not sure if the outstanding matters that I have to clear up relate to some of the security issues or to water connection charges. I cannot comment on the latter, as another Department is directly responsible for them. Naturally, the parent Department will wish to address the matter in consultation with the Department of Finance and Personnel, but it would be wrong for me to give an undertaking that pre-empted or cut across the role of any other Department.

With regard to Mr McElduff's kind remarks, I would like to say go raibh maith agat.

**Mr Neeson:** Having listened to the Minister's statement, I am convinced more than ever that the Assembly should have tax-raising and tax-varying powers in line with those of the devolved Parliament in Scotland. The Minister mentioned the importance to his Department and to the yet-to-be-formed Public Accounts Committee of the Assembly's getting value for money. Does he agree that, in line with the Westminster convention, the Chairperson of the Public Accounts Committee should come from a party other than the four that make up the Government? Prior to devolution an Ad Hoc Committee was established to consider the sale of the port of Belfast. Does the Minister agree that it would be worthwhile debating the report that was tabled by that Committee to enable the matter to be progressed as quickly as possible?

**Mr Durkan:** Issues to do with the sale of the port of Belfast are the responsibility of the Department for Regional Development. As I said in response to an earlier question, it is not for me to say what should or should not happen following publication of the report of

the Ad Hoc Committee or any other measures that are being explored. Let us be clear about this: my Department's interest in the sale of the port of Belfast relates solely to securing the £70 million that was factored into the spending plans for last year. We would like to be able to secure that £70 million this year. How such a sale is to be achieved is a matter for the Department for Regional Development. It will also be considered by the Executive Committee, so it would be wrong for me to speak out of turn about specific favoured options.

I fully appreciate the point that Mr Neeson made about the chairmanship of the Public Accounts Committee. I made a similar point during the agreement negotiations, and during consideration of the Northern Ireland Bill — the Bill that was to give legislative effect to the agreement — my party and I pointed out to the Northern Ireland Office that Westminster convention should be followed when this appointment was being made. Provision for that was not included in the legislation. Perhaps people thought that, in the circumstances, it would have pointed towards a particular Member's being given that role. I do not know. However, I understand and sympathise with the Member's point.

Tax-raising powers were not in the agreement that we negotiated. However, we should be careful about what we ask for in that regard. Would having an Assembly on the Scottish model, with tax-raising powers, necessarily be in our best interests? First, given the size of our income-tax base, would it yield the significant amount of money that people think it would? Secondly, if the Assembly had that power would the Treasury not treat us as though we were using it, whether we were or not, simply because we could?

We could find ourselves very quickly having a new experience with the Treasury. Many of us, from all parties, have often had arguments with the Treasury over additionality. If we got tax-raising powers, we might find ourselves dealing with the Treasury on a new concept of subtractionality.

**Mr B Hutchinson:** I have a question about the sale of the harbour even though Mr Leslie, a Member for North Antrim, has already addressed the subject. This idea was floated by a Tory Government, and then a Labour Government was elected and tried to pursue it. Mr Durkan appears to agree with the idea because, in speaking about the sale of the harbour he said

"The spending plans for 2000-01 do not yet include the expenditure which had to be deferred from 1999-2000 as a result of the delay in the sale of Belfast Harbour."

That statement made the assumption that the Assembly has already agreed to the sale. We have been threatened by the Tory Party and by Lord Dubs. Neither is accountable to the Assembly, but the Minister is. We



have had 30 years of people like them threatening us and telling us what we should do, and now we have one of our own Ministers telling us that we have to sell the harbour, or at least implying as much. He further stated

“If the sale does proceed, it will be possible to go ahead with action on the key projects which were held up this year.”

Again we are being told that if we do not sell the harbour we cannot proceed with the key projects. Let us look at where these key projects are. With the exception of the Westlink, they are mostly outside Belfast, yet we are talking about selling Belfast harbour to pay for them. Belfast harbour is a jewel in the Assembly’s crown, and there is not another Government in the world that would sell land of that sort. We have had the report from the Ad Hoc Committee —

**Mr Speaker:** May I encourage the Member to ask a question. This is not a debate.

**Mr B Hutchinson:** I know that it is not a debate. I am coming to the question, but I want to ensure that people understand why I am asking it.

Can the Minister tell us why he said this and why he is going down the same road as Lord Dubs and not allowing the Assembly to put forward other ideas for raising money? The £70 million that the Labour Government said we were short of has, all of a sudden, appeared. These key projects could be done, but there should be other ways of raising the money, and the Assembly has not had an opportunity to explore them.

**Mr Durkan:** First, I should point out to the Member that, as I made clear, I was presenting this Budget on behalf of the Executive Committee. I am not imposing the sale of Belfast harbour on the Assembly or on anybody else.

We are dealing with a Budget that is based on the spending plans that we inherited, and those spending plans were predicated on certain key projects, including receipts from the sale of Belfast harbour. If we do not sell Belfast harbour, for whatever reason, those receipts, which were factored into the plan, will clearly be lost to us. The money that we would have raised will have to be removed from the plan or made good in some other way. If we accept that we are dealing with a permanent loss of £70 million, we will have to cut other things to pay for projects that were to have been resourced from that sum.

Mr Leslie asked about other funding sources. We shall have to look for other funding sources for various projects anyway.

The Member referred to the fact that an Ad Hoc Committee of the Assembly did meet to consider the subject. This was a cross-party Committee. It explored the issues and, in its report, favoured a scheme for the sale of the port. Let us be clear that while that report has

not been adopted or endorsed by the Assembly, it is not a question of the Minister of Finance and Personnel or the Minister for Regional Development trying to impose this on anybody on a go-it-alone basis or of trying to hold anybody to ransom.

The Ad Hoc Committee has looked at the issue and has been able to explore the various options that the Member seems to be touching on. It is a little disappointing to hear some of the arguments presented here today. It has been suggested that I am going down Lord Dubs’s road — as if the Department of Finance and Personnel and I were imposing on the Assembly things which a cross-party Committee had considered and explored.

**Ms Morrice:** I have many questions, but I will restrict myself to allow others to come in.

First, I must express some disappointment that certain areas are not covered in the Budget. I do not see any mention whatsoever of the victims of the past 30 years. Will the Minister indicate the amount of money which will be put into a fund for victims this year and next year? Will he also say how it is to be spent?

Secondly — and this is a vital point — we have seen an increase in terror on our roads. There is a huge public outcry for road safety because of the number of people, particularly children, being killed. In the Budget, £4 million, which is not to be increased in the next financial year, has been allocated for road safety, while £142 million, which is to be increased to £163 million, is allocated for roads. Four million pounds is far too small an amount given the number of people being killed.

Can the Minister explain why more money has not been provided for road safety?

**Mr Durkan:** The Member may recall that in yesterday’s discussions her Colleague Prof McWilliams asked why victims were listed as a responsibility of the First Minister and the Deputy First Minister although Adam Ingram, the Northern Ireland Office Minister, has responsibility for victims and the victims’ fund. The fact is that the dedicated expenditure for victims is a responsibility of the Northern Ireland Office, as Prof McWilliams indicated yesterday, and not of the Assembly.

11.15 am

It is for the Office of the First Minister and the Deputy First Minister to ensure that due consideration is given to the needs and concerns of victims under the devolved arrangements and that the policies and programmes which bring Departments into contact with victims are sufficiently and properly sensitised to their needs. We do not have a dedicated victims’ fund. The



dedicated victims' fund is under the jurisdiction of the Northern Ireland Office.

The Member also asked about road safety and mentioned the amounts spent on roads and road safety. The amount of money which is allocated to road safety is an issue that will have to be considered, but in many cases money is spent on roads to remove accident black spots and to deal with clear road safety questions. A false economy could be made by favouring road safety above roads. Road safety, under the new arrangements, is a matter for the Department of the Environment.

The thinking behind the creation of the new public safety arm within the Department of Health, Social Services and Public Safety was that it would take a greater overview of the responsibilities of all the Departments on safety — and that includes road safety.

**Mr B Bell:** As someone who takes an interest in local government affairs I was interested in the Minister's reference to the regional rate. He said

"We will need to review the regional rate as part of our work on the programme of government, but for the year immediately ahead the Executive Committee has decided to roll forward the plans we inherited. This will mean increases of 8% in the domestic regional rate and of 5.3% in the non-domestic rate."

Is there an implication that he intends next year to have a reduction in the regional rate? Or does he intend to use the regional rate to compensate for our lack of tax-raising powers?

**Mr Durkan:** There was no such implication. We will have to look at the whole rating structure, but, as the Member will appreciate, the area of rates is rather like quicksand once you get into it. We need to look at both the regional rate and the district rate, and, from my experience in local government, I realise how difficult district councillors find the interaction between the two. In many ways councils end up carrying the blame for the regional rate as well as for the district rate. Maybe that will change since we will have to take the blame for the regional rate from today. That may ease the concerns of councillors in that they will have somebody more obvious to point to.

The future of the rates will have to be addressed. I do not pretend that the programme for government is going to give the answer to that. However, it will probably create the context in which we explore the rating structure and our reliance on it for revenue. There will have to be various changes in rating policy, and they will include our having to conform with the worldwide trend of basing rates on capital value rather than on rental value, or whatever. A number of issues need to be explored, but they will all have to be dealt with in the round if we are going to come up with anything coherent. People in a neighbouring jurisdiction abolished rates and thought that that would be great, and others have tried to reform them, so we know that if we

approach this on a partial or ad hoc basis, we will end up creating more problems than we solve.

**Mr Byrne:** It is great to see a local Minister presenting the Budget. How does he anticipate the regional economy's being reshaped to face the financial challenge ahead on the management of public finances? We know that the subvention will not grow in the future.

Does the Minister accept that the new programme for government over the next three to five years must be radical in how it tackles the task of making this region more self-sustaining and productive in the medium to long term?

**Mr Durkan:** The Member touched on the importance of the programme of government — something that I emphasised in my speech. So far as I am concerned, future Budgets will be informed and influenced by the programme of government as agreed by the Executive and in consultation with, and with input from, the Committees. A programme of government which is developed on that inclusive basis, on which everyone has influence and input, will be qualitatively different from the public-policy and public-service management schemes that were in place before. We will have to make hard choices. We will have to start getting used to the concept of priorities. At times, indeed, we will have the hard task of reducing a number of priorities to one. As a great socialist leader once said,

"Priorities should be the language of politics, and it should truly be spoken in the singular."

This is something we have to get used to and we will do so in a way which will ensure that, as public representatives, we will not only make a positive contribution to reshaping society but enable all sections of the community to do likewise as well. They will be allowed to play their part, to fulfil their prospects and their capacities, in the private sector, where we will become more competitive, productive and less reliant on the public sector, and in the voluntary and community sector as well. Within that sector people will be able to solve many of the difficulties that we have had to contend with over the last 30 years and ensure that the voluntary and community sector moves towards the much more important and productive work of developing the social economy.

In taking on these new responsibilities and coming to terms with them, we will not just be left with hard choices and cold financial management decisions; we will have an opportunity to create new, radical public-policy initiatives, and both the private-sector and the public-sector economies will be healthier as a result.

**Mr S Wilson:** May I sympathise with the Minister, who has been given the title "the Judas Iscariot of the Executive". I refer, of course, to the fact that he was the

treasurer for the 12 disciples and held the bag. He will have to hold on to the bag very tightly, given some of the things we have heard.

The First Minister has given a commitment to his party in respect of the additional Departments. They agreed to the formation of 10 Departments, conditional on their cost being neutral over the lifetime of the Assembly. What progress has been made in the Budget for next year to move towards that neutrality of cost?

The Minister said that there would have to be very careful management on the parts of all Ministers to ensure that spending matched the resources available. Has he conveyed that message to the Minister of Education, who, although he might look like Art Garfunkel, is sounding more like Abba singing 'Money, Money, Money'? Last week, in the space of two days, he promised to spend money on rural schools, on Irish schools, on integrated schools, on capital funding and on abolishing the 11-plus. Will the additional £87 million that the Department of Education will have next year fund all of that, or will the Minister be sent on a basic adult-education course to learn how to count?

**Mr Durkan:** Regarding the additional costs of the new departmental structures, a commitment was given that we would try to neutralize those costs over the lifetime of the first Assembly. That commitment was not just given by the First Minister to his party; it is one that we gave to the Assembly. We cannot do that with next year's Budget as we intend to go ahead with the plans that we inherited, which divide the money among the new Departments.

In accommodating the costs of the new structures — the new Departments, the North/South institutions, and so on — the Assembly has ensured that those costs will not affect the budgeted programmes for next year under the comprehensive spending review. That should be understood and appreciated. How we achieve neutralisation and, indeed, greater efficiency and effectiveness in our administrative structures or programme systems will have to be worked out in the programme of government. We will be undertaking that work in the context of the next Treasury review, which will be informed by the whole shift to resource budgeting.

We will be approaching many things from a different angle, and I hope we will be able to achieve savings that will go further than the target of neutralising the extra costs. It would be wrong for me to go any further at this stage, as I am only one Minister in an Executive which will be carrying out the wider review.

Sammy Wilson referred to my remarks about the Budget for the remainder of this year. Is the Minister of Education aware of that? Yes, he is. Our approach to the rest of this year's Budget and next year's was agreed by all the Ministers in the Executive Committee. It will be

very difficult for Ministers to manage this, and I hope that all Committee members — even Rottweilers or any other kind of beast — as they deal with Ministers and contribute in their Committees, will appreciate that. It should also be appreciated that the amount allocated to the Department of Education for next year, which Mr Wilson referred to when he talked about the Education Minister's running around making promises that extra money would be put into schools, includes an extra £22 million for the schools capital programme. That is provided for in the Budget.

**Mr McHugh:** A Chathaoirigh, I welcome the Minister's speech. It is rather unsatisfactory that I received a copy of the public expenditure plans just this morning and have had very little time to look at them.

11.30 am

My question concerns the flexibility of this year's Budget and how much movement is possible within it. Probably very little. How much room for manoeuvre is there in an economic plan for the North, and to what extent is the west being considered in comparison with everywhere else? Any action that is taken will be within the terms of the present plan, which has not been finalised — there is still some room for consultation over the 'Shaping our Future' document. However, I am concerned that the west may not be looked after. That document points to major development along the main transport corridors, and much of the housing is directed towards Craigavon and areas around Belfast. It seems that people are shifting from rural areas to the larger towns, and this will not help us to get small businesses in rural areas.

I am worried that we will be bound in with this plan for the next 25 years, that we will not be able to move away from it and that it will in some way be able to limit any plans developed by the Assembly. Is there flexibility in the present Budget to do something about these matters in the rural areas? Does the Minister look forward to having something in place so that the area west of the Bann will be looked after?

I welcome the cross-border institutions, the all-Ireland institutions and those issues in 'Shaping Our Future' that dovetail with the national development plan for the South, whose economic plan will not be available for another two years.

**Mr Speaker:** Order. Perhaps the Member would ask his question. He should not be making a speech.

**Mr McHugh:** I want to know what flexibility there is within the Budget constraints and what the Minister sees in the plan for the west of the Bann next year?

**Mr Durkan:** I thank the Member for his many points and questions.

Flexibility in the Budget will come about only if there is very strict discipline in its management. If we run the Budget tightly we may get easements which will give us some flexibility.

The Member said that the Budget and the statement were available only this morning. That is not unusual with exercises of this type. The Budget was finally agreed in the Executive Committee only yesterday, and work still had to be done on some of the figures. Information has been provided in as timely a fashion as possible, but I appreciate the Member's concern.

I will be meeting with the Finance and Personnel Committee this afternoon to discuss many of these issues. All the Committees will be able to look at their respective programmes and allocations, and we will provide more detailed figures for them. This is not a hit-and-run Budget that everybody is stuck with. There will be consultation, input and scrutiny, but we will have to make final decisions early in the New Year, as Departments need to be able to deal with their secondary and end budgets, so that they can plan for next year.

In terms of the geographic balance, the Member referred to 'Shaping Our Future', which appeared to dovetail with the national development plan in the South. That is probably so on a variety of levels.

The Member appeared to criticise some of the measures covered in the Budget in terms of their locations. Measures to deal with locations across Northern Ireland are also compatible with 'Shaping Our Future', so we cannot say that we like the document at one level but that we should not abide by it at another.

I am sympathetic to the Member's point about the west. This is a natural reaction — I come from there. I have taken a Pledge of Office which obliges me to serve all the people of Northern Ireland equally, and I am determined to uphold that pledge. With regard to future Budgets, we need to make sure that public-spending plans, the development of public policy and the management of public services are informed by the twin ethics of quality and equality. In the programme of government we must find more ways of enabling us to ensure that people can see quality and equality at the forefront of all plans, including those for public expenditure, and in their outcomes.

As an Assembly we will have to address the concept of resource budgeting and its focus on outcomes. As I said last week to the Finance and Personnel Committee, resource budgeting should be tailored to our needs rather than dealt with on a hand-me-down basis from the Assembly. So when we are focusing on the outcome requirements of resource accounting and budgeting we must factor in equality considerations as well and give appropriate weightings to them. We must work on this

issue in the longer term, not just in the context of the programme of government but throughout the working of the Assembly itself.

**Dr Birnie:** I congratulate the Finance Minister on his first Budget. It was commendably concise — not of Gladstonian proportions. Indeed, Members will not have to tear it up, unlike Mr McCreevy's recent productions in Dublin.

At the end of page 5 of the report the Minister speaks of ongoing consultation with regard to the European Union funds. As a party we agree about the value of that, and almost all Members would stress its importance.

Can the Minister outline what lessons have been learned from the experience of the European structural fund rounds of 1989-93 and 1994-99 which will be taken forward to inform the new round of funding between next year and the year 2006?

Secondly, the Minister refers — again at the end of page 5 — to the peace programme as a unique scheme. I assume that that is partly a reference to the additionality aspect of funding, so I would like to know what lessons have been learned from the previous special programme for peace and reconciliation and, in particular, about the sustainability of funded projects, which will be taken forward to the new round of funding next year.

**Mr Durkan:** First, in relation to the structural funds, we must continue consultation on the proposals for making the best use of them. Because of time and process requirements the Secretary of State had already submitted a plan to Brussels prior to devolution.

I am quite clear, as is my Department, that the plan is necessarily flexible and is structured in such a way as to allow the new institutions sufficient latitude to ensure that the precise balance of the programme is well informed by our particular priorities and by the needs we are trying to serve.

Of course, we will have to ensure that we take account of the EU's requirements. It will have its own particular requirements with regard to the balance of that programme. The money is not ours to use as we wish; we will have to use it in accordance with the programme priorities of the European Union.

With regard to building on the lessons learned from previous programmes, that has, to a degree, already been taken account of in the submitted plan. Some people argue that one plan is too much like the other. That is one of the reasons why we are being so protective of the whole concept of flexibility.

Dr Birnie was correct about the peace programme. The finance is additional, and that very fact makes it unique. That does not mean that it is money to be frittered away, and we do not treat it as a feel-good



fund. We are concerned about the concept of sustainability. With regard to the peace programme, we are trying to ensure that we balance the regeneration and reconciliation needs in ways that are sustainable and effective. We want regeneration and reconciliation to move together, almost like a piston driving an engine forward. This is the approach we intend to take. It is not a matter of economic development versus social inclusion; rather it is a matter of economic development and social inclusion working together to bring reconciliation and regeneration to those areas that can best capitalise on such benefits. We understand that social inclusion does not happen on its own and that it is a feature of economic inclusion.

Therefore, to ensure sustainable social inclusion we must have programmes which help to sustain ongoing economic inclusion. We will have to try to achieve that balance. It will not be an easy task. The social partners have different pressures and priorities, and there is also the very important perspective of local government and its role.

We shall have to try to manage the existing flexibility in the structural fund plan and the peace programme in ways that meet the competing preferences and priorities of different interests, and we will have to do that over the coming months.

**Rev Dr William McCrea:** In his response to an earlier question, the Minister referred to the £8 million cost of the North/South Ministerial Council's implementation bodies. The impression given was that that was the complete cost. Is the Minister referring to the cost to the Assembly, which is only a portion of the total cost since the Dáil has to provide a similar amount?

Why should the urgent infrastructure connections, which have been neglected by Governments for many years, be linked to the sale of the port of Belfast? If those finances are not available and realised, will the Member, as the Minister of Finance and Personnel, attempt to direct savings from the Assembly's block funding to fill the gap? The people west of the Bann cannot be put at any further disadvantage.

Will the Minister press the Chancellor of the Exchequer of the United Kingdom for agreement that road tax should be directed towards roads instead of into the coffers of the Exchequer?

11.45 am

**Mr Durkan:** First, with regard to the North/South bodies, the figure before the Assembly is the cost of our programme. It might be helpful to make the point that our cost for these bodies is £8.2 million. The cost for the

Republic of Ireland is £25 million. That is a ratio of about 3:1. I indicated that we were not paying more than our fair share. Let us remember that there are also economic and service benefits to be derived from these bodies. I hope that there will also be savings as a result of co-operation in wider areas.

Secondly, we have inherited plans that provide for some key infrastructural projects to be undertaken based on the receipts from the sale of the port of Belfast. For the time being we are dealing with those inherited plans.

For the programme of government we will have to plan on a different basis. This planning will be a lot easier, and we will have more leeway and more scope for creativity if we already have the receipts for Belfast harbour and can proceed with that work.

**Mr Speaker:** Will the Minister bring his remarks to a close, as the time is up.

**Mr Durkan:** The Member has a preference for certain infrastructural projects. Given where I come from, I sympathise with his preference with regard to where money should be spent. Perhaps he could address the Minister for Regional Development in that respect.

**Mr Leslie:** On a point of order, Mr Speaker. In what circumstances do you propose to take supplementary questions?

**Mr Speaker:** Supplementary questions are normally allowed after questions to Ministers. These are not questions to Ministers. This is a statement to the House, which may be responded to with questions. No supplementaries are permitted. The Executive has agreed with Standing Orders which insist that there shall be questions to Ministers between 2.30 pm and 4.00 pm on Mondays.

The Executive Committee has agreed with us a rota of Ministers who will be available for those questions. The first set of questions will be on Monday 17 January 2000. During Question Time three Ministers will be available to answer questions for approximately 30 minutes each.

That is the context for questions to Ministers, and an element of supplementary questioning will be possible when oral questions are set down in advance. Members must send their questions to the relevant Departments in advance. There is a timetable for Members on the Assembly's Internet site.

**Mr Durkan:** There is a reading error which I need to correct. I gave a figure of £360,000 for the Civic Forum. That should be £300,000.



## POINTS OF ORDER

**Mr R Hutchinson:** On a point of order, Mr Speaker. Are you aware that the Sinn Féin/IRA Members are using the Irish version of “MLA”, which is “TD”? Is this proper? If not, will you please ask them to desist. If it is in order, will you please inform the House what the Ulster-Scots version of “MLA” is.

**Mr Speaker:** The only authorised designation is “MLA” — “Member of the Legislative Assembly”. That, of course, does not mean that Members may not describe themselves in another way. Members often describe themselves — and even more frequently other Members — in all sorts of ways. *[Laughter]* These may be authoritative and even accurate, but they are not authorised by the Standing Orders.

I am, I regret to say, neither a student of nor in any way familiar with the Irish language or even Ulster-Scots. However, seeing that these matters were being raised in the press, I looked into them a little. I cannot offer an authorised version, as it were. However, my understanding is that were this a Parliament duly recognised and described as such, the term “Teachta Dála”, abbreviated to “TD”, would be appropriate.

However — and the Minister referred earlier to the negotiations and what went on there — all Members are aware that such matters were part of the negotiations. The decision was made that this would be described as an Assembly, not as a Parliament. Therefore, as I understand it, the term “Teachta Dála” would not be appropriate. This is a legislative assembly, and its Members are described as MLAs, as, in many cases, are the Members of the provincial Assemblies in Canada and the state Assemblies in Australia.

So far as any abbreviations are concerned, I understand that for “Member of the Legislative Assembly” the term “Teachta” would be quite appropriate. This has come to be the term used, I understand, for a political representative — a Member of an Assembly. The word that is used to describe this Assembly in the Irish version of the agreement is “Tionól”, not “Dáil”. Since this is a legislative Assembly, I understand, the word “Reachtach” would be appropriate to describe “legislative”. It would be “Teachta den Tionól Reachtach” or “TTR”. There is little doubt that there are other variations. I do not claim to speak with great authority. I understand, for example, that the word “Comhalta” rather than “Teachta” would be an appropriate translation of “Member”.

With regard to Ulster-Scots, I understand that a reasonable translation of “Member of the Legislative Assembly” would be “Laa-makin Forgaitherer” — “LMF”. If one regards “laa-makin” as a hyphenated term, “LF” would be appropriate.

These are my best endeavours. I trust that they will provide some guidance to Members. Having said that, perhaps I may proceed to the appointment of the Heid-yins and Deputy Heid-yins of the Committees. *[Laughter]*

**Mr R Hutchinson:** On a point of order, Mr Speaker. I simply asked whether this was right or wrong.

**Mr Speaker:** As the Minister of Finance and Personnel advised earlier, one must be very careful what one asks for. One sometimes gets it. *[Laughter]*

**Mr Kennedy:** Mr Speaker, it may have escaped your notice that, in the course of your eloquence, the Minister of Culture, Arts and Leisure left the Chamber.

**Mr Speaker:** As a member of his party, you can say that. I could not possibly comment. We will proceed to the running of the d’Hondt procedure for the —

**Mr Ford:** Reference has been made to the issue of having an independent Chair of the Public Accounts Committee. Indeed, the Minister of Finance and Personnel agreed with that point. Can you confirm, Mr Speaker, that if the nominating officers of the four larger parties so wished they could decline to nominate, even if that were the only post remaining? Are they obliged to make a nomination if they wish that post to be independent?

**Mr Speaker:** They are not obliged to make a nomination. If they do make a nomination, it has to be a member of their own party. In the case of the Public Accounts Committee, unlike some of the others, that person cannot be a member of the party to which the Minister of Finance and Personnel belongs.

**Mr P Robinson:** On a point of order, Mr Speaker. If each nominating officer declined to nominate for a position, would it eventually come to the nominating officer of one of the totally oppositional parties? My party would be prepared to leave that position free if the other nominating officers were prepared to give an undertaking to do likewise.

**Mr Speaker:** I can respond only on the point of procedure. If nominations had not been made when the 15-minute allowance expired, the eventuality that the Member describes would come to pass. However, it is not for me nor for Members to engage in debate on this matter. Procedurally, what the Member says is correct.

**Mr Adams:** On a point of order, Mr Speaker. What is a totally oppositional party?

**Mr Speaker:** That is a very good question. There all sorts of ways in which the words “totally oppositional” might be applied in this context. I took it that the Member was referring to parties that were not in the Executive, though I may have been mistaken.

**Mr Ervine:** Further to that point of order, Mr Speaker. Perhaps you could add “and not in receipt of any patronage from the Government or any of the four Government parties”.

**Mr Adams:** Further to the point of order, Mr Speaker. Do you agree that the DUP’s relationship is not so much totally oppositional as semi-detached?

**Mr Speaker:** I am not sure how to address either of those two points of order. It would not be wise for me to comment on either of them, for they are not points of procedural order. They may be points of political order, but that is another matter.

## **ASSEMBLY: STANDING COMMITTEES**

**Mr Speaker:** I am now required to supervise the appointment of a Chairperson and Deputy Chairperson to each Standing Committee. I remind Members of the requirements that are set out in Standing Orders. I shall ask the nominating officer of each political party, in the order required by the formula contained in Standing Orders, to select an available Standing Committee and nominate a person who is a member of his party and of the Assembly to be its Chairman or deputy Chairman.

I have already referred to the requirement that the Chairman and Deputy Chairman of the Public Accounts Committee shall not be members of the same party as the Minister of Finance and Personnel. Nominating Officers shall not prefer, for chairmanship or deputy chairmanship, a Committee in which they have an interest, which is defined as their party having a Minister in charge of the topic to which it relates.

The phrase “shall not prefer” does not mean that this cannot happen; it just means that they shall not prefer it at the early stage of d’Hondt. One could find — for example, at a late stage of d’Hondt — that such choices were not available. As there was some uncertainty among Members in a previous running of d’Hondt, I should tell the House that it is possible that a party might have to prefer a deputy chairmanship to a chairmanship. The d’Hondt procedure combines chairmanships and deputy chairmanships simply to remain within the “shall not prefer” rule. It does not mean that parties will miss out on anything.

There have been two changes of nominating officer owing to the absence of previous nominating officers. Mrs Gerry Cosgrove has advised me that Mr McGrady is the nominating officer for the SDLP in this procedure. Dr Paisley has advised me that Mr Peter Robinson is the nominating officer for the DUP at this time.

The timing for nominations is now 15 minutes. In the Initial Standing Orders it was five minutes, but nominating officers could ask for a break of 15 minutes. I assume that when the Standing Orders Committee considered the matter it put in the 15 minutes to ensure that there would be no need to have repeated requests for suspensions of 15 minutes and that Members might be able to consult. Under the new Standing Orders, that is the position in any case. If the 15 minutes were to elapse, whether in the circumstance referred to by Mr Ford or in any other, I would be required to address the nominating officer next in line.

12.00

There are three matters that nominating officers must bear in mind. A Minister or junior Minister may not be the Chairman or Deputy Chairman of a Standing

Committee. No Member may be nominated to serve as a Chairman or Deputy Chairman of a Standing Committee if he is the Chairman or Deputy Chairman of another Committee, including a Statutory Departmental Committee. In making nominations, nominating officers shall prefer Committees in which they do not have a party interest, as I have explained.

I call Mr Trimble, as the nominating officer of the political party for which the formula laid down in Standing Orders gives the highest figure, to select a Standing Committee from the five available and to nominate a person who is a member of his party and of the Assembly to be Chairman or Deputy Chairman of it.

**Mr Trimble:** I select the Public Accounts Committee and nominate as its Chairman Mr Billy Bell.

**Mr Speaker:** Is the Member who has been nominated willing to take up the office for which he has been nominated?

**Mr B Bell:** I am.

**The Speaker:** I therefore announce the appointment of Mr Billy Bell as Chairman of the Public Accounts Committee.

I call Mr McGrady, as the nominating officer of the political party for which the formula laid down in Standing Orders gives the next highest figure, to select an available Standing Committee and to nominate a person who is a member of his party and of the Assembly to be Chairman or Deputy Chairman of it.

**Mr McGrady:** I nominate Mr Donovan McClelland for the Chair of the Committee on Standards and Privileges.

**Mr Speaker:** Is the Member who has been nominated willing to take up the office for which he has been nominated?

**Mr McClelland:** I am.

**Mr Speaker:** I therefore announce the appointment of Mr Donovan McClelland as Chairman of the Standards and Privileges Committee.

I call Mr Peter Robinson, as the nominating officer of the political party for which the formula laid down in Standing Orders gives the next highest figure, to select an available Standing Committee and to nominate a person who is a member of his party and of the Assembly to be Chairman or Deputy Chairman of it.

**Mr P Robinson:** As you might expect, Mr Speaker, I select the Committee of the Centre and nominate as its Chairman Mr Gregory Campbell.

**Mr Speaker:** Is the Member who has been nominated willing to take up the office for which he has been nominated?

**Mr Campbell:** I am definitely willing.

**Mr Speaker:** I therefore announce the appointment of Mr Gregory Campbell as Chairman of the Committee of the Centre.

I call Mr McLaughlin, as the nominating officer of the political party for which the formula laid down in Standing Orders gives the next highest figure, to select an available Standing Committee and to nominate a person who is a member of his party and of the Assembly to be Chairman or Deputy Chairman of it.

**Mr McLaughlin:** Go raibh maith agat, a Chathaoirligh. I select the Procedures Committee and nominate Mr Conor Murphy as its Chairperson. Go raibh mile maith agat.

**Mr Speaker:** Is the Member who has been nominated willing to take up the office for which he has been nominated?

**Mr C Murphy:** Glacaim leis an oifig sin, a Chathaoirligh. I am.

**Mr Speaker:** I therefore announce the appointment of Mr Conor Murphy as Chairman of the Procedures Committee.

I call Mr Trimble, as the nominating officer of the political party for which the formula laid down in Standing Orders gives the next highest figure, to select an available Standing Committee and to nominate a person who is a member of his party and of the Assembly to be Chairman or Deputy Chairman of it.

**Mr Trimble:** I select the Procedures Committee and nominate Mr Dalton as its Deputy Chairman.

**Mr Speaker:** Is the Member who has been nominated willing to take up the office for which he has been nominated?

**Mr Dalton:** I am.

**Mr Speaker:** I therefore announce the appointment of Mr Duncan Shipley Dalton as Deputy Chairman of the Procedures Committee.

I call Mr McGrady, as the nominating officer of the political party for which the formula laid down in Standing Orders gives the next highest figure, to select an available Standing Committee and to nominate a person who is a member of his party and of the Assembly to be Chairman or Deputy Chairman of it.

**Mr McGrady:** I select the Audit Committee and nominate Mr John Dallat to be its Chairperson.

**Mr Speaker:** Is the Member who has been nominated willing to take up the office for which he has been nominated?

**Mr Dallat:** I am.

**Mr Speaker:** I therefore announce the appointment of Mr John Dallat as Chairman of the Audit Committee.

I call Mr Peter Robinson, as the nominating officer of the political party for which the formula laid down in Standing Orders gives the next highest figure, to select an available Standing Committee and to nominate a person who is a member of his party and of the Assembly to be Deputy Chairman of it.

**Mr P Robinson:** I ask for a suspension of 15 minutes.

**Mr Speaker:** There is no need for a suspension. You have 15 minutes in which to make your nomination.

**Mr P Robinson:** I select the Committee of the Centre and nominate Mr Oliver Gibson as the Deputy Chairman.

**Mr Speaker:** Is the Member who has been nominated willing to take up the office for which he has been nominated?

**Mr Gibson:** I am.

**Mr Speaker:** I therefore announce the appointment of Mr Oliver Gibson as the Deputy Chairman of the Committee of the Centre.

I call Mr Trimble, as the nominating officer of the political party for which the formula laid down in Standing Orders gives the next highest figure, to select an available Standing Committee and to nominate a person who is a member of his party and of the Assembly to be Deputy Chairman of it.

**Mr Trimble:** I select the Committee on Standards and Privileges and nominate Mr Roy Beggs.

**Mr Speaker:** Is the Member who has been nominated willing to take up the office for which he has been nominated?

**Mr Beggs:** I am willing to serve in that capacity.

**Mr Speaker:** I therefore announce the appointment of Mr Roy Beggs as the Deputy Chairman of the Committee on Standards and Privileges.

I call Mr Mitchel McLaughlin, as the nominating officer of the political party for which the formula laid down in Standing Orders gives the next highest figure, to select an available Standing Committee and to nominate a person who is a member of his party and of the Assembly to be Deputy Chairman of it.

**Mr McLaughlin:** Go raibh maith agat, a Chathaoirligh. I select the Public Accounts Committee and nominate Ms Sue Ramsey. Go raibh mile maith agat.

**Mr Speaker:** Is the Member who has been nominated willing to take up the office for which she has been nominated?

**Ms Ramsey:** I am, a Chathaoirligh.

**Mr Speaker:** I therefore announce the appointment of Ms Sue Ramsey as Deputy Chairman of the Public Accounts Committee.

I call Mr McGrady, as the nominating officer of the political party for which the formula laid down in the Standing Orders gives the next highest figure, to select the last available Standing Committee and to nominate a person who is a member of his party and of the Assembly to be Deputy Chairman of it.

**Mr McGrady:** I select the Audit Committee and nominate Mr Alban Maginness.

**Mr Speaker:** Is the Member who has been nominated willing to take up the office for which he has been nominated?

**Mr A Maginness:** I am willing.

**Mr Speaker:** I therefore announce the appointment of Mr Alban Maginness as Deputy Chairman of the Audit Committee.

That completes the nomination and appointment of the Chairmen and Deputy Chairmen of the relevant Standing Committees.



## ALLOWANCES TO MEMBERS OF THE ASSEMBLY AND OFFICE HOLDERS BILL

### Second Stage

**Mr Fee:** I beg to move

That the Second Stage of the Allowances to Members of the Assembly and Office Holders Bill (NIA 2/99) be agreed.

Contrary to the rumours, the lectern was not moved further back so that it would be nearer the exit door. I am sorry that we could not delay the Second Stage of this Bill until after lunch, for there would be less chance then of my being eaten alive.

The Assembly Commission, under the Northern Ireland Act, is charged with making the provisions and providing the property, resources and services for the Assembly. As Members may recall, in February the Assembly unanimously agreed the recommendations of the Senior Salaries Review Body (SSRB).

12.15 pm

I hope that Members have had a look at the Bill and at the explanatory note, which gives an accurate, layman's version of the measure. I do not intend going into great detail; I will simply give the background to some of the provisions.

The Bill does four things. Essentially it enacts the recommendations of the SSRB. Clause 1, for example, enacts recommendation 25 of the SSRB's report, which was that a resettlement grant be payable in respect of continuous service in the applicable body to any Member of the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly who, at a general election to that body, does not stand for re-election or who stands but is not re-elected.

It was further recommended that the formula used at Westminster to calculate the level of grants be adopted for each of the devolved bodies. Subsections (1) to (4) of clause 1 enact that recommendation, and schedule 1 puts in place the formula used at Westminster.

Clause 2, subsections (1) to (4), enacts recommendation 26 of the SSRB report, and clause 3, subsections (1) to (4), enacts recommendation 27. The recommendation on winding-up allowances, at paragraph 66 of the report, is similarly enacted in clause 4. *[Interruption]*

**Mr Speaker:** Order. May I ask Members to keep their conversation to a minimum in deference to the Member who is presenting.

**Mr Fee:** These are very simple allowances that reflect exactly what is available at Westminster, where there is provision to enable payments to be made to Members who do not get re-elected or who may have to

retire because ill health prevents them from performing their duties. The winding-up allowance enables bills for winding up a constituency or other legitimate office to be paid if a Member fails to be re-elected.

I am aware that this is a Second Stage debate and that that is not the same as a determination or a ministerial statement. While I am happy to answer questions, the precise details of this Bill will be dealt with, clause by clause, subsection by subsection, line by line, when it is remitted to the Committee stage and sent to the Finance Committee. There will be an opportunity then to go through it in great detail.

**Mr Maskey:** A Chathaoirigh, I do not want to make many points. While there is a clear need, in principle, for provision for some sort of sickness benefit or redundancy package — we have responsibility in that regard — there are some matters in the proposed legislation that I am concerned about. I want to put it on record that I am not entirely satisfied with everything in the Bill as it is at present. However, my party does support the need for such a Bill and will deal with it, as Mr Fee has advised, at a later stage.

**Mr Ervine:** I do not intend to speak for very long. Indeed, I am not in a very good frame of mind to speak on this issue at all. For me it connotes many things. It deals with specific issues and with circumstances which may befall people like me. Yesterday there were complaints about the little parties who managed to scrape in to be the last of the 108 Assembly Members. That does not apply to me. Neither does it apply to, for instance, the Women's Coalition. Before the larger parties look down their noses at small parties they might like to look at how many people they had elected in fifth and sixth places — especially in sixth place.

I may yet find myself in the difficult position of not having been elected. However, what I have to say comes not from my personal feeling in respect of this issue but, rather, from my sense of anger and hurt that the degree of inclusion that was promised in the Good Friday Agreement was lost in the Northern Ireland Act — and lost totally when the carve-up began. We are talking about allowances to Members, and not only in terms of their basic salary. Some of them are or will be office holders — Ministers, junior Ministers, Committee Chairpersons, Committee Deputy Chairpersons — who will all benefit incrementally, potentially for the rest of their lives, as a result of a job being doled out to them on the basis of patronage.

Just as we were looking at the Assembly membership to see who is not in government, or in one of the jobs given out by the Government, we heard the leader of Sinn Féin ask a foolish question this morning. He asked what a totally oppositional party was. Well, in case he has not worked it out yet, and in case the DUP has not worked it out yet, let me say that it is any party within

the Northern Ireland Government or Executive — call it what you will. In effect it is a Government with executive authority.

All of that brings me to the fact that John Fee, for his sins, and Robert Coulter before that and Eileen Bell before that again have had to stand here and take the flak. They certainly take the flak from the media and from the broader populace for the doling out of patronage to Assembly Members. It is a legal requirement that we deal with these issues, and I am happy to deal with them. It gives me a chance to air my serious disquiet at the attitudes emanating from the larger parties.

We have just seen it — and I am sorry if I digress a little — in respect of the nomination for the Chairmanship of the Public Accounts Committee. I cast no aspersions on the now Chairman of the Public Accounts Committee, but the larger parties should have done the honourable thing and realised that the best person to scrutinise the Government, the one able to do so most openly, would have been somebody in opposition — preferably in positive opposition, but certainly in opposition.

However, that was not to be the case. I detect that either the control freaks are at work or patronage has to be doled out. And we are about to deal with another case in point. We are about to deal with a 17-person Committee, nine members of which belong to either the UUP or the SDLP. Anybody who has done rudimentary mathematics will be able to work out that out of a 17-person Committee, nine is a majority. This again smacks of sickening control, and no doubt there will be other requests put to the Assembly to pay Chairmen and Deputy Chairmen of Committees not yet agreed to. There will be direct and severe opposition to this sort of thing — as much as two Members can muster.

What happened to the theory of public service? I understand the effort that a Minister puts in and the business of paying wages that will attract people into politics. But what about Chairmen and Deputy Chairmen and the looming spectre of paying allowances to Whips?

How far down are we prepared to take this? In my spare time I help my secretary to clean the office. Is there any chance of getting a couple of bob for that? The amount of patronage and the control-freak atmosphere — mostly among the Ulster Unionists and the SDLP — are becoming ludicrous. In relation to the Commission, Members will recollect Gerry Adams being the Pied Piper of the poor, and the DUP virtually clearing their Benches so that they would not be tainted by such a terrible issue. The Commission reached agreement by consensus, so the figures that we are debating are as much a decision by the DUP and Sinn

Féin as by the Ulster Unionist Party, the SDLP and the Alliance Party.

**Mr Maskey:** I have said that I am unhappy about some issues in the legislation. We can agree the principle of legislation and argue about the details. That is the purpose of the legislation. We too are new boys on the block.

**Mr Ervine:** I wish I did not have to suggest that the Member is pulling my leg. If one does not voice one's disquiet on Second Stage, perhaps one does not have that much disquiet. The Member will feel disquiet in future over issues that are not quite so directed towards individual Members. There is consistent narking and arguing in the outside world about who gets what, where and when. We are all lumped together, and nobody will remember who was on the Commission or who made the decisions. Hansard will contain no commentary from the DUP on the issue, and the Pied Piper of the poor will have had his position written in public.

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

**Mr Ervine:** In a moment. Why did Mr Adams make his public pronouncement if, as Mr Maskey says, they are new kids on the block? It was for public consumption, probably in much the same way as Mr McCartney's remarks on the issue.

There are people here who feel aggrieved, but not because of what we are not getting. There are only two of us, and we did not expect patronage in terms of Chairs, Deputy Chairs or Ministries, but we did expect a degree of consultation and an absolute understanding, at least in terms of Committees, of proper proportionality.

The small parties are not homogeneous. We are a very broad church — perhaps more so than the Executive. However, when this 17-person Committee hits the Table today it will be offered two places for the Opposition. That is in a 17-person Committee that will oversee the work of the First Minister and the Deputy First Minister. It is meant to be a scrutiny Committee, but how many people in receipt of patronage from the First or Deputy First Minister will be scrutinising their work? I guess that nine of them, which is the majority in that Committee —

**Mr Morrow:** I congratulate Mr Ervine on the fact that the penny has finally dropped. Nobody has done more to bolster this iniquitous situation. He and his colleague have continually lent their support to the Ulster Unionists to ensure that this system will continue.  
[Interruption]

**Mr Ervine** *rose*.

**Mr Speaker:** Order. When a Member gives way it is not possible to haul it back. That may mean that in

future Members will be cautious about giving way. Anyway, at this point Mr Morrow has the Floor.

**Mr Morrow:** It has finally dawned on Mr Ervine that he is to be discarded like a sucked orange. He was well enough informed about that long ago. He is now surplus to requirements in the Assembly, and he is learning the hard facts — too little too late.

**Mr Ervine:** As the DUP is spending the £106,000 of which it took advantage from the first day of devolution it will hardly complain very loudly.

My arguments are made on the basis of the Good Friday Agreement, which supported the inclusion that there was meant to be and the consultation that such inclusion requires. The Agreement was very clear and sensible about that. I do not know if the word “shafted” is parliamentary language, but I feel that I have been shafted in a cross-community sense, and not simply by the grand democrats.

12.30 pm

I am sorry about Mr Morrow’s intervention as it has deflected me. My Colleague and I take decisions, as we have done in the past. We wore T-shirts that were not about patronage; we went to jail and earned nothing for the luxury; and we have suffered the indignity of the loss of family, friends and relations. I hear false piety from the DUP day in, day out. I am disappointed at the intervention — it was a cheap shot from a party that is spending £106,000 which came to it with devolution. One might have called a point of order to find out if it was all right to be in a paid post in the Commission and also take a chairmanship, which the larger parties will attempt to have paid. However, we will worry about that later.

**Mr McClelland:** I have listened to you in the past and have tremendous respect for you, but I take great offence at some of the things you are saying. You have alleged that my Colleagues and Friends and I have been handed out some sort of patronage. I can tell you that there are no “snouts in the trough” in my party, nor have there ever been. Members of my party have given years of dedicated public service at great personal risk. To be told that we are indulging ourselves and taking advantage of patronage is very offensive.

**Mr Speaker:** May I encourage Members not to address each other directly but to speak through the Chair. It is often when people feel most strongly that they are inclined to address each other. That is precisely why it is best to speak through the Chair.

**Mr Ervine:** I am sure that Mr McClelland is becoming an expert on Standards and Privilege. He is going to be on that Committee, and, while he is not being paid at the moment, he undoubtedly will be. At some point he will be able to challenge me if he

believes that I am being insulting. I am an elected representative who is entitled to say what he believes as long as the language is parliamentary. Is that correct, Mr Speaker?

**Mr Speaker:** That is entirely correct, so long as it is apposite.

**Mr Ervine:** This all relates to the issue of inclusivity and, therefore, to the movement away from the Good Friday Agreement. The tragedy of this is that I will be maligned and misunderstood. People will believe that we want a share of something. We wanted to understand what was happening, and we wanted inclusivity. At every turn we have seen the large parties not adhering to that principle. It is a tragedy that they, including the DUP, have not.

There are still certain matters to be ironed out if there is to be any hope of inclusivity, and I ask the larger parties to give this some consideration now. There is an experience shared by the larger parties, and, while we may not be able to get in the way very much in the Assembly, on the ground we can get in the way quite well. We have the capacity to be on the hustings, to rap the doors, to work our advice centres and to ensure that the larger parties know that politically we exist. If they are not doing their jobs properly perhaps we will seek some benefit from that.

Yesterday we heard Mr Dodds, the Minister for Social Development, who I would have thought would want to see people climbing the ladder, being rather disparaging about those who had crept in through the back door. Of course, quite a few in his party benefited from seats won far lower down the order than those won by Members from the smaller parties that I am attempting to represent. Is there some design that we make this Assembly so expensive, given that it costs £102,000 twice for prime-ministerial posts, that when the four-year review comes round some of the wee people will be expected to drop off? If I were worried about that I would be wondering how much more worried some of the UUP, the SDLP, the DUP and Sinn Féin must be. If we are talking about who got the sixth seats it does not follow that it was Members from the small parties.

**The Minister of Finance and Personnel (Mr Durkan):** I speak purely as Minister of Finance and Personnel and will not comment on remarks about what is or is not consistent or compatible with the Good Friday Agreement. As Minister of Finance and Personnel I acknowledge that both Bills have public expenditure implications, which have been included in the draft Budget presented to the Assembly earlier.

It is only right that the Commission’s proposals which impact on public expenditure be considered alongside other spending plans, and I take no issue with

those who have raised questions, searching or otherwise. These cannot be seen in isolation as they impact directly on resources that will be available in the future for departmental spending. I confirm that, if approved by the Assembly, appropriate financial provision will be included in future appropriation Bills.

**Ms McWilliams:** I will have a number of questions to which I hope Mr Fee can respond in his summing-up, but I want to raise some concerns first.

May I say to Mr Morrow that there is no one here surplus to requirements. All Members went out and got a mandate. Whether from the Executive or from the Opposition, none of them are surplus to requirements.

**Mr Morrow:** On a point of order, Mr Speaker. I did not say that they were surplus to requirements; I said that they were now perceived to be surplus to requirements. Their function was to bolster up this regime, but they are no longer used. I do not say that in a disparaging way. That is the way they are perceived. They are no longer required.

**Ms McWilliams:** Members came here in response to the will of the people, expressed through a referendum that led to an election. Some of those who stood in the election are now in the Executive. If they continue to see themselves as surplus to requirements they should say so. It is not fair comment to say that others are perceived in that way.

With regard to the issue of who is in the Opposition, it was fair for Mr Robinson to say that his party would not be nominating anyone for the Public Accounts Committee chairpersonship. I would like to have heard how many other parties felt the same way. But that was lost. At all the transitional seminars that Assembly Members attended before devolution every analyst and international commentator said that the chairmanship of the Public Accounts Committee should not be held by a person on the Government side. It is a great disappointment that parties did not recognise that.

We have just agreed the Chairpersons and Deputy Chairpersons of these Committees, but it has not been agreed that they should be paid. So far as I am aware, it will require a change of legislation for that to happen. They are at present not recognised for payment under the Standing Orders. I urge both those Members who

became office holders as a result of this morning's nomination under d'Hondt and the parties which sit on the Business Committee to take note of the fact that all our decisions reflect on what happens in each of the Departments. I make that comment particularly in response to the comments of the Minister of Finance and Personnel. This is a public expenditure issue.

The members of the Commission should once again review the difference between what was recommended by the Senior Salaries Review Body, which is independent, and the final result, particularly in relation to payment to the members of the Commission.

In relation to the resettlement allowance for Members, the memorandum accompanying the Bill states

"This gives a resettlement allowance varying, for example, between six months' pay for a Member standing down from the Assembly aged below 50, to one year's salary for a Member standing down between age 55 to 64 with 15 or more years' service."

Does the 15 or more years' service apply only to the latter age group or to both?

**Mr Fee:** In my role as an Assembly Commissioner I do not know that I have the competence to respond to much of what has been said, and I do not intend to do so. We shall have to respond in writing to Ms McWilliams's final question. The arrangements that we are putting in place are outlined in the schedule to the Bill and are precisely the same as those that apply in Westminster and, I understand, in Scotland and Wales. We would need to study this table to work out precisely at what age and length of service the different levels of percentage kick in. We shall write to Ms McWilliams on that point.

I detected no other detailed questions during the debate, and I know that the Bill will go to the Finance Committee if it gets a Second Stage. I thank the Minister of Finance and Personnel for his commitment to honour any future decision of the Assembly in this regard.

*Question put and agreed to.*

*Resolved:*

That the Second Stage of the Allowances to Members of the Assembly and Office Holders Bill (NIA 2/99) be agreed.



## FINANCIAL ASSISTANCE FOR POLITICAL PARTIES BILL

**Mr Fee:** I beg to move

That the Second Stage of the Financial Assistance for Political Parties Bill (NIA 3/99) be approved.

*12.45 pm*

The Assembly needs to make provision urgently to take account of the fact that the arrangements for giving financial assistance to political parties fell with devolution. There is no authority under the Northern Ireland Act for the Assembly Commission to make payments to political parties, and this Bill appears to the Assembly Commission to be the only legal mechanism for ensuring two things. First, it enables us to continue, in the short term, to make provision for political parties. Secondly, it enables us to introduce a requirement that the Assembly Commission, in consultation with all Members of the Assembly, bring forward a new, detailed scheme under the Bill before 31 March 1999.

There are only four clauses in the Bill. The first one is permissive — it allows the Assembly Commission to make payments to the parties. The second places a

requirement on the Commission to bring forward a scheme before 31 March 1999. The clause on transition agreements would approve an arrangement whereby the Assembly Commission would continue to pay the political parties at the same rates as applied before devolution. That is a short-term measure to allow us to ensure sure that over Christmas and the new year the parties will continue to get financial support to pay their staff and the running costs of their offices.

The real import of the Bill is that it will require a new scheme to be designed by the Commission. I am aware that many parties are not happy with the existing scheme and that the old scheme did not make provision for all sorts of contingencies. In my view this Bill will enable Members to devise a decent, proper and equitable scheme in the new year, which will properly provide support for the political parties.

*Question put and agreed to.*

*Resolved:*

That the Second Stage of the Financial Assistance for Political Parties Bill (NIA 3/99) be agreed.

*Adjourned at 12.48 pm.*



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## NORTHERN IRELAND ASSEMBLY

Monday 17 January 2000

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

*Members observed two minutes' silence.*

### JUNIOR MINISTERS

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### COMMITTEE CHAIRMANSHIP

**Mr Speaker:** In line with the decision taken by the Assembly at its last sitting, the First Minister and the Deputy First Minister met me along with Mr Denis Haughey and Mr Dermot Nesbitt. Mr Haughey having resigned his position as Chairperson of the Regional Development Committee, the First and Deputy First Ministers nominated him and Mr Nesbitt to be junior Ministers. Having accepted their nominations, the two Members took the Pledge of Office and were appointed. Mr Alban Maginness's name was put forward by the nominating officer of his party to be Chairperson of the Regional Development Committee following Mr Haughey's resignation. Mr Maginness accepted that nomination and was appointed.

### ASSEMBLY BUSINESS

**Mr Speaker:** As Members are aware, it is for the Business Committee to decide the arrangements for business. It has been decided that the three motions on the Order Paper will be considered today and that, in line with Standing Orders, business will be completed by the end of the day. Members will also note that amendments have been proposed to two of the motions. The time has been agreed, and it is the responsibility of the Chair to ensure that those who wish to speak are able to do so and that the argument is balanced.

It would be most helpful if those who wish to speak in any of these debates were to give their names to the Clerk as soon as possible.

I have received notice from the First Minister and the Deputy First Minister that they wish to make a statement on the meetings of the British-Irish Council and the British-Irish Intergovernmental Conference on 17 December 1999. I call the Deputy First Minister.

**Rev Dr Ian Paisley:** On a point of order, Mr Speaker. This is about later business, and I could bring it up then. I note that our Order Paper differs from that in another place whose procedures we have been following closely. In this House, is a person going to be allowed to put down as many questions for oral answer as he wishes? In the other House a Member may put down only one. A Member here has put down five. I would like a ruling on that.

**Mr Speaker:** At this point there has been no arrangement, decision or even, so far as I am aware, discussion about the number of questions that a Member may put down for oral answer. As you have said, some Members have taken advantage of that. One may or may not reach all their questions. It may be that the Assembly will wish to restrict the number of questions for oral answer that a Member may ask, and there are proper channels for that to be considered.

## SCOTTISH TRAWLER TRAGEDY

**Mr Shannon:** On a point of order, Mr Speaker. In the light of the tragedy in Scotland in which seven Whithorn fishermen were lost, would it be appropriate for this House to send a letter of sympathy to the appropriate council — in Dumfries, I understand? I represent Portavogie, which has had similar tragedies in the past, and I propose that the House agree to this.

**Mr Speaker:** That is not a point of order; it is a proposition. It would not be in order for a motion to be put down on the Floor of the House in this way. However, I have little doubt that the concerns you express are widely shared. If there is no contrary view, I would be content to write on behalf of the Assembly in the way you describe.

**Mr Maskey:** We have concerns. We support Mr Shannon's idea, but there is no procedure or precedent for such a motion. I am concerned that we would be establishing one by default, notwithstanding that the matter raised is obviously very important. I would prefer that we leave this matter until we decide on a procedure for dealing with such expressions of sympathy.

**Mr Speaker:** I am in the hands of the Assembly. As Mr Maskey has said, there is no procedure. I am not accepting Mr Shannon's proposition as a motion, because it is not proper to take a motion on the Floor of the House without due notice. There have been occasions when, for various reasons — sometimes personal — I have felt it appropriate to express condolences and felt that it was not out of order to do so on behalf of the Assembly. I propose to take this matter in that fashion unless the Assembly objects to my doing so. Any motion in that regard would have to be put down in the normal way.

**Mr O'Neill:** At last Thursday's Culture, Arts and Leisure Committee meeting, following a proposal by Assemblyman McMenemy, the Committee unanimously agreed to send our condolences. Indeed, Mr Shannon is also a member of that Committee. That may suffice until a procedure is established.

**Mr Speaker:** The Member has advised that a representative letter has gone from the Assembly in regard to this matter. I was not aware of that, and I thank the Member for drawing it to my attention. Would the Assembly agree that that is an appropriate expression of our concerns, given that that Committee was the most relevant to this matter?

**Rev Dr Ian Paisley:** This would not set a precedent for the expression of sympathy in a matter such as this. Now that this issue is in the public domain, it would

look very bad if the Assembly did not instruct you to offer your sympathy on its behalf, and that would not set any precedent. The appropriate Committee could look at this matter for future occasions.

**Mr Speaker:** Are there any objections to my sending a letter about this if it is agreed that no precedent is being set on this or on any other matter?

**Mr Maskey:** I do not want to make an issue of this. However, I am concerned that this could give rise to something divisive in the future. This has happened in other institutions. It is regrettable that this has happened in the past with motions of sympathy and condolence. I am trying to ensure that we do not do something today which we will regret in six months' time. I do not have any objections to the Speaker's sending a letter on behalf of the Assembly. However, these matters do become difficult, politically controversial and divisive, and I am trying to prevent that from happening in the future.

**Mr Speaker:** Your advice is helpful. Would it be reasonable for me to proceed in this matter providing that there is no dissent in the Assembly? If there is dissent, then clearly it will have to be dealt with on a proper notice of motion.

**The First Minister (Mr Trimble):** Dr Paisley has suggested a course of action that would not set any precedent, and the matter should be dealt with in that way. We should not set a precedent. The matter has been raised without its having been considered by either the Procedures Committee or the Business Committee. The appropriate action would be to invite both Committees to establish clearly the procedures, if any, which should be adopted in the future. We have to consider whether it is appropriate for matters such as this to come before the Assembly.

The views expressed today are perfectly understandable. However, we must not set a precedent. We have our own procedures and our own Committees for looking into these matters. I suggest that we refer this matter to the appropriate Committees rather than take a decision on the wing.

**Mr Speaker:** May I clarify what you have just said, First Minister? Do you feel that a letter should be written in respect of this matter — but without setting a precedent — and that the principle should be referred to the Business Committee and the Procedures Committee?

**The First Minister:** Yes.

**Mr Speaker:** That seems to me to be the most appropriate way of dealing with this. If it is understood that this will not establish a precedent, that is the line we will take.



## BRITISH-IRISH COUNCIL AND BRITISH-IRISH INTERGOVERNMENTAL CONFERENCE MEETINGS (17/12/1999)

**The Deputy First Minister (Mr Mallon):** With permission, Mr Speaker, we will make a statement to report to the Assembly on the first summit-level meetings of the British-Irish Council and the British-Irish Intergovernmental Conference, which were held in London on 17 December 1999.

I will be making the report in relation to the British-Irish Council, and the First Minister —

**Mr R Hutchinson:** On a point of order, Mr Speaker. Is there something wrong with the sound system this morning? It is very difficult to hear.

**Mr Speaker:** I am grateful to the Member for bringing that to our attention. Will the Keeper of the House ensure that the problem with the sound system is addressed?

**The Deputy First Minister:** I thank the hon Member for drawing attention to that. In case anyone did not hear what I just said, I will repeat it: we will be making a statement to report to the Assembly on the first summit-level meetings of the British-Irish Council and the British-Irish Intergovernmental Conference, which were held in London on 17 December 1999.

I shall be making the report in relation to the British-Irish Council, and the First Minister will be making the report in relation to the British-Irish Intergovernmental Conference.

This report, as it relates to the British-Irish Council meeting, has been approved by all Northern Ireland Ministers who attended the meeting. The First Minister and I are making this report on behalf of all of us. Representatives of the British and Irish Governments, the Northern Ireland Executive Committee, the Scottish Executive, the National Assembly for Wales, the Isle of Man Government, and the states of Jersey and Guernsey attended the British-Irish Council meeting.

The following Northern Ireland Ministers attended: Mr David Trimble, Mr Seamus Mallon, Ms Bairbre de Brún, Mr Mark Durkan and Sir Reg Empey.

10.45 am

The British-Irish Council agreed a memorandum on procedural guidance, which sets out the supplementary procedural arrangements relating to the operation of the Council.

The Council also agreed a future programme of work. Five areas will be taken forward in sectoral format over the first year. The Irish Government will

take the lead on drugs; the Scottish Executive and the Cabinet of the National Assembly for Wales will jointly take forward work on social inclusion; the Northern Ireland Executive Committee will take the lead on the subject of transport; the British Government will lead on the environment; and Jersey will lead in sectoral format on the subject of the knowledge economy. The next summit-level meeting of the council will be convened by the Irish Government in June 2000. The principal item for substantive discussion at that meeting will be drugs. The meeting will also take stock of progress on other work in sectoral format.

A copy of the memorandum on procedural guidance and a copy of the communiqué issued following the meeting have been placed in the Assembly Library.

**The First Minister (Mr Trimble):** The Deputy First Minister and I participated in the British-Irish Intergovernmental Conference meeting.

The conference agreed a memorandum of understanding on supplementary procedural arrangements relating to its operation. A copy of the memorandum and a copy of the communiqué issued after the meeting have been placed in the Assembly Library.

The conference noted that it would bring together the British and Irish Governments to promote bilateral co-operation at all levels on all matters of mutual interest within the competence of both Governments. An initial list of issues, which will form a programme of work in respect of bilateral co-operation, was agreed. These include: asylum and immigration, including common-travel-area issues; European Union and international issues; social security, including methods and fraud detection; education; policy on misuse of drugs; combating organised crime and associated money laundering; and fiscal issues.

The Deputy First Minister and I raised the matter of fuel duty and its impact on the economy of Northern Ireland at the meeting. It was agreed that the conference would consider this issue as part of its future work programme under fiscal issues.

The conference agreed that its next meeting at summit level would take place during the first half of 2000, and that its first meeting on non-devolved Northern Ireland matters would take place in January. It was agreed that meetings on other issues would be arranged as necessary.

**Mr McClarty:** Can the First Minister confirm that the inaugural meeting of the British-Irish Intergovernmental Conference marks the end of the Anglo-Irish Conference and secretariat, which for 15 years gave the Irish Republic a say in every aspect of government in Northern Ireland?

**The First Minister:** I can, of course, confirm that the Anglo-Irish Agreement of 1985 ceased to operate on 2 December, on devolution to this House, and that consequently the Anglo-Irish Agreement and the secretariat no longer function. The British-Irish Intergovernmental Conference that we attended is, of course, dealing with a much more limited range of matters, as can be seen by comparing the Belfast Agreement with the Anglo-Irish Agreement of 1985.

It is important to bear in mind that cross-border co-operation, as it affects devolved matters, is now controlled by this Assembly through its representatives on the North/South Ministerial Council. The British-Irish Intergovernmental Conference deals with non-devolved matters and, even on those points, representatives of this House are present. It was an interesting experience, both for myself and for the Deputy First Minister, to be present throughout the meeting of the British-Irish Intergovernmental Conference and to be able to observe and to make observations on all matters which were handled. We have today reported the significant parts of those discussions. Members will note how we were able to raise the issue of fuel duty, which is of very great concern to the people of Northern Ireland. We would not have had the opportunity to raise issues in that way under the *ancien régime*.

**Mr McCartney:** On a point of order, Mr Speaker. Is the House going to allow a process at Question Time whereby planted questions— where answers have already been provided— will be countenanced?

**Mr Speaker:** Order. The Member, who is also a Member of another place, is very much aware that the issue of how Members may come upon the questions which they choose to ask is not a point of order.

**Mr McCartney:** With respect to that point of order, you did not answer it.

**Mr Speaker:** It is not a point of order. How Members come about the questions that they choose to ask is entirely a matter for them. The question of order is that the questioners are called by the Speaker to put their questions and that they are responded to by the Minister involved.

**Mr McGrady:** I do not know whether I have been properly tutored to ask this question, but it is of my own volition. I thank the First Minister and Deputy First Minister for their comments on these two very important bodies arising out of the Good Friday Agreement.

My question to the Deputy First Minister refers to the British-Irish Council. How does he see the relationship between the British-Irish Council and the Northern Ireland Assembly evolving in the months and years ahead? Secondly, how will the British-Irish Council work alongside, or how is it compatible with, the British-Irish

Interparliamentary Council, which also exists at the moment?

**The Deputy First Minister:** I will take the second part of the question first. Ministers who attend British-Irish Council meetings will have a duty to report back to the Assembly, at which time Members will have the opportunity to pose questions, as Members are doing today. Members of the Assembly will have the opportunity, and will be encouraged, to participate in any interparliamentary activity arranged through the British-Irish Council. The elected institutions of all the members of the British-Irish Council are encouraged to develop interparliamentary links.

The British-Irish Council will consider how this issue can be addressed. It will be a matter for the respective elected institutions to deliberate upon, and the existing British-Irish interparliamentary body should also be consulted. It is one of those aspects of the British-Irish Council which I think should be encouraged. This is because the more parliamentary interconnection there is among the members of the Council, the more productive will be the understandings and agreements reached in the Council.

**Mr McCartney:** On a point of order, Mr Speaker. A list of suggestions as to how Question Time should be conducted was distributed to Members. One of these was the possibility that other Members who were not the questioner might be able to speak. There was, however, no indication as to how they should demonstrate to the Speaker their anxiety to do so. Will this be done in the same way as in another place, where Members stand up to indicate their intention to speak, or will it be done by another method?

**Mr Speaker:** Members can indicate in the way described, or they can do so in other ways. For example, they could give an indication to myself or the Table Clerks in writing. Either method is perfectly acceptable.

**Rev Dr Ian Paisley:** My question is to the First Minister. Is it not a fact that the British-Irish Intergovernmental Conference carries on from the Anglo-Irish Agreement? Is it not a fact, although not mentioned in his statement today, that very important matters are being discussed — matters which people in Northern Ireland would be concerned about? These are issues such as rights; policing, including the implementation of the Patten Report; criminal justice; the normalisation of security arrangements and practices; cross-border security co-operation; the victims of violence; prisons; drugs and drug trafficking; and broadcasting. And the Governments can propose a list of other subjects that can be brought before this body.

What size is this body's secretariat? Where does it meet? What civil servants from the Assembly are in its secretariat? Can the First Minister tell the House if the

Patten report was discussed and what was the consensus of opinion at the British-Irish Intergovernmental Conference concerning the implementation of the report?

**The First Minister:** I refer the questioner to the comments I made earlier. We now have a new agreement, with a new Intergovernmental Conference and, consequently, a new secretariat. The matters that fall within the remit of the Intergovernmental Conference are those that are not devolved. The Member read out a list of non-devolved matters. It is quite clear that any matter that is not devolved can come within the purview of the Intergovernmental Conference.

In my statement I mentioned the areas that were going to form a programme of work for the Intergovernmental Conference: asylum and immigration, the European Union, social security, education, drugs and fiscal issues. These were the only issues that were discussed at the meeting. The important thing about the new arrangements is that representatives from this House will be present throughout the discussions. The other matters that the Member referred to were not discussed at the meeting of 17 December. If such matters are discussed at future meetings, we will report on them.

**Rev Dr Ian Paisley:** I asked the First Minister about the size of the secretariat, where it meets and whether civil servants from the Assembly are on it. I think I am entitled to an answer to these questions.

**Mr Speaker:** First Minister, do you wish to respond?

**The First Minister:** Mr Speaker, it is in your hands as to whether a Member can have more than one question at a time. The Anglo-Irish secretariat, established under the Anglo-Irish Agreement of 1985, no longer exists. The staff have been moved to other duties, and some of them have been moved to the British-Irish Intergovernmental Conference. I recommend to the Member that he pursue the question of the number of staff in the secretariat — which is not known to me — by asking that question in the appropriate place.

**Rev Dr Ian Paisley:** On a point of order, Mr Speaker. Is it in order for the First Minister to say that he is going to answer only one question? He has made a statement. In another place there is always opportunity for more than one question. It would be highly irregular if Members were to be muzzled by being restricted to asking one specific question.

**Mr Speaker:** I am not aware that the First Minister indicated that Members were permitted to ask only one question. The second part of Dr Paisley's question may have slipped the First Minister's mind, though it was put the first time. The First Minister has now answered that question and has indicated the possibility of exploring the matter further.

**Mr McGrady:** On a point of order, Mr Speaker. Dr Ian Paisley referred to the custom and practice in another place. When a ministerial statement is made, it is normal practice for the Speaker to call for questions. Never, in my experience, has the person called by the Speaker asked more than one question.

**Mr Speaker:** Indeed that is the case. The reason I permitted Dr Paisley to repeat what he had said earlier is that, in fairness to him, he had actually asked the question. The First Minister had not, perhaps, been in a position to respond immediately. With regard to how many legs a particular question has, most Members have shown a degree of creativity. In some cases the questions have been more like centipedes than three-legged stools. I shall try to keep the questions more restricted.

**Rev Dr Ian Paisley:** On a point of order, Mr Speaker. Surely Mr McGrady should remember the scriptural exhortation "Physician heal thyself", for he asked two questions.

11.00 am

**Mr Speaker:** I will not intrude on the question of theological quotations. However, on the issue of physicians, I may have the last word.

**Mr Neeson:** I welcome the statements, and I share some of the views put forward by Mr McGrady regarding the Interparliamentary Council. However, I note from the statements that the Northern Ireland Assembly Executive will take the lead on the issue of transport. Will this issue be dealt with on an "islands" basis, and will the need to deal with the A75 Stranraer-Dumfries road, which has such an important impact on Northern Ireland transport routes — be treated as a matter of urgency?

**The Deputy First Minister:** I thank the Member for the question. I agree that one of the benefits of the British-Irish Council is that we will have the opportunity of making suggestions in relation to matters that affect Northern Ireland people and business which are located in other places. The matter he raises was one of the issues we had in mind when we proposed the subject of transport. It is crucially important for business in the North of Ireland that this be looked at, and we will be raising the matter at the earliest sectoral meeting which involves transport.

**Mr Dodds:** On a point of order, Mr Speaker. May we ask the Deputy First Minister, since he holds a position in the Government of a part of the United Kingdom, to have the courtesy and decency to refer to this part of the kingdom by its proper title — Northern Ireland and not the North of Ireland? Surely by now he should have learned that and should at least have respect for this country and its people, not to mention this House.



**The Deputy First Minister:** On a point of order, Mr Speaker. It seems that raising a point of order is the only way I can make any reference to the point made unless, of course, you invite me to answer it as if it were a question.

**Mr Speaker:** If the Deputy First Minister wishes to take it as a question, then it shall be taken as such, and he may respond.

**The Deputy First Minister:** Thank you, Sir, for your indulgence. I take the point made by the Minister. I suppose terminology is determined by one's environment. Let me put it this way: I have never had the experience of saying to my wife, or anyone else, that I am driving down to the Republic of Ireland to do some shopping. The words I use are always "I am going down South to do some shopping." I do shop in the South of Ireland, and I shop in Britain as well —

**Rev Dr Ian Paisley:** Where there is cheap petrol.

**The Deputy First Minister:** I take the point made by the Member, but I would have thought that one of the greatest ways of showing respect for the people of Northern Ireland, the North of Ireland — or whatever you want to call it — would be to be part of the collective responsibility which is working on behalf of the people of Northern Ireland, and I invite the Minister to join with us to show that respect and put it into practice.

**Ms Morrice:** I welcome these summit meetings; the fact that they took place is an important step forward for politics in Northern Ireland and on these islands. I know that there will be meetings between representatives from Scotland, Wales, Northern Ireland, Ireland, England, Isle of Man and Guernsey at executive and ministerial levels, but will there be the possibility, at any time, for Assembly Members from these areas to meet and co-operate?

It is important that there be co-operation on these islands at all levels of the decision-making process. That is why I am asking the First and the Deputy First Ministers if there is a possibility of interparliamentary meetings at this level.

**The Deputy First Minister:** I referred earlier to this matter. It is part of the thinking about the British-Irish Council. It was there during all stages of the negotiations, but it has never been fleshed out. It is a matter that I and the British-Irish Council want to encourage. Of course, it will be a matter for each member Parliament to decide, and I suggest, as there seems to be substantial interest in this, that the question of interparliamentary representation should be considered in depth by the Assembly so that we can then proceed to benefit from our relationships with all the other members of the British-Irish Council. The Good Friday Agreement made reference to an interparliamentary

relationship with Dáil Éireann. These are not things to be feared; they are things that should be encouraged. As a member of the British-Irish interparliamentary body since its inception, I know that that body would be very keen to enter into discussions to enable us to shape and handle this very important relationship.

**Mr McCartney:** The First Minister said that one of the items added to the list of topics for discussion was fuel duty. He will be aware that the Northern Ireland haulage industry is facing annihilation because of gross disparity in the cost of diesel fuel and an outrageous difference in the cost of licensing. If something is not done about this urgently, there will be no indigenous Northern Ireland haulage industry left. I welcome the fact that this issue has been placed on a future and, I hope, urgent agenda.

In relation to the pig industry, which is also facing extinction, will the First Minister consider ensuring that the relationship between the regulations governing pig rearing and slaughter in the Republic and in Northern Ireland are brought into harmony so that pig producers in Northern Ireland are not disadvantaged and that, as soon as possible, slaughtering arrangements will be improved to give our pig producers a level playing field?

**The First Minister:** The Member mentioned two issues, and I will try to remember both of them in my response. Both issues are important. With regard to fuel duty and arrangements for health and safety in agriculture, the Member will recall that it was precisely for that reason that it was agreed by the Assembly that there be co-operation between Northern Ireland and the Republic of Ireland on food safety. Schemes and an implementation body for food safety were agreed for precisely the reason that the Member has suggested, so I welcome his support for that objective that we have carried forward.

The fuel issue is, of course, a matter of considerable importance in a wide range of areas in the Northern Ireland economy, and it was for that reason that we raised it at the British-Irish Intergovernmental meeting. We were very glad that the British and Irish Governments both responded by including that issue on the list of areas for further work. The Member who raised the issue will, of course, recall that this issue was also debated in another place last Wednesday morning, and I was happy to hear the contributions made in that debate by the leader of the SDLP, Mr Hume, and several of my other parliamentary colleagues. I was sorry that the Member who has raised this issue now was unable to attend.

**Mr Birnie:** I thank the First and Deputy First Ministers for their report on the inaugural meeting of the British-Irish Council. Can they confirm that all parts of the British Isles are participating in that council,



which in itself is a remarkable and positive development?

**The Deputy First Minister:** I can confirm participation by the following: the British Government, the Northern Ireland Executive Committee, the Scottish Executive, the Cabinet of the National Assembly for Wales, the Government of the Isle of Man, the Bailiwick of Guernsey, the Bailiwick of Jersey and the Government of the Republic of Ireland.

**Mr A Maginness:** I welcome the meeting of the British-Irish Council. I am sure that everyone, certainly on this side of the House, is happy that yet another aspect of the Good Friday Agreement has finally been implemented, and we look forward to productive work arising out of the council. Given the Council's importance, I would like to ask the Deputy First Minister what provision is being made to keep the Assembly fully informed of its work?

**The Deputy First Minister:** Ministers who attend the British-Irish Council will do what we are doing today, and that is report to the Assembly where Members will have the opportunity to raise questions. I stated previously, on at least one occasion, that Members will be encouraged to participate in any interparliamentary activity that is arranged through the British-Irish Council. I would also like to point out that it will meet in sectoral format as is required in relation to the issues that have been tabulated as matters for consideration during this session. Those range from drugs, which is the immediate one, to transport, where the lead responsibility rests with the Assembly, as well as the other matters that are in the report. This will involve different Ministers being in attendance at those meetings where the intention and requirement is that they will report, not just to the Executive but to the Assembly, in relation to the business that has taken place. That reporting may be undertaken through the First and Deputy First Ministers. Most Ministers might be encouraged to think that they could do a better job themselves, but whatever way it is done, it is important that the Assembly be reported to.

**Rev Dr William McCrea:** In presenting his report, the First Minister outlined what was in paragraph 5 of the notes from the British-Irish Intergovernmental Conference inaugural summit meeting. Did he feel that he would be extending his statement to an unacceptable length when he failed to mention paragraph 6, which included something which is very near to the heart of the people of Northern Ireland, especially at this time, namely the matter of policing in Northern Ireland, including the implementation of the Patten Report? No doubt this issue will be referred to in the Intergovernmental Conference, as Dublin always interferes in Northern Ireland's affairs. If the issue has been raised, or when it is raised, what view of the Patten

Report will the First and Deputy First Minister express on behalf of the Assembly?

11.15 am

**The First Minister:** The Member will recall that in earlier answers I made it clear that the subject matter of the British-Irish Intergovernmental Conference includes all devolved matters and, consequently, the particular issues he has mentioned. In the statement we made today I referred to the issues which were discussed on 17 December, and at that meeting there was no discussion of any other matters. If at future meetings there are discussions on non-devolved matters which relate to Northern Ireland, as do the issues mentioned by the Member, we will be present and give a report on those discussions. As no such discussions have yet taken place, I am unable to give such a report, and I do not think it wise to explore purely hypothetical issues at this stage.

**Mr C Murphy:** A Chathaoirligh, I welcome the fact that this meeting took place — another instance of the institutions envisaged in the Good Friday Agreement coming into effect.

With reference to this body's taking the lead on transport, I presume that the Minister for Regional Development was in agreement with that. That would be welcome because the issues of transport on this island and transport between the two islands are important. My question is about resourcing and, given the bleak picture painted by the Minister for Regional Development of our infrastructure and the problems we face with transport here, whether we can take the lead on this. Are the resources that will enable us to take this lead coming directly from the Department of Regional Development or from some other source in the Executive Committee itself?

**The Deputy First Minister:** There are two parts to the Member's question. One concerns how we intend to take forward our lead role in transport, and we have both made it clear that the needs of the people of Northern Ireland are what matter. Transport is a sectoral format in both the North/South Ministerial Council and the British-Irish Council. It is vital that work on transport be taken forward in both contexts, irrespective of the attitude taken by any Minister to those institutions. I hope that all Ministers will participate in the relevant institutions. The decision on ministerial participation in the transport sectoral meetings is one for the First and Deputy First Ministers, which, under legislation, we will take at an appropriate time.

In relation to the second part of the Member's question, it is true that the Council member taking the lead in any of the sectoral issues identified will bear the cost of any meeting which takes places within its jurisdiction. Who foots the bill for the research and

compilation of the final product is a matter to be decided by the Council members.

**Mr Leslie:** I welcome the statement, and I am pleased to hear the list of subjects which the British-Irish Council will be addressing. It is particularly appropriate that the Northern Ireland Executive should be taking the lead on transport, but can the First Minister confirm that the British-Irish Council will not be a mere talking shop? Is he confident that it will develop practical co-operation between the Administrations?

**The Deputy First Minister:** As with all of these institutions, it will be what we collectively make it to be. I do not believe that it will be a talking shop. The participants of the British-Irish Council are all conscious of the fact that this institution must show that it can impact properly and truly on people's lives. By splitting the work into sectoral formats from the start it will be possible to make progress on a range of issues, and those already identified are drugs, social exclusion, environment and transport, as well as the knowledge economy. These are issues which impact on all of us.

It is no coincidence that a number of the issues chosen impact differently on those who are less well off and less fortunate. That indicates that the British-Irish Council is about learning from each other and ensuring that all our policies and practices are brought up to the highest quality. The British-Irish Council is one of the institutions at the core of the Good Friday Agreement, and, as with all the institutions, we must show that we can deliver what lay behind the concept.

I look forward to progress being made across the sectoral formats in the next six months and to taking stock of progress in June at the next plenary session of the British-Irish Council. These institutions — what they do and what their ultimate results will be — will be as good as the effort we put into them.

**Mr McClelland:** The statements from the First and Deputy First Ministers show that we have taken another important step on the road to securing permanent peace and reconciliation on these islands. May I ask the Deputy First Minister what benefits will derive from the British-Irish Council?

**The Deputy First Minister:** The ultimate benefit is the co-operation with the other Administrations and Governments. We live cheek by jowl with all of those involved in the British-Irish Council — even though in some cases there is a sea or a border between us. However, in reality there is no border, for the days of borders in international business and national life are gone. We will benefit by learning from the experiences of other areas, by dealing with those experiences in a collective way and by producing, in conjunction with

each member of the council, policy positions from which we can all benefit, individually and collectively.

Sometimes we believe that this is the only place with good ideas and good policies. That may or may not be true, but we should not be afraid to learn from other places and help to create a relationship between all members of the Council which will begin to transcend their differences, not just in practical and economic terms, but also in political terms.

**Mr S Wilson:** We know from the answer given by the First Minister that we have a secretariat serving the British-Irish Council and that some of the members of that secretariat were previously members of the Anglo-Irish secretariat. Does he agree that his answer to Mr McClarty's question was misleading in that he said that the Secretariat had now been done away with? Will he tell the House where the secretariat which was supposed to have been done away with is now located? Is it located in Maryfield or somewhere else in Northern Ireland?

**The First Minister:** The latter point is not within my responsibility. Consequently, I am not in a position to give an answer. I suggest that the Member approach one of his Colleagues who is in a position to table an appropriate Question in another place.

**Mr Dallat:** Can the Ministers assure us that the benefits of the British-Irish Council will have the resources needed to tackle unemployment and all the other social ills that currently afflict Northern Ireland?

**The Deputy First Minister:** I should remind myself and everyone else that the decisions taken in relation to matters pertaining to the British-Irish Council will be taken by the Executive Committee here and, through the Executive Committee, by the Assembly.

I trust that in their wisdom all Ministers, the Executive Committee and the Assembly will make sufficient funding available so that we can maximise the benefits of membership of the British-Irish Council. We should also remind ourselves that government on these islands becomes more de-centralised as power is devolved. It is important that strong links be established and maintained between the various Administrations. As set out in the Good Friday Agreement, the British-Irish Council is established under the British-Irish Agreement

"to promote the harmonious and mutually beneficial development of the totality of relationships among the peoples of these islands".

Through membership of the British-Irish Council we will be able to exchange information and use our best endeavours to reach agreement on matters of mutual interest with our neighbours on this island. To do that properly we need to have a proper attitude towards the funding of policies which the Assembly and Executive

adopt as a result of their experience in the British-Irish Council.

## ASSEMBLY MEMBERS' PENSIONS BILL

### Second Stage

**Rev Robert Coulter:** I beg to move

That the Second Stage of the Assembly Members' Pension Bill (NIA 1/99) be agreed.

This stage provides an opportunity for a general debate on the Bill and for Members to vote on its general principles.

The purpose of the Bill is to make provision for the payment of pensions and gratuities to, or in respect of, persons who have been Members of the Assembly. I should make it clear that this is only in respect of Members – it does not cover their staff. Members need to make a separate provision for staff using the allowances available in the Members' Allowances Determination.

Members will recall that while in shadow form the Assembly agreed that the recommendations in the Assembly Commission's first report of 22 February 1999 dealing with matters of salaries, allowances and pensions for Members should follow the recommendation of the Senior Salaries Review Body. I would like to point out that at that stage no one in the Assembly knew what those recommendations would be. Subsequently, the review body recommended that in proportion to a Member's salary and service, a pension scheme for Members of the Assembly should be established to provide the same categories and, substantially, the same levels of benefits as are available to MPs at Westminster under the Parliamentary Contributory Pension Scheme.

Since then the Commission has been engaged in developing a pension scheme for Members which would give effect to the review body's recommendations, and that has resulted in the Bill that I am taking forward on the Commission's behalf. It has not been possible to introduce a scheme before now, since the powers to do so did not become available until devolution.

A sub-committee, chaired by Mr Denis Watson, has helped the Commission considerably in preparing the scheme. The Commission has spent a great deal of time scrutinising the Bill's very detailed provisions, and I wish at this point to record the Commission's appreciation of the sub-committee's work. I will come back to how the Commission sees the group's being involved in the long-term management of the scheme.

While I do not wish to go into the Bill's detailed provisions today, perhaps I may give a brief summary of the benefits of the scheme. In doing so, I should emphasise that these benefits apply to all Members of the Assembly. The Commission believes that all equal-opportunities issues are addressed in the detail of the Bill.

11.30 am

Members' pensions will be based on final salary and length of service. A Member's pension will amount to one fiftieth of final salary multiplied by the number of years' service. Members will pay 6% of their salary into the pension fund, with the Assembly making up the balance of the cost. The maximum pension that can be accrued is two thirds of the final salary. Part of the pension can be commuted into a lump sum.

The normal retirement age is 65, but, subject to Inland Revenue limits, Members who are currently over 65 will continue to accrue their pension in the same way as those below this age. In certain circumstances Members may retire earlier than 65 with a reduced pension, although there is no reduction if a Member retires early due to ill health. A lump sum of three years' salary may be paid if a Member dies in service. Widows', widowers' and children's pensions are also provided for. There is a facility available for the purchase of added years and for additional voluntary contributions. Members will be able to transfer service to, and from, this scheme.

Pensions will be increased in line with inflation, and enquiries have already been made to have the scheme contracted out of the State Earnings Related Pension Scheme. A supplementary scheme will be available for officeholders on the same basis as for Members of Parliament. The pensions of Members who are also Members of the Westminster or European Parliament will be based on their reduced salary.

The scheme cannot come into effect until this Bill is passed. At that time, all Assembly Members will automatically become members of the scheme. Additionally, Members' service between the time they took up their Assembly seats and the Bill's being passed will automatically count towards their pensionable service. Unless other arrangements are made with the trustees, deductions of 9% of salary, in addition to the normal 6% deduction, will be made to cover the contributions that Members would have paid had the scheme been in place from the date they took their seats.

On this basis we hope that these retrospective contributions would be paid for within a year of the scheme's coming into effect. Provision is also made for the scheme to apply retrospectively to any Member who dies between now and the Bill's coming into effect. The sub-committee, under Mr Watson, has spent a lot of time looking at the detail of the scheme. It has also started to consider what administrative arrangements would be needed for the practical operation of the scheme as soon as it is in place.

Subject to the Assembly's approval, the Commission's view is that this sub-committee, given the expertise it has developed, should take on responsibility for the

administration of the scheme once it comes into effect. In other words, the sub-committee's members would become the trustees of the scheme. The arrangements for appointing the five trustees, their powers and responsibilities are set out in Part B and in Schedule 1 to the Bill. Therefore the trustees and not the Commission will be responsible for running the scheme. An important part of their responsibilities will be communicating with Members, explaining the scheme's provisions to them in more detail and dealing with queries such as the transfer of service from pension schemes relating to Members' previous employments, assisted, where appropriate, by the scheme actuary.

The Commission hopes to produce a note shortly on the issues which Members should consider in coming to a decision on such transfers. For instance, some Members retained their previous pension arrangements on election to the Assembly. However, unless these arrangements relate to another current employment they will probably have to be cancelled for any period in which the Assembly scheme applies to them. This is an example of one of the detailed matters on which the trustees will be offering assistance.

I hope that this has given Members an appreciation of the principles and main provisions of the Bill, which, because of its subject matter, is necessarily complicated and involved, and that the Assembly is content that it should now pass to the Committee Stage for more detailed scrutiny.

**Ms McWilliams:** The Bill will now pass to the Committee Stage for further scrutiny, but there are two points of principle which should be considered. The Committee should look at the principle of giving some discretion to Members over when they may transfer or pay back contributions. If the Committee were to consider that, it would be extremely useful to Members. As Mr Coulter said, this is a complicated piece of legislation. It would also be helpful if the Committee understood that many Members come from various walks of life. Mr Coulter pointed out also that some continued to contribute to other pension schemes and that it would be illegal for them to continue to do that and thus hold two pensions. They must decide either to transfer into this pension scheme or to remain in their current one.

I would like the Committee to give some further consideration, as a point of principle, to the fact that the legislation as currently drafted allows only for a start date of 25 June 1998 or the present date, and some thought needs to be given to variation in terms of dates that lie in between.

I would like it put on record that we owe a debt of gratitude to the trustees and to the Chairperson of the Pensions Committee for the work that they have done and, in particular, to Mr Denis Watson.



**Rev Robert Coulter:** We shall contact Ms McWilliams with a detailed reply.

There will be an opportunity to examine the detail of the Bill at the Committee Stage scheduled for 27 January and to move amendments then.

*Question put and agreed to.*

*Resolved:*

That the Second Stage of the Assembly Members' Pensions Bill (NIA 1/99) be agreed.

**Mr Speaker:** The Bill stands referred to the Finance and Personnel Committee.

## ASSEMBLY BUSINESS

**Mr Speaker:** Under Standing Orders we move to questions at 2.30 pm. The decision of the Business Committee was that if we completed the business up to this point in advance of a reasonable time for a suspension for lunch, we would proceed to the motions that are down for debate for today. That being the case, we will move now to the three motions.

**Mr P Robinson:** On a point of order, Mr Speaker. Can you give us some guidance about the timing of the debate? As I understand it, there is a time limit for the overall debate. If there is an amendment, presumably you do not want the person moving the motion to speak all of the time. Is there a time limit for the debate and for the speeches?

**Mr Speaker:** The Business Committee's decision was to accept three motions for debate today, along with any amendments that might come forward, and to finish our business by 6.00 pm, as laid down in Standing Orders.

The intention was to try to have the first motion dealt with before the suspension for lunch. Questions would then be taken in the absence of any statements from Ministers. I have received no notice of any statements. Questions will be completed between 2.30 pm and 4.00 pm, and there will be an opportunity to take the second and third motions between 4.00 pm and 6.00 pm. That will allow one hour for each motion — one before lunch, one between 4.00 pm and 5.00 pm and one between 5.00 pm and 6.00 pm.

There are amendments for the first two motions on the Marshall List, and we will proceed in the usual fashion.

**Mr P Robinson:** Are there limits on the individual speeches?

**Mr Speaker:** As you may recall, I asked at the start of the day that those Members who wished to speak should let me know. I find it extremely difficult to define time limits unless I have some indication about the number of Members who wish to speak. I am also required to ensure that there is a degree of balance in the arguments put forward. I have to say that Members have not been hugely to the fore in indicating that they wish to speak. At present there is a very limited number of Members who wish to speak. I shall therefore have to judge that as time goes on.

In the first instance, we should perhaps allow the proposers of the motions and amendments to speak, since that may well, in itself, stimulate some speakers to come forward. At this stage, however, there are no particular limits, although I may have to introduce them as we move along in order to achieve a reasonable spread of speakers.

**Rev Dr Ian Paisley:** On a point of order, Mr Speaker. Will the proposer of the motion have time to reply?

11.45 am

**Mr Speaker:** In the normal course of events, the mover would have the right of reply. I shall have to give some consideration to the question of timing. We move on to the first motion, which stands in the names of Dr Paisley and Mr Peter Robinson.

## DECOMMISSIONING

**Rev Dr Ian Paisley:** I beg to move the following motion:

This House demands the handing over of all illegal terrorist weaponry and its destruction in accordance with legislative provisions; acknowledges that the people of Northern Ireland will not accept token decommissioning; and calls for the process of decommissioning to be verifiable, transparent and credible.

The issue of decommissioning continues to frustrate the people of Northern Ireland and constrain genuine political development in the Province. The Unionist people are sick of being misled and lied to over the issue of decommissioning. Even the “Yes” voters must be embarrassed by their misplaced political judgement in putting their trust in the word of the IRA.

It remains my firm conviction that the IRA has no intention of decommissioning. That is confirmed by a recent statement made by the leader of IRA/Sinn Féin before he left these shores to go to the United States. He pointed out that he was talking about the decommissioning of all weaponry, including that of the security forces, members of the Army, the Royal Ulster Constabulary and the Royal Ulster Constabulary Police Reserve. Decommissioning in the so-called peace agreement, as any ordinary individual reads it, has to do with terrorist weapons and not with legally held weapons. Not so with the leader of IRA/Sinn Féin.

At present it appears that the Official Unionists will be satisfied with, if not relieved by, a token gesture — one which will be hyped up by Gen de Chastelain and the two Governments as a credible start to decommissioning. It will, of course, be no such thing. Like all of the First Minister’s previous claims about decommissioning, the idea that the IRA will give up its guns when their presence has secured it a place in the Government of Northern Ireland is simply untenable.

I noted, with a sense of some irony, the statement by the recently knighted Josias Cunningham that the Official Unionists would not stomach any more drift over the issue of decommissioning. We have had nothing but drift from the Official Unionists on this matter. In June 1996, Mr Trimble told the ‘Belfast Telegraph’ that he would end the talks if decommissioning did not commence. That was in June 1996. He did no such thing. Since then the leader of the Official Unionists has twisted, turned, digressed and avoided dealing genuinely with this issue, while the IRA has held to its position and held on to its arsenal of murder weapons.

**Mr Paisley Jnr:** Is the Member aware of a statement and, indeed, an article written by the leader of the Ulster Unionist Party on 18 April 1998, just before the referendum? In that article the First Minister said

"As for the eligibility of those seeking to hold ministerial positions, the Unionist Party negotiators have, in writing from the Prime Minister, an assurance that no member of a terrorist-related party can hold such office until it has commenced the decommissioning of all its illegal weapons. Without this there should be no early release of prisoners."

He went on to say

"Any attempt to bring into office paramilitaries who have not proved a commitment to peaceful means by decommissioning will precipitate a crisis in the Assembly. We will not serve alongside such persons."

Can he tell us his view on the Ulster Unionist Party's change of heart on this most critical matter?

**Rev Dr Ian Paisley:** Lines have been drawn in the sand by Mr Trimble, but he always drew the line where the tide could reach it. When the tide came in, the line was conveniently wiped out. That has been happening all along on this issue.

I resent the attempt by the scurrilous 'News Letter' to tell us that we have no right to discuss this matter in the Assembly. Who does it think it is? Has Geoffrey Martin suddenly got the infallibility of the papacy? Does he feel that he should tell us what we ought to discuss? Mr Martin never submitted himself to the electorate. He has no mandate. He is the paid stooge of the Mirror Group, and he will no doubt advocate what they are advocating. As long as I am in this House, Mr Speaker, I will be using my mandate to speak up for what I believe, and no amount of 'News Letter' garbage will keep me from doing my duty.

I am reminded that when I first came to this House the same newspaper, on the day of the election, had a full banner headline across the front page "Minford X". That is exactly what the people of Bannside did. They axed Minford and put me into this House to represent the constituency of the former Speaker. Well done, the Belfast 'News Letter'! Let it continue its acts of folly if it will.

Far from being penalised, the IRA has been put into government without a single shred of evidence that there will be any decommissioning and without a single shred of evidence from the other partners in the Government. I am glad that there is an amendment. It is very interesting — a sort of attempt by the SDLP to be neutral, as if that were possible. The SDLP and the UUP are together on this matter. There will be no punitive action against the IRA when it fails to decommission.

I am angry at the deceit of the Official Unionists and at the way Mr Trimble, in conjunction with Tony Blair, has tricked a number of the Unionist electorate into supporting the Belfast Agreement. But I am equally disgusted at the behaviour of the SDLP. That party poses as a party of peacemakers, yet it has ridden to political advantage on the back of IRA violence. It has

refused to take on IRA/Sinn Féin but has been taken in by them.

The release of 30-year-old Government papers reveals that while they may have talked publicly about peace, privately their members sought to arm Nationalists in Northern Ireland on the pretence of self-defence, but really for the murder of Protestants. There is no prospect of the IRA's disarming. It knows that the SDLP will not take it on or vote to eject Sinn Féin/IRA from the Executive.

It was claimed that under the Belfast Agreement, decommissioning would happen. I do not see where or how it is going to happen. The "Yes" campaign claimed that it would be achieved. Gen de Chastelain claimed that IRA weapons would have to be destroyed, as well as their residue. In June, "destroyed" was changed to "put beyond use". I challenged the general to define "put beyond use". He said that it had the same meaning as "destroyed". In that case, why use it?

**Mr Poots:** Given the Member's comments on the 30-year-old papers, would it not now be appropriate to call for a public inquiry into the SDLP-inspired gun-running by the Irish Government?

**Rev Dr Ian Paisley:** There can be a public inquiry provided that it is against the overall Unionist position. Those who call for a public inquiry on anything that might vindicate the Unionist position will not get it. If the public inquiry into "bloody Sunday", which has been very slow in starting, does not come out with the answers that the Nationalist community in Londonderry wants, it will be rejected. That will be £20 million down the drain. Public inquiries are acceptable only if they come out with what the Nationalists want.

I understand that the Official Unionists are being briefed privately to the effect that the deadline is not February, or any meeting of their council, but has been moved to May. More drift and indecision seem to be the order of the day for the Official Unionist Council meeting. Public confidence demands movement on this issue. I note that even Bertie Ahern said in South Africa that the public will not accept excuses on decommissioning. According to Bertie Ahern "No surrender" is not an option, but he will be the first to bow the knee before the IRA when the day comes.

Action must be taken against IRA/Sinn Féin. They should be punished if they do not decommission. The people cannot be held to ransom. There must be decommissioning. If there is not, it is not Unionists who should be put out of the Executive but IRA/Sinn Féin. Some people, even in the Unionist camp, seem to have a twisted imagination on that issue. There is a concerted effort to move this issue away from the politicians. There was an attempt to get a leading South African publicly to call on Ulster politicians to leave this matter in the hands of the general. In an interview that was

embarrassing for the “Yes” campaign, he changed his mind and called for politicians to get involved.

This key political issue must be faced. The largest arsenal of terrorist weaponry in the Western world is in the charge of IRA/Sinn Féin and can be used at a moment’s notice, as the Canary Wharf tragedy showed, against the peace-loving, law-abiding citizens of any part of this United Kingdom.

Time is very limited, and Members are getting hungry and desire to eat. One of them said that he was flummoxed and tired by the amount of work that he had to do as an Assembly Member. I would not like that man to pass away. I will therefore draw my consideration of this matter to a close, and I look forward to having a brief opportunity to respond to any vital points that may be made.

**Mr McGrady:** I beg to move the following amendment: Delete all after “House” and add

“will work to implement all aspects of the Good Friday Agreement, including decommissioning, consistent with the three principles agreed on 25 June 1999 and reiterated by Senator Mitchell in his concluding report on the review.”

The amendment which has been tabled in my name, on behalf of the SDLP, seeks to address the question of decommissioning on the basis that has already been agreed by the parties participating in the Executive.

One would have hoped that at the first meeting of the Assembly in this new year, this new century and this new millennium the Northern Ireland community would be treated to a much more worthwhile and meaningful debate — a debate on health, education or employment, instead of on the endlessly rehearsed subject of decommissioning. Members are faced with so many problems whichever way they turn — problems with health and education, jobs, farming and fisheries — but yet again we are debating decommissioning, even though the framework has been put in place for its total achievement.

By bringing forward this motion and the next two, the DUP is again engaging in the ritualistic performances which seem to me to be geared to grabbing the headlines or creating a confrontation in the Chamber that will make the news later. It does this instead of addressing and participating in the reality of trying to achieve decommissioning in its best form. Perhaps the ‘News Letter’, which Dr Paisley referred to, was right when it said that there might be a bit of headline-seeking in what is currently a rather dull political scenario for the DUP.

**Rev Dr Ian Paisley:** On a point of order, Mr Speaker. Is it not correct to say that every party in the Assembly had an opportunity to put down a motion for today? They could have put down motions on health or on the other matters that Mr McGrady referred to, but they did

not do so. It is no wonder that they are mad that the DUP was able to table three motions. Even I was amazed.

**Mr Speaker:** Order. It would be inappropriate to go into the discussions and dealings of the Business Committee, save to note that Dr Paisley is obviously gratified at the opportunity to have three motions in one day.

**Mr McGrady:** That request for a ruling under the guise of a point of order merely illustrates the point that I was making: anyone could have tabled these motions. I have no objection to any number of motions being tabled, but I am entitled to address the motivation behind them. Are they effective or simply a means of giving the impression of real political movement? The DUP has failed to prevent the creation of the power-sharing Executive, having lost out to the common sense of the great majority of people in Northern Ireland. Its political credibility is now being reduced to nothing.

How else could one describe the gross, audacious hypocrisy of the DUP in accepting two ministerial positions in the Executive, the very creation of which it says is a threat to Northern Ireland’s existence?

12.00

How can they participate so fully in government? No amount of verbal camouflage can conceal the reality of the DUP’s participation in the Government of Northern Ireland. The DUP knows that this process is going to succeed — that is its real problem. However, it should also remember, in the terms of these motions, that part of the process that I hope will succeed is that the decommissioning of all illegal paramilitary weapons takes place. That is part of the process that we are in.

Do the proposers of the substantive motion think that they have a unique claim to the need and the desire for decommissioning? Let me assure them that they have not. All the people of this island, and beyond, have a deep and pervasive desire to see the end of guns and explosives in this society. Unless the question of arms is dealt with now, we all know the dangers they represent to peace and harmony, to our future and to the future of the next generation.

Decommissioning should not be achieved by the extraction of benefits for those who hold weapons.

**A Member:** On a point of information —

**Mr McGrady:** I have had enough heckling and interventions from a sedentary position to do me for this particular debate. It is not a question of giving benefits for decommissioning; it is a question of fundamental rights and the demands of this society, as expressed in referenda and in elections, being heeded and protected. One of those demands — and we all know this; it was endorsed and agreed upon — is that all illegal weapons



should be decommissioned by May 2000. I do not quarrel with people's need and desire for decommissioning. Indeed, I support such people in their proper endeavours to achieve it, but what I object to is the DUP's attempt to gain party political advantage by tabling these motions, even at the risk of sacrificing the actuality of decommissioning. I fear that that is the manner and intent of the substantive motions.

We have collectively — slowly and painfully — put together a process to achieve decommissioning. We should now allow it to proceed without placing further pressures on it.

Many Members have sufficient influence in the appropriate quarters to ensure that decommissioning will take place as set out in the agreement and in my party's amendment to the DUP motion. The amendment deals with the principles of the agreements made on 25 June 1999 and reiterated by Senator Mitchell in his review: an inclusive Executive exercising devolved powers; decommissioning of all paramilitary arms by May 2000; and the decommissioning to be carried out by the Independent International Commission on Decommissioning. That is what was agreed, and that is the basis on which we sit in this Chamber. My amendment, on behalf of my party, tries to put that in the context of decommissioning.

Decommissioning is a difficult and a delicate task to achieve. The process for decommissioning has already been laid down by the agreement of the parties; by the conclusion of the Mitchell Report; and by the current and ongoing work of the decommissioning commission. We all know that Gen de Chastelain is to report by the end of this month. Let us wait for the outcome of his report and not make the process any more difficult for him than it has to be.

We have seen how difficult it is — sometimes impossible — in other parts of the world. We can achieve a tremendous breakthrough on decommissioning — one which will set the foundations for a new beginning.

It is not only the DUP which is putting unnecessary stress on the current process of achieving decommissioning. One has only to note the recent speech by the Sinn Féin president in which he anticipated a united Ireland within 16 years. There is nothing wrong with that aspiration. Indeed, I support a similar concept for a new Ireland, but how much more easily could that be achieved if the IRA were to immediately, voluntarily and totally decommission its weapons, and the Loyalists were to do likewise. There is a responsibility as well. In the aftermath of decommissioning, decisions regarding our political future would be the result of the only acceptable weapon in any democracy, and that weapon is the will of the people, freely expressed. That too is guaranteed under the Good Friday Agreement.

When this motion was being moved some very scurrilous remarks were made about the SDLP. Since its foundation in 1970 — it did not exist in 1969 — my party has taken on all those who perpetrated violence, particularly those who were operating insidiously from within our own communities. Members of my party were assassinated. They and their families suffered intimidation at the hands of their electorate, and I resent the insinuation made in this House that the SDLP piggybacks on anybody. We were our own men and women, and we stood up to violence while others were creating semi-paramilitary groupings and leaping up and down hills waving gun licences, and the like. I defy any Member of this House, or anybody outside it, to give me one instance of any member of the SDLP participating in any form of militarism.

Not only that, but when the SDLP initiated a new beginning in the early 1970s we created a framework of thought and a new process, the result of which, whether Members like it or not, is that the most extreme groups, the DUP, Sinn Féin — the lot — are in this Chamber today. That has been our achievement, and we are proud of it. We do not accept any scurrilous, unfounded character assassinations of people who are now dead. I have heard all Members comment on the grief and the suffering of members of their community. There was grief and suffering in our community too.

This amendment contains the reality of that, which has been agreed by the parties, by the Mitchell Review and by the process now being undertaken by Gen de Chastelain. I commend it for the Assembly's endorsement.

**Mr Dalton:** I am broadly in favour of this motion, with which, strangely, I find myself in agreement. I have to say to members of the DUP, however, that they are not achieving much by moving motions like this. They know that it will not achieve anything; they know that they are not going to bring about decommissioning; and they know that nothing that they have done in the past is in any way going to change anything in this society. All they do is act constantly as a catalyst for aggression —

**Mr Paisley Jnr:** Will the Member give way?

**Mr Dalton:** Members of your party never give way to members of my party — or very rarely — so I will not give way to you.

**Mr Paisley Jnr:** On a point of order, Mr Speaker. Will you make it clear that the record reflects that in every debate I have given way to every Member across the House on those issues.

**Mr Speaker:** That is not a point of order, although may I take this opportunity to draw Members' attention to the fact that remarks need to be addressed through the Chair.

**Mr Dalton:** I apologise, Mr Speaker. I will make my remarks through the Chair. The debate today is a relatively pointless exercise, but, again, I want to say that I speak in favour of the motion. We have heard from the DUP why it supports this motion. This is the party whose hypocrisy knows no bounds. It takes part in the agreement; it takes part in the institutions of the agreement; it says that the agreement is going to lead to the sky falling in and a united Ireland in its members' lifetime, yet it feels that it can take part in it somehow. If the agreement is such a disaster, why is the DUP not outside this place? But I think we all know how hypocritical the DUP is.

**Mr P Robinson:** If it is so meaningless, why is the Member taking part in it?

**Mr Dalton:** This is coming from a Member who said he did not even think that decommissioning was a priority.

**Rev Dr William McCrea:** Enough said.

**Mr P Robinson:** On a point of order, Mr Speaker.

**Mr Dalton:** It is not a point of order; you know it is not a point of order.

**Mr Speaker:** Let me be the judge of that one.

**Mr P Robinson:** Is it in order for a Member to grossly mislead the House by stating that I said that decommissioning was not a priority? What I said — and it is clearly on the record — was that it was not the priority. The priority should have been the maintenance of democracy and the upholding of the Union. Maybe it is not for Mr Dalton.

**Mr Speaker:** It could not really be a point of order for me to try to ensure that Members do not mislead each other, or the House, in a general sense, but I rather suspect the point has been made.

**Mr Dalton:** My premonition was correct in that it was not a point of order. The Mitchell review took place at the end of last year, and in it there was a general discussion and debate. An attempt made by this party and by Members opposite to find some way of moving the entire decommissioning process forward. We tried to come to a sensible arrangement whereby the institutions of the agreement could be set up and, in reciprocation, expected that decommissioning would progress under the auspices of the Independent International Commission on Decommissioning. I am one of the more liberal members of the Unionist community who had hoped that the new year would see the destruction of weaponry. I had hoped that the new millennium would bring about a new era in politics and that the gun would be removed from politics in Northern Ireland, but unfortunately that has not been the case.

I have to say to the Members opposite, in particular to Sinn Féin, that some members of the Unionist community, like myself, have tried very hard to make the agreement work. We have tried our best to bring about a society in which there is tolerance, in which there is respect for the diversity of nationality, of identity, and for the aspirations in Northern Ireland. We have tried hard to make this process work. It has not been easy for us.

Many of us have felt a great moral difficulty in dealing with certain aspects of the agreement — prisoner releases and changes to the RUC cut many of us very deeply and are extraordinarily difficult to deal with — but in good faith we have tried to make this work. We find that, as the new year dawns, nothing has happened. The Independent International Commission on Decommissioning does not seem to have produced any result, and the decommissioning issue, brought up again by the DUP, raises its head as merely another obstacle in this process. Before the new year I made a number of comments on the establishment of the institutions of the agreement and on the way in which they should be set up. I suggested that we should try to take this process forward by setting up these institutions in order to create the conditions that would allow those members of the IRA to bring about decommissioning — *[Interruption]*

**Mr Gibson:** On a point of order, Mr Speaker. Is the Member aware that nine months ago, at the Easter celebrations in my constituency of Carrickmore, the present Minister of Education advised those assembled not to hand over a single gun or an ounce of Semtex?

12.15 pm

That was a person, now a Minister in the Government, addressing his own flock. The same people have now threatened the local primary school headmaster in Pomeroy, telling him not to allow a representative of the Pushkin award, the Duchess of Abercorn, into their school. Threats and intimidation are still part of the IRA policy of the ballot box in one hand and institutional or violent intimidation in the other.

**Mr Dalton:** I would like to be able to say to the Member that we live in a society where threats and intimidation are not part of day-to-day life. I woke up this morning to find that two members of my constituency in Newtownabbey had been shot through the legs by members of Loyalist paramilitary groups. This type of thing does occur on a daily basis, but we are trying to make it stop. We are trying to bring about a society where this does not happen; where there is not that degree of intimidation on a regular basis; where paramilitary groups do not walk about and wield weaponry threatening people whenever they have political disagreements with them.

**Mr R Hutchinson:** Will the Member give way?

**Mr Dalton:** No.

Before the beginning of the year I suggested that the institutions should be set up. This is something which it seems has now come about through the Mitchell review. At the time some senior Members of Sinn Féin — the Member from Mid Ulster in particular — suggested that others should listen to me. May I say to that Member that he should listen to me now. There is no more room for compromise on this side of the House. Members of the Unionist community, like myself, will not give any further. We are not able on this occasion simply to allow things to change yet again and for the Unionist community to slide one more time in order to allow a little more room, or opportunity, in the hope that one day the weaponry will be destroyed. I want to make it clear to the Members opposite that under the terms of the Mitchell review there is an expectation that there will be a report from Gen de Chastelain by the end of January.

**Mr R Hutchinson:** Will the Member give way?

**Mr Dalton:** No. I expect that the report on 31 January will contain some reference to decommissioning. I, unlike other Members, do not expect the IRA to surrender weapons, to bend the knee, or in any way to indicate its surrender. We are asking that those weapons, which are a threat to the lives and well-being of this community and of this society, both in the North and South of Ireland, are got rid of. I do not care whether this is done by way of a big bang in a forest and watched by Gen de Chastelain or by some other method. I want to see those weapons destroyed and the threat of the gun removed from politics in Northern Ireland.

I must indicate to those Members that I would be unwilling and unable to support the continuation of the institutions of the Assembly if decommissioning does not occur by the end of January. I say that as one of the most liberal Members one could probably find on this side of the House. On this occasion I want to make sure that the Members opposite realise the strength of feeling that exists in the Unionist community.

**Mr Maskey:** Will the Member give way? *[Interruption]*

**Mr Speaker:** Order. I have noticed that there is a little pattern developing. Because there is no limit on the time Members may speak, there is a tendency for them to give way to members of their own party merely to increase the number of speakers and the amount of speaking time available. Mr Paisley Jnr looks shocked. I assure him that I think it may be so. Therefore, whilst it is not inappropriate to give way to members of their own party, neither is it inappropriate to give way to members of other parties.

**Mr P Robinson:** Further to the point of order, Mr Speaker. You cannot accuse the Member of that, as he is refusing to give way to a member of his own party but quite willing to give way to a member of Sinn Féin/IRA.

**Mr Speaker:** I was not begging any questions of what this Member was doing; I was merely responding to a singularly noisy response from others when he gave way to a Member from another party.

**Rev Dr Ian Paisley:** When a person is making a motion in another place he is entitled to give way at least two or three times to people who are naturally questioning him about his motion. It has always been the custom that when a person is proposing a main motion he has the flexibility of giving way.

**Mr Speaker:** I am not suggesting that Members have gone outside what is appropriate; I am just a little aware that when patterns develop they can become inappropriate.

**Mr Maskey:** I have a comment to make through you, Mr Speaker, to Mr Shipley Dalton. I sympathise and empathise with many of Mr Shipley Dalton's comments in relation to how the people within the community he represents feel about this whole vexed question of decommissioning. By the same token, he neglects to understand that there are many views on that issue within all the communities on these islands. Most importantly, when he says that he will not be able to support the institutions after next month that runs directly contrary to the position adopted by his party leadership during the Mitchell review, particularly at the conclusion of the review. I am making the point that, regardless of the promises and guarantees which were given by its leadership at the Ulster Unionist Council meeting, what Mr Shipley Dalton is saying is contrary to the position adopted by his party at the Mitchell review, when the deal was done. I think the people on the UUP Benches need to bear that in mind.

**Mr Dalton:** The Member is saying that we must not set up more preconditions; that we are attempting to lay down a condition that the IRA is not going to agree with or accept; and that it is unreasonable for us to do that. The institutions of the agreement are set up in order to provide an opportunity for those of us who have hugely different aspirations and views about our way of life to try to find a way to accommodate those within a democratic political framework. The maintenance of standing armies and weaponry cannot in any way be compatible with that. That is something accepted on this side of the House and also throughout the entire island of Ireland. The Member knows that.

It is quite clear that at this stage in the process of the agreement, the future of the institutions of this Assembly is in the hands of the IRA. It is now up to the IRA to decide if it is going to see these institutions



continue; if it genuinely wishes to see the agreement work and if it wants a genuine attempt to be made to bring about toleration, acceptance and accommodation between the two vastly different communities in Northern Ireland and throughout Ireland. That decision is the IRA's, and it is one which must be made quickly, because there is no more room or patience, even amongst those who are the most moderate, most liberal and most willing in the Unionist community, to try to make this process work.

**Mr Weir:** On a point of order, Mr Speaker. We have now had some of the main contributors, and you indicated that you would look at the possibility of some sort of time limit to enable as many as possible to speak. Have you come to any view on that, and at what time do you aim to have this debate completed so that Members may know whether they will get a chance to speak?

**Mr Speaker:** I requested that Members indicate at an early stage whether they wished to speak. That did not happen, which makes it rather difficult for me to indicate a time limit. The Business Committee thought that one hour was reasonable in respect of each of these three debates. We started at about 11.40 am, so this debate would end at 12.40 pm. Within that time both the proposer of the amendment and the proposer of the substantive motion have the right to respond. It is clear from that that the amount of time available for speaking is now very limited, and I appeal to Members to limit themselves as much as possible.

Under Standing Orders, time can be limited only at the beginning of the debate. Members did not raise that until after the debate had started, and that makes it difficult. I will try to ensure that the different sides of the argument are put, but that is not necessarily the same thing as everyone's having a chance to speak.

**Mr Weir:** Further to that point of order, Mr Speaker. The next business is Question Time at 2.30 pm. If we were to break at 12.40 pm, or shortly after, we would be allowing ourselves almost two hours for lunch. As some Members who have not had the opportunity to speak wish to do so, should we not break later than 12.40 pm?

**Mr Speaker:** I will consider what the Member says, but he should understand that under Standing Orders the Business Committee set down the time, and the question was whether there would be three hours for one debate or three hours for three debates. The Member needs to be aware of that, but I will see what I can do.

**Rev Dr Ian Paisley:** Further to the point of order, Mr Speaker. Will we still have the vote immediately after this debate?

**Mr Speaker:** That is correct.

**Mr Molloy:** Go raibh míle maith agat, a Chathaoirleach.

I start by saying that it is not within the remit of the House to demand the handover of anything. The Good Friday Agreement and the Mitchell review both state quite clearly that decommissioning, when it occurs, will be a voluntary act. Setting deadlines or making demands will not achieve decommissioning. For years and years the Unionists have stalled and used the tactic of deadline and demand. They have wasted — *[Interruption]*

Does the Member wish to intervene?

Through the tactic of deadline and demand the Ulster Unionist Party and the Democratic Unionist Party — Unionists in general — have succeeded only in delaying matters for two years and wasting very valuable time which would have been more productively spent establishing the political institutions and demonstrating that politics work. Decommissioning has been dealt with in the Good Friday Agreement and in the Mitchell review, and it should be left where it rightly belongs — with Gen de Chastelain.

The Good Friday Agreement requires all parties to use their influence to create the conditions to remove the gun from the equation. Sinn Féin has been using its influence to bring this about. Other parties have failed to do so.

I ask the proposer of the motion what the DUP is doing to bring this about. What is it doing to establish the status of the weapons brought here from South Africa by a British agent, Mr Brian Nelson, for the Ulster Resistance movement, a movement with which it is clearly inextricably linked? This was evident at the Ulster Hall, where they wore the red beret and insignia of the Ulster Resistance, in Portadown and on various hillsides throughout the country where members of the DUP waved weapons, both licensed and unlicensed.

Where are those weapons now? They are still being targeted at the Nationalist community in the North. The party in question was instrumental in forming the Ulster Resistance, so we need to have an answer. What is it doing to bring about decommissioning?

The House should get on with the business that it was elected to do — fill the vacuum and demonstrate that politics works. The decommissioning issue is now where it should be — with Gen de Chastelain and his committee.

We should not underestimate the efforts made by the IRA in creating the opportunity to bring about the political climate in which progress can be made. It created the opportunity by calling the cessation of violence in the first place, and it has also linked in and co-operated with Gen de Chastelain, meeting him regularly to try to bring about the decommissioning of weapons. When decommissioning happens, it will be a



voluntary act — it cannot be brought about by force or demand.

I ask the House to support Mr McGrady's amendment. Decommissioning should be dealt with under the terms of the Mitchell review and in keeping with the three principles set out on 25 June 1999.

Go raibh maith agat.

12.30 pm

**Mr C Wilson:** I support the motion standing in the names of Rev Dr Ian Paisley and Mr P Robinson. It is important to consider why decommissioning is such a crucial issue for the entire community in Northern Ireland. It is vital to remove from those who have terrorised Catholics and Protestants, Unionists and Nationalists, the tools of their trade, the guns and explosives that are required to carry on, sustain or resume a campaign of death and destruction that has so far resulted in the deaths of more than 3,000 innocent victims, citizens of Northern Ireland.

Let us not lose sight of the true nature of decommissioning and of exactly what it means. There has been an attempt to equate decommissioning with a devolved administration in Northern Ireland and to sanitise the issue beyond all recognition. We need to remind ourselves and the community — if it needs any reminding — exactly what the past 30 years have meant to the people of Northern Ireland. The terror has been directed by Sinn Féin/IRA not only against the forces of the Crown, the British Army and the forces of law and order in Northern Ireland. They have also terrorised those in their own communities and their co-religionists.

I shall give a few examples in order to make people aware or to familiarise them with some of the past atrocities. A book by Mr Peter Taylor, entitled 'Provos: the IRA and Sinn Féin', gives an account of an incident which went beyond the bounds of human decency for any group of people in the world, let alone Northern Ireland. It says

"The IRA took hostage the family of Patsy Gillespie, strapped him into a car loaded with a thousand pounds of explosives and told him to drive to the checkpoint. The IRA told his family he would be released when he carried out their orders. Patsy Gillespie became a 'human bomb' and when he arrived at the checkpoint the IRA detonated the explosives by remote control killing him and five soldiers. The IRA claimed Gillespie was a 'legitimate target' because he worked at an army base."

In fact, Mr Gillespie was baking buns for the Army. That was his crime.

Others who are too numerous to name are documented in the book 'Lost Lives'. People were taken by Mr Molloy's, Mr Adams's and Mr McGuinness's associates in the IRA to destinations and tortured for days. They were nailed to barn floors, killed in the most horrific fashion, their stomachs

gouged out and filled with explosives. When we talk about the handing in of weapons and explosives, let us never lose sight of how these guns and explosives have been used or of the families who still suffer mentally and physically and who will bear the scars for their entire lives.

It is with great regret, in light of the incidents I have mentioned, that I have to say that some members of the Ulster Unionist Party view decommissioning not in light of the atrocities or of the fact that no civilised community can continue with such people in its midst, let alone in its Government, but simply as a way of getting around the issue that faces them in relation to sitting in government with unreconstructed terrorists.

They do not seek, as they pledged to the electorate many years ago, to put Sinn Féin/IRA out of business, rather they seek to find a way to sit in government and work with them as full partners in the Government in Northern Ireland.

The fear of Mr Shipley Dalton and others in the Ulster Unionist Party is what Gen de Chastelain may come up with on the issue of decommissioning. We have heard Mr Molloy say that he has great faith in the General's future plans, which worries me slightly. The fear in the Ulster Unionist camp is that the General may find a way around the decommissioning issue. He may find a way of allowing the Ulster Unionists to continue beyond their February deadline that would be acceptable to the other side of the House and to the weaker brethren in the Ulster Unionist Party. They may hope that it might be sufficient to swing the Ulster Unionist Council.

However, Mr Trimble's dilemma is that it will not cover their nakedness before the majority of people whom they have deceived, both in their own ranks and in the wider community. They told the people that they would not sit in government with murderers. The Northern Ireland Unionist Party will continue to oppose the presence of Sinn Féin in government while the IRA exists and while Sinn Féin remains inextricably linked to that organisation. We do not support the concept of guns for government. We do not accept the barter system whereby a feeble gesture guarantees the continuation of those fronting terrorist organisations in the Government of Northern Ireland.

The implementation of the Belfast Agreement has politically institutionalised the very opposite of democratic practice and the rule of law. The outworking of the agreement has secured a central role in government for Sinn Féin, backed by the terrorist arsenal of the IRA. This means that the threat of force has been fully incorporated into the government of Northern Ireland.

The outcome of the Mitchell review fully legitimised this state of affairs. It established that decommissioning, if it ever occurs, must be voluntary, as Mr Molloy has just informed us. An act on the part of the terrorist — and this has to be fully endorsed by the Government of the United Kingdom — is absolutely incompatible with democracy. The conduct of politics, free from threat or use of violence, must be the core of democracy. Democratic practice is ultimately rooted in respect for the fundamentals of human rights. Democratic government must be based entirely on electoral support, which means that no political party can claim a right to be involved in government on the basis of a so-called electoral mandate, while at the same time retaining at its disposal the persuasion that comes from the barrel of a gun — to use one Sinn Féin Member's comments.

The implementation of the Belfast Agreement has institutionalised the combination of the Armalite and the ballot box into the Government of Northern Ireland. This is entirely incompatible with the most fundamental of human rights. Northern Ireland citizens are now, in effect, governed, not on the basis of respect for human rights, but on the basis of nothing more commendable than the strategic thinking of Sinn Féin/IRA.

**Mr Speaker:** We are now coming to a point where I can only move to the winding-up speeches by the proposer of the amendment and the proposer of the substantive motion.

**Mr C Wilson:** My comments are virtually at an end.

**Mr Speaker:** In any case, I will bring them to an end.

**Mr C Wilson:** The law-abiding community in Northern Ireland is now asking "Where are the church leaders and the captains of commerce and industry?" In the weeks prior to the "Jump together" or "You jump first, David" syndromes they were lobbying Members of the House and encouraging them to put in place Members of Sinn Féin. They have been strangely silent and conspicuous by their silence. There have been no marches to Stormont demanding decommissioning. I have heard nothing from Sir George Quigley and his "Magnificent Seven" — the G7 — encouraging or commanding them to jump in the same way as they did of the Unionists. We will not hear that. It does not fit in with the plan. The plan is that Sinn Féin/IRA will remain in the Government of Northern Ireland for as long as they wish; it is in the Belfast Agreement.

**Mr McCartney:** Mr Speaker, are you going to consider, as you earlier said you would, Mr Weir's point about an extension?

**Mr Speaker:** I did consider the question, and the fact that we are now about to hear the winding-up speeches at 12.40 pm rather than having completed the whole debate by 12.40 pm shows that I have looked kindly

upon what Mr Weir said. I would have been bringing the debate to a close at an earlier stage in order that the winding-up speeches for the amendment and the substantive motion could have been completed by 12.40 pm. One could argue that I should have moved to the vote before that time. I have been flexible.

Members need to understand the importance of indicating their wish to speak before the start of a debate so that I may make a decision about the amount of time to allow for it. However, if they look at those who have spoken, they will have to agree that the range of views has been as fully expressed as I can make it in the time.

**Mr McCartney:** I have to say, with the greatest respect, that there was no indication that this motion would be taken at the time it is being taken. There would have been the luncheon interval and other intervals in order to give you — *[Interruption]* May I have the courtesy of being allowed to finish, unless you do not want me to speak. I have not been able to speak in this debate. I believe I would have had a relevant and material contribution to make. There is small purpose in being here if one is not allowed to make a contribution.

**Mr Speaker:** Let me respond to the point of order. First, the reason that the Member is not aware of that fact is that he and his Colleagues do not have a representative on the Business Committee. The matter was discussed and decided by the Committee; that is one of the problems of not having representation.

Secondly, there is no requirement that all parties have an opportunity to speak in a debate, and it is clearly impossible for them to be able to do that. Thirdly, the Standing Orders Committee, of which the Member was a member, decided to remove the question of time limits and to institute only a time limit put in by the Speaker on the basis of the requests made to speak received in advance. That has tied my hands in that regard, and it is very difficult to ensure that Members are able to speak.

From such experiences Members will begin to understand the Assembly's imperfections and the way in which we conduct ourselves may then lead to changes in the Standing Orders. That is the proper way to proceed.

**Mr Weir:** Further to that point of order, Mr Speaker. Will you acknowledge that some Members who, before the debate began, expressed a wish to speak have not, as yet, been called?

**Mr Speaker:** Yes. The Member needs to be aware that that is a perfectly common experience in other places. Members frequently travel many miles to get to other places and do not get a chance to speak. The Speaker has to make a decision based on the balance of those who wish to speak and their arguments, and also,

perhaps, the fact that Members have had the opportunity to speak at other times.

**Mr McGrady:** In all of the contributions to today's debate there was no absence of a desire to have full and immediate decommissioning. All of the contributions were really determined, and, in good faith, I would like to see decommissioning take place. It should happen, not just for its own sake, but in order to underpin the peace which we have and the more permanent peace we would have following decommissioning.

Regarding the remarks about timing, what my amendment is trying to do is to make sure, as far as we can in the process, that decommissioning takes place. There is no point in having futile and empty debates unless there is a mechanism there to achieve what we want.

My amendment says that we should proceed and support the principles laid down by the agreement between the parties on 25 June and subsequently endorsed and reiterated by Senator Mitchell. That process is still ongoing in terms of the de Chastelain Committee and its report at the end of this month.

12.45 pm

The practical way for the Assembly to go forward and achieve decommissioning is to support this amendment. If we support the Executive and participation in it, if we really want to achieve decommissioning as a fact, the only way forward — one which has been agreed by all parties, those representing paramilitaries and others — is the way I have described.

That is the purpose of the amendment, and for that reason I am sure it will commend itself to the entire Assembly, including the mover and supporters of the substantive motion. I exhort the Assembly to give it its full endorsement.

**Rev Dr Ian Paisley:** It is to be regretted that more time was not allocated to this debate. It was neither in your gift, Mr Speaker, nor in mine. However, I wish to state that I took 14 minutes to move the motion. Mr McGrady took 12 minutes for his amendment. Mr Shipley Dalton spoke for eight minutes and Mr Wilson for 10. The time taken by the DUP, the sponsor of the motion, was extremely short indeed compared to that which would have been taken in another place. Members of this House say that I am to blame for their not getting permission to speak. It has nothing to do with me. Their row should be with the Business Committee. I do not see why the Business Committee did not say that this debate could go on until at least one o'clock rather than saying that it should end before that time.

We have before the House today a pan-Nationalist amendment supported by IRA/Sinn Féin and the SDLP. I shall not pass any remarks about the Gentleman from

South Down. I understand his beliefs. I understand how he feels. No man can feel sorer than he, having been passed over for office. I can understand his frustration, especially since he is sitting beside the two hon Gentlemen who are hounding him. I think we shall leave it there.

The Mitchell review has been bandied about. The Mitchell resolutions, however, were sell-out resolutions. At the time of the review I said at Westminster what would take place. Nobody refuted it, not even Mr Mitchell. I faced Mr Mitchell on these issues.

A deal was done for the Mitchell review — get Sinn Féin/IRA into offices at Westminster. A deal was done for the Patten Report. A deal has been done for all these things, yet in spite of all their wheeling and dealing and agreement, they have got nowhere. We even have a man who has gone down the road to Damascus and has completely changed. Who would have thought —

**Mr Shannon:** He is still blind.

**Rev Dr Ian Paisley:** No, he is not blind. He is beginning to see the nature of the beast across the House. He is beginning to see what it is really after.

We are entitled to talk about this matter today. Mr McGrady told us that we were putting decommissioning at risk by talking about it. Then he said that we should not put it at risk. We need to see the decommissioning of all weapons held by outlaws and terrorists. We are not dealing with Army weapons; we are not dealing with police weapons, be they those of the Reserve or otherwise. Of course, since 10,000 soldiers are about to leave, that will mean 10,000 fewer weapons. Eight thousand RUC men will be paid off. Eight thousand Reserve men will go. The rest of them will be disarmed. That is how they will be decommissioned. The IRA, however, will still have its weapons, and those on the so-called Protestant side who wish to hold on to their weapons will hold on to them.

**Rev Dr William McCrea:** I would like to thank my hon Friend for giving way. Let us bear in mind that this is the eighth anniversary of the slaughter at Teebane in my constituency.

I stood with my constituents at a headstone to remember. There are Members in this House from IRA/Sinn Féin who know all about Teebane. Will my hon Friend tell the House that this idea of voluntary decommissioning is total nonsense? The IRA has never wanted to give up one of its weapons and will not give up one. Now it is a demand of the people of Northern Ireland. Would my hon Friend agree that, rather than sanitise IRA/Sinn Féin, it is about time that McGuinness, Adams and Molloy were arrested for war crimes against the people of this country?



**Mr Speaker:** I advise the Member that I will be studying Hansard afterwards to see whether some of his remarks constitute unparliamentary allegations.

**Rev Dr Ian Paisley:** Mr Speaker, you will have great difficulty. You will have to read Hansard at Westminster to see some of the things that have been said by Government Ministers. We can leave that to your good intentions.

This matter runs right into the depths of this community. There is no use brushing it under the carpet. There is no use saying we are going to get it when we are not. The IRA leadership and the Sinn Féin leadership have told us that we are not going to get it, but they are going to get every concession they can squeeze out of a British Government that is terrorised. The Government are afraid of a bomb going off elsewhere in the United Kingdom. They can bomb here, and the British Government will close their eyes to it. However, they cannot bomb across the water for that would disturb the peace of one Tony Blair. To every Unionist and every person who believes in law and order and believes in the safety of the community, I say that, from whatever side these terrorists come, they have got to be faced up to. I say that we can do it in the House today by reflecting the real wishes of the people.

**Mr Weir:** Will the hon Member agree with me that the people of Northern Ireland will not accept what might be described as the “David Copperfield” solution to decommissioning? David Copperfield, the well-known American magician, appeared to make the Taj Mahal and the Empire State Building disappear when it was, in fact, a trick with smoke and mirrors. Will the hon Member agree with me that the people of Northern Ireland will not accept a trick with smoke and mirrors with regard to decommissioning? Decommissioning must be real and transparent. It must not only be done, but be seen to be done.

**Rev Dr Ian Paisley:** I am sure that the hon Member will take hope from the conversion of his erstwhile Colleague and realise that the holy smoke is over and the mirrors are not reflecting right as far as he is concerned.

*Question put* That the amendment be made.

*The Assembly proceeded to a division.*

**Mr Speaker:** May I remind Members that there are three minutes between the Division bells sounding and

the Questions being put again, and four minutes from the Questions being put and the Doors being secured. Members have, in total, seven minutes from the Division bells starting to ring to get to the Chamber to vote.

*The Assembly having divided: Ayes 43; Noes 45.*

#### AYES

*Alex Attwood, Eileen Bell, P J Bradley, Seamus Close, John Dallat, Arthur Doherty, Mark Durkan, David Irvine, Sean Farren, John Fee, David Ford, Tommy Gallagher, Michelle Gildernew, Carmel Hanna, Denis Haughey, Joe Hendron, Billy Hutchinson, John Kelly, Patricia Lewsley, Alban Maginness, Seamus Mallon, Alex Maskey, Kieran McCarthy, Donovan McClelland, Alasdair McDonnell, Barry McElduff, Eddie McGrady, Gerry McHugh, Mitchel McLaughlin, Eugene McMenamin, Pat McNamee, Monica McWilliams, Francie Molloy, Jane Morrice, Conor Murphy, Mick Murphy, Sean Neeson, Mary Nelis, Danny O'Connor, Eamonn O'Neill, Sue Ramsey, Brid Rodgers, John Tierney.*

#### NOES

*Ian Adamson, Billy Armstrong, Roy Beggs, Billy Bell, Tom Benson, Paul Berry, Esmond Birnie, Norman Boyd, Gregory Campbell, Mervyn Carrick, Joan Carson, Wilton Clyde, Fred Cobain, Robert Coulter, Duncan Shipley Dalton, Ivan Davis, Nigel Dodds, Sam Foster, Oliver Gibson, William Hay, David Hilditch, Roger Hutchinson, Gardiner Kane, James Leslie, David McClarty, William McCrea, Alan McFarland, Maurice Morrow, Dermot Nesbitt, Ian Paisley Jnr, Ian R K Paisley, Edwin Poots, Iris Robinson, Ken Robinson, Mark Robinson, Peter Robinson, Patrick Roche, George Savage, Jim Shannon, Denis Watson, Peter Weir, Jim Wells, Cedric Wilson, Jim Wilson, Sammy Wilson.*

*Question accordingly negatived.*

*Main question put and agreed to.*

*Resolved:*

This House demands the handing over of all illegal terrorist weaponry and its destruction in accordance with legislative provisions; acknowledges that the people of Northern Ireland will not accept token decommissioning; and calls for the process of decommissioning to be verifiable, transparent and credible.

*The sitting was, by leave, suspended at 1.10 pm.*



*On resuming —*

## Oral Answers to Questions

2.30 pm

**Mr Speaker:** As this is the first occasion on which the Assembly has taken Question Time, I would like to make one or two remarks about how we intend to proceed. I shall call for questions to the Minister — in this case the Minister of Enterprise, Trade and Investment — and I shall call the first Member named on the published list, who is Mr McClelland. The Member shall rise and simply say, in this case, “Question 1, Mr Speaker.” The Minister will then rise and respond, as he sees fit. When he has answered, I may call the Member who asked the question to pose a supplementary. That will not always be the case, but in most cases it will be. Again the Minister will rise and answer.

I may then call other Members, or, indeed, I may call the same Member again, but I will then call other Members to pose further supplementary questions. Those questions, to be in order, should be relevant to the initial question. I will do my best to judge that they are.

Standing Orders set down that there will be such questions each Monday when the House is sitting, from 2.30 pm until 4.00 pm. The Business Committee, in discussion with the Executive Committee, has determined that on each Monday when there are Questions three Ministers shall be available, each to answer questions for 30 minutes, or, from time to time, two Ministers and a representative of the Assembly Commission to respond to questions for 30 minutes. After 30 minutes we will move on to the next Minister today, or, on some future occasion, to a Minister or a member of the Commission.

I trust that Members are clear about this.

### ENTERPRISE, TRADE AND INVESTMENT

#### Norfil: Closure

1. **Mr McClelland** asked the Minister of Enterprise, Trade and Investment what steps are being taken to ensure that small businesses and suppliers to the now-closed Norfil company will have any outstanding bills and invoices met. (AQO 17/99)

8. **Mr McClelland** asked the Minister of Enterprise, Trade and Investment if he plans to review the

winding-up procedure of the Norfil company in the Enkalon industrial park, Antrim, and if he will make a statement. (AQO 16/99)

**The Minister of Enterprise, Trade and Investment (Sir Reg Empey):** With your permission, Mr Speaker, I will take questions 1 and 8 together.

The company is in receivership and has not been wound up. The receiver is still pursuing a purchaser for the business as a going concern. Consequently, it would not be appropriate for me to prejudge the outcome of this process or to make a statement at this time.

**Mr McClelland:** Does the Minister agree that continuing job losses in the textile and clothing industry are not only having a very serious impact on the economy vis-à-vis direct redundancies but that they are also having a great impact on those small and medium-sized firms that were suppliers to these industries?

**Sir Reg Empey:** I agree with the hon Member that we have had a number of announcements in the last couple of weeks with regard to textiles, and there are other Questions which relate to this that I shall be answering later. I agree with the Member that the suppliers of these organisations are often the people who are hurt by this and they are not necessarily the first to be in the public domain about it. I am satisfied that both the IDB and LEDU are actively pursuing with the small companies — and the larger ones if necessary — what assistance can be offered. I can assure the hon Member that in this particular case if any approaches are made by companies to any of the agencies answerable to this Department, they will receive a very sympathetic response.

**Mr Speaker:** I remind Members that the appropriate way to indicate a wish to ask a supplementary question is to rise to one's feet partially when another Member is asking his supplementary. There having been no such indications, I call Mr McGrady.

#### Disadvantaged Areas: Investment

2. **Mr McGrady** asked the Minister of Enterprise, Trade and Investment what his policy is for attracting investment to areas of greatest disadvantage and unemployment in Northern Ireland. (AQO 4/99)

**Sir Reg Empey:** Under the Department of Enterprise, Trade and Investment's new targeting social needs (TSN) action plan, which is at present out for consultation, the IDB will seek to ensure that at least 75% of first-time visits by potential investors and 75% of first-time investment projects go to new TSN areas.

**Mr McGrady:** I thank the Minister for his reply, which is very encouraging. May I, first of all, congratulate him on his appointment and wish him well in that office. He says quite correctly that we are in a consultation period in respect of TSN. Is he aware that

there are very localised endemic areas of deprivation and unemployment which are not covered by existing TSNs, and thereby potential inward investors who would have an enhanced grant-aid package — if they were so designated — would possibly take a very close look at them. I know from my own experience that in Down district alone there are two wards which are the most deprived, from a TSN point of view, outside the city of Belfast, yet they are excluded from the enhanced packages that would be available to inward investment because the targeting is not sufficiently accurate. Will the Minister review that in the ongoing consultation period?

**Sir Reg Empey:** It had occurred to me that the hon Member may have had Down District Council in mind. It is, as he says, not one of the councils designated for new TSN. I am very conscious of the fact that there are pockets of deprivation which are included in areas which are not designated areas. We see this illustrated very graphically in urban areas, and, indeed, the Member accurately cites his own district. The consultation process will run until 7 February; it will then be up to all of us to assess how we deal with it. At this stage my own personal feeling is that, subject to what other representations might be received, we have to focus on the fact that it is people who suffer from deprivation, not streets, and therefore we have to focus the cure for this problem on areas where people are.

We will have to look very closely at this. It is, I suspect, going to be one of the very core issues of the new programme for government, into which the Member and his Colleagues and others will have input. I take his point, particularly as I know that in his area considerable efforts are being made, particularly with the Belfast Road industrial estate in Downpatrick, the second phase of which, I am pleased to be able to tell him, will be completed by June. That will at least provide the opportunities for people to come and invest.

However, the wider point that the Member makes is something to which we will all have to address ourselves when the programme for government is being debated. There is hardly a Member in this room who would not find him or herself in a position of having pockets of deprivation in their constituencies, even if the district council area is not a designated area. The point is well taken.

**Mr McCarthy:** May I thank the Minister for coming so quickly to my constituency last week, following the disastrous news of job losses in Killinchy, Newtownards, Saintfield and, possibly, Carryduff, which could up until now have been regarded as a fairly well-to-do area but could now be turned into almost an area of social need. Will he assure this House that he will do all in his power to attract as much investment as possible to replace the likely job losses?

**Sir Reg Empey:** The hon Member refers, of course, to the recent announcements that have affected the Strangford and Ards Borough Council areas, in particular, and also North Down. As he rightly says, I decided last week, in response to representations, to visit the borough council. I understand that the previous evening a meeting had been held to establish a task force to try to address the problems that arise in that area. I told the mayor that I would ensure that the Department of Enterprise, Trade and Investment agencies would co-operate with that task force, and that, while I could not guarantee there would be permanent representation of officials, certainly, where necessary, we would send them along to meet the task force.

It is also true that those representatives of my Colleague the Minister of Higher and Further Education, Training and Employment will also have to be intricately involved in this, and I do not doubt that the council will be pursuing that.

I would make a wider point that I am aware — and this has been brought to my attention by Colleagues over the weeks — that areas such as Ards and North Down have exceptionally large rates of male unemployment. They are much higher than would have been expected years ago, and the “gold coast” image is not applicable. It comes close to the response I gave to Mr McGrady when I said that new TSN has to be refined to such an extent that we can direct it, where possible, to those areas where the need arises, irrespective of their location.

In response to the current crisis, we have not given up hope that, although some of the companies have taken protective redundancy notices, it does not mean that the matter is settled, that the companies are finished, or all the jobs are lost. I have made it clear many times that in the event of any approaches being made by the companies, the Department of Enterprise, Trade and Investment agencies will respond positively. We have been in negotiation with one or two of the companies — sadly one of them chose not to inform us in advance of the losses that were anticipated — and we will respond positively where we can.

**Mr Beggs:** Further to comments made by Colleagues about the east of the Province having areas of deprivation and high male unemployment, may I ask if the Minister is aware of the high male unemployment in the Carrickfergus borough area, where the rate is approximately 11%? This is in an area which would be thought of as being well off. Will the Minister consider widening the new TSN criteria so that help can be provided to areas where there are very low numbers of jobs so that people do not have to commute to Belfast to find employment?

**Sir Reg Empey:** I am also aware that Carrickfergus, after Ards and North Down, has a considerably high

rate of male unemployment. The question touches on the issue already referred to, and that is how we deal with this new TSN issue.

Boroughs like Carrickfergus do not qualify, as a whole, in that regard, given the total economic statistics. It might be interesting for Members to know how the areas were chosen. A measure was made of the long-term unemployment in each of the local government districts. When the diagrams were complete and the percentages of long-term unemployment, compared to total unemployment, were established, there was a clear dividing point at 47%. A group of councils was above that point, and another group was below. That point became an arbitrary dividing point based on the performance of those boroughs. However, that hides the fact that throughout the Province— and this is an issue we must come back to — there are pockets of deprivation even in the midst of plenty. We will have to address this issue as an Assembly and as an Executive when we bring forward a programme for government.

**Mr Maskey:** A Chathaoirligh. I thank the Minister for addressing the issue of TSN. I would like to refer to TSN as it is referred to in the Good Friday Agreement. It says that TSN must be dealt with and that we are supposed to be working towards new and more focused TSN, particularly with regard to how we address the differential in employment levels which currently exists between our communities in many constituencies. We welcome the fact that we have a commitment that the Assembly will return to address this very wide-ranging question of TSN. How it will redress the differential in employment levels between both communities will also have to be addressed.

**Sir Reg Empey:** I refer to the answer I gave some moments ago.

2.45 pm

### **Antrim Area: Investment**

4. **Mr McClelland** asked the Minister of Enterprise, Trade and Investment what plans his Department may have to promote the Antrim area to outside investors. (AQO 20/99)

**Sir Reg Empey:** During the last three years the Industrial Research Training Unit (IRTU) Compete Programme has awarded £99,000 to James Lecky Design Limited (Dunmurry) in response to two applications. LEDU has awarded £30,184 to Just Mobility of Warrenpoint to establish a business to refurbish wheelchairs. LEDU is currently considering an application —

**Mr Speaker:** Order. May I draw the Minister's attention to the fact that it is question 4 that was posed. I

called Mr McClelland because Mr Fee, who was to ask question 3, was not in the Chamber.

**Sir Reg Empey:** I apologise. I thought you had called Mr McClelland to ask Mr Fee's question.

**Mr Speaker:** Indeed not. Perhaps the Minister will now answer question 4.

**Sir Reg Empey:** Within the Department of Enterprise, Trade and Investment the Industrial Development Board promotes Northern Ireland to potential outside investors, and Antrim is an important area in that promotion. IDB's most recent annual report, 1998/99, records that, outside Belfast, Antrim was the district council whose area was most frequently visited by potential investors.

**Mr McClelland:** I thank the Minister for that information. May I take this opportunity to invite him to come to Antrim to speak to some of our industrialists and economic development agencies and to look at possible locations for future inward investment?

**Sir Reg Empey:** I have had invitations from some local authorities and have already attended one meeting. I would be very happy, should an invitation materialise, to visit Antrim. I would make the point that the IDB, in the pursuance of inward investment, has brought a number of visitors to the Antrim area. Statistics show that there have been 18 investments in the last few years in the Antrim council area, providing £22.6 million of assistance towards total investment of £84.1 million. That is a good record, but I would be happy to visit the borough if invited.

**Mr Ford:** I welcome the Minister's answer and thank him for it. However, may I take the Minister back to the subject of the Norfil closure and remind him that the largest building on the Enkalon site, which Norfil occupied, is now lying empty. I appreciate the point that the Minister made earlier about the work of the receiver and not wishing to conflict with his duties in attempting to sell the business, or the premises at least. Would the Minister give a commitment that his Department will accept the responsibility of ensuring that the building is reoccupied and the workers re-employed if the receiver is unsuccessful?

**Sir Reg Empey:** I wish it were as easy as that, but the Member will realise that there are still people employed there by the receiver at the Enkalon Park, on which Norfil was trading, while he is trying to sell the company as a going concern. Clearly this Department's responsibilities, including company regulation and so on, prohibit me from getting involved in the details pertaining to the particular company. However, with respect to the wider question, yes, the IDB will be assisting in any way possible to market the site which is, as I understand it, in private ownership. There are other



IDB-owned sites within the Antrim Council area, all of which are, of course, potential sites for investors.

Re-employing the workforce depends largely on the receiver's finding a buyer for the business as a going concern or on attracting new business to the area, but I can assure the Member that the location will be put on the IDB's register of sites because it is in private ownership. If any potential investor were to come along, we would certainly be happy to show him the location.

**Mr B Hutchinson:** I was interested in the Minister's answer to question 4. Under the Tory and Labour Governments my understanding was that the IDB was not allowed to promote individual sites. Rather, it had to promote the Province. I am wondering if that is why IDB sites owned and registered in north Belfast have not been seen. Have all potential investors been taken to Antrim?

**Sir Reg Empey:** The IDB's responsibility, where we have a potential investor, is to show that investor locations which suit his particular requirements.

Obviously what suits one company does not suit another. It is worth making the point that ultimately companies themselves decide where they go — we cannot dictate to them. We can give them incentives to go to areas of particular need, but in the final analysis they make their own decisions.

While I do not have a detailed brief in front of me regarding what is available in north Belfast, the fact remains that since large numbers of wards in that area qualify under TSN or, indeed, any measure that one would care to take, we will look very favourably on giving assistance, and particularly enhanced assistance, to companies going into that area.

### A8 Trans-European Route

5. **Mr K Robinson** asked the Minister of Enterprise, Trade and Investment what discussions have taken place between his Department and the Department for Regional Development to ensure that the A8 Trans-European Network Status (TENS) route will adequately service the IDB site under construction at Corr's Corner. (AQO 8/99)

**Sir Reg Empey:** A preliminary traffic impact assessment (TIA) was completed in June 1999 in liaison with the then Department of the Environment. A detailed TIA will be undertaken by the developer selected by the Industrial Development Board to develop the Ballyhenry site. The scope of this TIA will be agreed with the Department for Regional Development.

**Mr K Robinson:** Will the Minister assure the House that he and his Department will work in closer conjunction with Newtownabbey Borough Council to ensure that the future development of this, the largest current IDB site, situated at Corr's Corner, is pursued

vigorously, given its employment potential for large areas of east and south Antrim and north Belfast?

**Sir Reg Empey:** This development is potentially very exciting for the entire area. This is one of the largest individual land holdings in the portfolio, and there are 147 acres of zoned land there. It is currently in the hands of consultants because we were able to select and shortlist three potential developers. I can assure the Member that as well as the planning process that will have to be gone through in detail, the IDB will consult very closely with the local councils and, depending on how the development goes, further TIAs may have to be undertaken. The whole infrastructure, from both a real and a business point of view, as well as the question of access to it, will also have to be looked at.

**Mr K Robinson:** When will the Minister visit the site to see its potential?

**Sir Reg Empey:** I am not unfamiliar with the location. The Member will be very glad to hear that those of us who reside in Belfast do occasionally go outside the city. However, the reality is that the timetable for this is quite short. Proposals within the framework of the master plan development brief are going to be in by 3 March, but because it is one of the largest developments currently in the IDB's portfolio, I am happy to give the undertaking that I will visit the site.

### Textile Industry

6. **Mr Neeson** asked the Minister of Enterprise, Trade and Investment if he will make a statement on the crisis facing the textile industry in Northern Ireland. (AQO 22/99)

**Sir Reg Empey:** Obviously this relates to the question from the hon Member's Colleague. However, the impact of competition from imports from lower cost economies and the strength of sterling present formidable challenges to our textiles and clothing companies. In spite of the recent job losses, Northern Ireland has some very strong and competitive companies, and they must continue to focus on excellence through innovative and higher added-value products.

**Mr Neeson:** As someone who witnessed at first hand the collapse of the man-made fibres industry in the 1970s and 1980s, I feel there is no room for complacency now.

I see some similarities, and I am pleased that the Minister accepts there is a crisis in the industry. Does he intend to instigate an urgent review of the textile industry in Northern Ireland, bearing in mind issues such as quality, design, value for money and the impact of European directives?

**Sir Reg Empey:** I know that the Member is well versed in the problems, coming from the area he represents. We must also remember the point he made



about European directives. The Norfil plant in Antrim was a company that the IDB was unable to support. Its products were already in oversupply in the European Union and the IDB was prohibited from helping. This is an issue which has re-emerged within the last couple of weeks. Before Christmas a number of announcements had initiated some action with regard to the textile industry, for the simple reason that it accounts for almost 20% of our manufacturing workforce and, depending on how it is measured, employs some 18,000 to 20,000 people.

I intend to meet the Northern Ireland Textiles Association, a coherent, industry-wide representative body, and other bodies such as the Linen Guild. I have already initiated this. I have also discussed the matter with the chairman of the Industrial Development Board, who is very much of this mind. In its dealings with textile companies, the IDB tries to encourage them to move, through company development programmes, to higher value products, whether it is in the design, technical or fashion areas.

There is an impression given that everything with regard to textiles is bad news. This is not the case. There are some excellent textile companies in Northern Ireland. They are very forward-looking, and they are strong in export markets where they have gone out and sought to sell high-value products. Last week nine Northern Ireland companies attended the Heimtextil Exhibition in Germany, and the potential for new sales was very encouraging.

IDB is leading a visit to a French textile engineering school to explore the best ways of implementing technical textile development programmes. The University of Ulster, the Industrial Research and Technology Unit, local companies and trade unions will take part in the visit. I hope that this, combined with other measures, will focus the minds of the industry on improving and trying to get out of the present difficulties, bearing in mind the situation in the High Street, on which we are very dependent. Several of our local problems have been caused by companies having only one customer. This is something which must be avoided in the future.

**Mr Fee:** On a point of order, Mr Speaker. It is pursuant to Standing Order No 19(9). I apologise that I was not here to be called earlier. I had gone to check that the question I tabled was put as a written question. I did not expect the Minister to be here to give me an oral answer, although I would be delighted if he would take the opportunity to do so now.

**Mr Speaker:** Unfortunately, he is unable to do so on a point of order. It is now out of order since it was actually question 3. Had you been here you would have found that he was trying to give an answer to you, even though you had not asked the question.

## Targeting Social Needs

7. **Mr Maskey** asked the Minister of Enterprise, Trade and Investment, given the commitments in the Good Friday Agreement, if he has been able to consider how to implement Targeting Social Needs with regard to investment programmes in constituencies such as West Belfast. (AQO 30/99)

**Sir Reg Empey:** Although the Belfast City Council area as a whole does not meet the Department of Enterprise, Trade and Investment criteria for new targeting social needs, the IDB will have the flexibility to treat those wards of the city having a high proportion of long-term unemployment, and those wards adjacent to them, as priority areas attracting enhanced levels of assistance for inward investors.

3.00 pm

## Enterprise Zones

9. **Mr McMenamin** asked the Minister of Enterprise, Trade and Investment if he will consider setting up tax free enterprise zones in areas of West Tyrone, particularly Strabane. (AQO 12/99)

**Sir Reg Empey:** This is a matter for the Minister of the Environment. I will ask him to write to the Member on the subject.

## Norfil: Closure

10. **Mr Ford** asked the Minister of Enterprise, Trade and Investment if he will ensure alternative employment for those made redundant as a result of the closure of the Norfil factory in Antrim. (AQO 1/99)

**Sir Reg Empey:** This issue is a matter for the Minister of Higher and Further Education, Training and Employment. I will ask him to write to the Member on the subject.

**Mr Speaker:** Will Members clarify whether they are trying to ask questions or are simply winking at me. [Laughter]. In some cases they are referring to previous questions or subsequent questions or other things of that nature. As I said earlier—

**Mr S Wilson:** You did not know that you had that many admirers. [Laughter]

**Mr Speaker:** I shall not add to any Member's embarrassment by indicating who it may have been. The appropriate way of indicating a wish to ask a supplementary question is to rise when the question, or a supplementary, is being asked. For the sake of my sanity, and to avoid confusion, I appeal to Members to use the conventional way of doing this.

**Mr Leslie:** On a point of order, Mr Speaker. This procedure might work better if the Ministers were to stay on their feet long enough for another Member to stand up. As the Minister was up and down so fast in

relation to question 9 it was impossible to fully rise to one's feet.

**Mr Speaker:** Members should not underestimate the speed with which some of our Ministers now move.

**Mr Maskey:** On a point of order, Mr Speaker. What is the Member expected to do if you wink back? *[Laughter]*

**Mr S Wilson:** Are you talking about league positions?

**Mr Speaker:** As I responded to the Member's earlier remark I will not say anything about who was winking at whom. The time for that set of questions is up.

## HIGHER AND FURTHER EDUCATION, TRAINING AND EMPLOYMENT

### Walsh Visa Programme

1. **Mr McMenamin** asked the Minister of Higher and Further Education, Training and Employment to give a specific date for the commencement of the Walsh visa programme. (AQO 11/99)

**The Minister of Higher and Further Education, Training and Employment (Dr Farren):** I will begin by giving Members a brief background to the Walsh visa programme. The programme is the result of an initiative taken by Congressman Jim Walsh in the United States Legislature. It provides for up to 4,000 working visas per year for three years to residents of Northern Ireland and the border counties of the Republic of Ireland. The visas will enable recipients to live and gain work experience in the United States for up to three years. The primary target group is the unemployed.

Specifically with respect to Mr McMenamin's question, the programme has been jointly developed by the Training and Employment Agency (T&EA) and the FÁS Agency (the Irish training authority), in conjunction with the relevant United States authorities. The first group of about 40 participants from Northern Ireland will enter the pre-departure orientation programme on 14 February. After completing that programme they will go to the United States and take up employment in the latter half of March. Members should know that during discussions on the programme with the United States authorities two areas of job opportunities — although it may not be these areas exclusively — were identified. They are in the areas of information and communications technology, and tourism and hospitality. Obviously, experience gained in both of these employment sectors would be particularly relevant and beneficial to our economy when the participants return home, as they are required to do under the terms of the Walsh visa programme.

**Mr McMenamin:** This is a marvellous opportunity for young people of both traditions in Northern Ireland to go to America and work, as the Minister said, for a period of up to three years. This is one programme which I would like to see young people aged from 18 to 35 from the Unionist tradition take up. It is a marvellous opportunity.

**Dr Farren:** If there is a question implied in what has been said, I take it that it is with respect to the participation rates in the programme from the two communities. The Member, and all Members of the House, should rest assured that the Training and Employment Agency, which is responsible for recruitment to the programme, is endeavouring to ensure that the benefits of the programme will be brought to the attention of all sections of the community. This will ensure that there is an extremely balanced participation rate in it. I am very anxious indeed to see this achieved. We shall certainly monitor the first intake to the programme, and what they achieve on the ground in the United States, very carefully.

**Mr Paisley Jnr:** Can the Minister confirm to the House how he intends to fulfil the equality aspects of which he has spoken? What proportion of applicants for the programme will be from the Protestant tradition, and what proportion will be from the Roman Catholic?

**Dr Farren:** With respect to the second part of the question, we have not set particular targets. However, we are obviously monitoring the publicity exercise to ensure that information about the Walsh visa programme reaches all sections of the community. Depending, of course, on the response from individuals, we will again monitor those applications which come forward, learning lessons as we go along. I assure the Member that we will endeavour to ensure a balanced participation rate in the programme. It is certainly an issue very close to my own concerns.

With respect to the first part of the Member's question, as I understood it, monitoring will be an ongoing part of the whole process. We are working very closely with Foras Áiseanna Saothair and, indeed, with the United States authorities, to ensure that those who participate are placed in worthwhile employment. Employment has been targeted at those areas, experience of which, we believe, would benefit the participants themselves and, indeed, our own economy. We will monitor not just their experience in the workplace, but the requirements for participation in the programme. This will enable them to take part, as far as possible, in further developing their own educational experience of the United States through dedicated programmes provided through appropriate educational and training agencies there.

**Mr Gibson:** I welcome the Minister's assurance on parity of provision. May I ask him what consideration

has been given to those 4,000 visas per year? We have mentioned the unemployed, but if we look at that particular item as a basic criterion, there are certain circumstances in which it might not be helpful.

Would he consider retraining people who require new skills rapidly for emerging industries?

**Dr Farren:** I thank the Member for that very important question. With respect to the administration of the scheme, the Training and Employment Agency will be exclusively recruiting amongst the unemployed. I said in my first answer that, while the unemployed would be the main target, they would not be the only one for the Walsh visa programme. There will be limited scope for employers to sponsor workers, particularly for the purpose that the Member has identified. Where an employer believes that members of the workforce would benefit through becoming familiar with new areas of expertise, by acquiring and developing new skills within a particular form of employment, there will be some scope in the Walsh visa programme for that. We have to bear in mind that the main focus is the unemployed. That is the basis on which the programme was devised. We are obliged, within the terms of the programme, to keep that focus. Nonetheless, there is some scope for employers to use it in the manner that I have just indicated.

3.15 pm

### University Places

2. **Mr K Robinson** asked the Minister of Higher and Further Education, Training and Employment what steps he proposes to take to address the huge annual outflow of undergraduates from Northern Ireland into tertiary level institutions in the rest of the United Kingdom. (AQO 9/99)

3. **Mr Neeson** asked the Minister of Higher and Further Education, Training and Employment if he will accept the recommendations of the Dearing Report that indicates a shortage of 5,000 university places in Northern Ireland, and what he will do to overcome the shortage. (AQO 5/99)

**Dr Farren:** I will take these questions 2 and 3 together. They address an issue which is of considerable concern to those who have an interest in, and are involved in, higher education. A large number of undergraduates pursue courses in institutions outside Northern Ireland. The Dearing Report has underlined this. It is important for Members to know that the number of places in further and higher education has grown considerably over several years. Since 1993 the number of undergraduate places has risen by 44%. My predecessor indicated earlier last year that he was increasing the number of places in both further and higher education by 2,600 between September 1999 and the year 2002.

Considerable effort is being made to address this issue. I am in regular contact with the university authorities, and I have had several meetings since taking up my present appointment. We have been addressing this, amongst other things. It is very much to the forefront of the Department's concerns. I am anxious to ensure that we can increase the number of places available to our undergraduates. It is heartening, in one respect at least, that the most recent figures from the universities admission service indicate that there has been a 7% increase in the number of Northern Ireland-domiciled students taking up their undergraduate studies here and a considerable reduction in the number going to Great Britain.

Members who follow this issue will know that there are sometimes financial reasons for taking this decision. In any case, our universities are at capacity. If we could provide more places, our undergraduates would be willing to take them, but any further enhancement of the level of provision would have obvious implications. We have been addressing the matter, and as far as possible we will continue to do so.

**Mr K Robinson:** Does the Minister agree that it ill serves the concept of equality and parity of esteem if the brightest students from one section of our community continue, for whatever reason, to seek their tertiary education in some other part of this kingdom? As a matter of urgency, will he take steps to quantify the cumulative effect of this loss to the Unionist Protestant community, inquire into the reasons which cause many reluctantly to migrate, and set in motion a series of measures to ensure that this serious imbalance is addressed? Will he, furthermore, bring these matters to the attention of his Colleague, junior Minister Haughey, who is charged with monitoring the equality agenda?

**Dr Farren:** I will take on board all the points the Member has made. I have made it clear in some of my public comments over the last two months that I am anxious to see applicants for higher education from Northern Ireland considering our local institutions among their top preferences. I urge parents and those who have responsibility for giving guidance in this respect to bring that point home to our young people. Our universities have a high reputation right across their various subject areas.

The Member must appreciate that competition for places is keen. As I have said, our universities are at capacity. It is likely that there will always be some who move away voluntarily, but there are also reluctant leavers. It is an objective of my Department to reduce the number of reluctant leavers, from whatever section of the community, and to encourage all to apply for places in our own institutions. The provision of more places, when available resources make that possible, is very much part of our agenda. I want to see a proper



community balance, with equality of respect and understanding being encouraged and fostered. Where better to look for leadership in this respect than to our universities and the student bodies within them?

**Mr Neeson:** I appreciate that there is a linkage between Mr K Robinson's question and my own. In view of the new political environment in Northern Ireland, there is a direct link between educational facilities, particularly in higher education, and inward investment, particularly in the new high-tech industries. Does the Minister agree that the targets set by his predecessor are not high enough to enable us to maximise those opportunities and take full advantage of the new political environment?

**Dr Farren:** As I have said, we are keeping the number of places available under review. Where it is possible to increase numbers, we will.

In light of the linkage that the Member has referred to, it is important, in allocating the additional places that have been becoming available since last September, to attempt to ensure that they are distributed to those courses which can best serve Northern Ireland in terms of particular needs within the economic development programmes.

Attempts have been made to encourage the expansion of provision in the universities in the areas of software development, software engineering and other courses related to new technologies so that when new, additional, places are made available, they will be taken up in these areas.

To return to the point I made earlier, there are regular contacts and discussions with the universities to see how best to use the additional places. Additional places, over and above those announced by my predecessor, will be part of the programme beyond 2002.

**Mr Speaker:** I appeal to both questioners and respondents to be reasonably brief. I know that one Minister was so brief that some of the questioners could not get to their feet, but some kind of balance needs to be achieved. Two-thirds of the time has gone, and only the second or third question has been reached.

**Mr McFarland:** I ask the Minister to comment on the latest figures relating to the religious balance of students at Queen's University and the University of Ulster. Does he agree that both are becoming "cold houses" for students from the Unionist community?

**Dr Farren:** Perhaps this question is anticipating a question which has been put by a colleague of the Member. That question asked for some breakdown. I appreciate that it is difficult to take in statistics, such as those that were prepared for me for that answer, but they partly address the Member's question. However, the

statistics provide an overall breakdown, rather than a breakdown by institution.

I have been made aware of what, from some perspectives, might be regarded as an imbalance. Imbalances can only be determined with respect to the overall demographic balance of the community, but I know that these can be said to exist on a religious-affiliation basis in both the universities. However, some of the points I made earlier about equality and parity of esteem apply in answering how I view this emerging situation. I do not want to see a situation where large numbers of young people from one community are, disproportionately, leaving to pursue their higher education for reasons other than what might be regarded as strictly educational. Those, of course, are not the only reasons young people leave.

It is a matter of concern and one on which political parties on all sides of the community should come together to see how it can be addressed.

**Mr Weir:** Given that a shortage of student places in Northern Ireland was identified in the Dearing Report, which highlighted a need for some 12,000 additional places, what plans has the Minister's Department for implementing its findings? Also, which of the report's four options for dealing with the shortage of places is favoured by his Department?

**Dr Farren:** I am anxious to ensure that places are increased across the board where there are particular demands.

And I have indicated that we want to see places made available particularly in those areas which have an important economic spin-off. I am sure that Mr Weir, given his background, will know that the university with which he is particularly associated is very anxious to play a full part in any expansion. For example, we are opening new undergraduate programmes in the two colleges of education. Both of our colleges of education have been mono-technique in the sense that they have been exclusively concerned with teacher education. Now they are beginning to diversify. There is already a diversification programme in operation in Stranmillis College — or Stranmillis University College, as it is now designated. In the next academic year St Mary's University College will also be part of that diversification programme. Those are two examples of innovation with respect to the provision of additional places.

**Mr Speaker:** We have a problem. There are so many supplementary questions that Members who have taken the trouble to put down questions and have them through the ballot are finding that they are not going to get to those. I must therefore call for the next question.



## Cubie Report

4. **Mrs E Bell** asked the Minister of Higher and Further Education, Training and Employment if he will implement the findings of the Cubie Report on student finance in Northern Ireland. (AQO 6/99)

8. **Ms Lewsley** asked the Minister of Higher and Further Education, Training and Employment if he has received a copy of the Cubie Report on student finance and, if so, what lessons can be drawn from it and whether the guidelines will be used as terms of reference for implementation in Northern Ireland. (AQO 27/99)

**Dr Farren:** This question refers to one of the issues that has attracted considerable attention in my Department, that of student financial support. On taking up office I indicated that I wanted the issue to be reviewed. We are aware that since the Scottish Parliament was elected and its Executive formed, this matter has been of considerable concern to them. Members will recall that it was one of the matters on which the coalition there was formed — indeed, might not have been formed.

**Mr Speaker:** Order. I was advised by the Minister's Department that he was taking questions 4 and 8 together. I would not have made an assumption except that earlier on he described himself as bringing two questions together. I just wanted to check if this is the case.

**Dr Farren:** Yes, Mr Speaker. I should perhaps have indicated that this question and the final one on the list cover the same issues.

The Cubie Report, which addressed this issue in Scotland, was published just before Christmas. I have read it and have been studying it since its publication. My Department is looking at it, but so too are the Scottish authorities. A ministerial committee has been established there, chaired by the First Minister himself, to address the recommendations in the Cubie Report. No final decisions have been taken on the report, but I anticipate early consultation with our Scottish colleagues. Indeed, officials will soon be travelling to Scotland, and I will very shortly be announcing the terms of a review that, I trust, will be taken expeditiously and which will take on board the Cubie Report recommendations so that we can have a full debate on the matter.

Our political institutions are intended to address our own issues in our own way. Therefore, while taking account of the wider context in which we operate, I think that it would be inappropriate for us simply to take from the shelf a set of recommendations made in another, albeit closely allied, context and deem them suitable for our situation, though they may suit the Scottish one.

3.30 pm

**Mrs E Bell:** I thank the Minister for his very frank answer, but I would say once again — simply to copperfasten the point — that one of the main recommendations of the 52 that Cubie has put forward is that student or parental contributions to tuition fees should be abolished. As Members know, that is one of the kernels of the problem here, and it is one of the things that we want to see abolished so that access to education is open to all.

While the Minister has said that he is taking on board the Cubie Report — and I am glad to see that he is looking at the review — would he agree that it is one of the advantages of having devolution throughout these islands that we can look at these matters and work at them together? While we need not take the recommendations slavishly on board, they should form the basis of the review, and there are many matters such as disability and benefits that are also relevant here. Rather than re-invent the wheel, I am asking the Minister to look at the recommendations seriously so that we can learn from them.

**Mr Speaker:** I really must appeal to both questioners and respondents to be more brief, otherwise we will simply find that we are unable to get through our business. In this case even the combined questions will not facilitate a supplementary one.

**Dr Farren:** Briefly, the answer is yes, yes, yes and yes.

**Ms Lewsley:** The Minister spoke earlier about the possibility of his own review and consultation. Will his recommendations be referred to the Higher and Further Education, Training and Employment Committee, or will he consider setting up a separate, independent Committee to look at his recommendations and how they could be implemented in Northern Ireland?

**Dr Farren:** The brief answer is that the format of the review has not yet been finally determined. However, we have a Committee which is at liberty to debate, discuss and, indeed, investigate these issues. I would certainly welcome its views.

**Mr Speaker:** Our time, I am afraid, for those questions is up. We move on to questions to the Minister for Social Development.

## SOCIAL DEVELOPMENT

### Housing

1. **Mr Maskey** asked the Minister for Social Development, given the ongoing housing demand in West Belfast and many other constituencies, if he has yet considered re-establishing the role of the Housing Executive as main provider of new-build housing. (AQO 29/99)

**The Minister for Social Development (Mr Dodds):**

I am tempted to copy the penultimate answer given by the previous Minister and just say “No, no, no, no”, but I will add that, as part of my overall responsibility, I will be reviewing a wide range of housing policies. In considering a new Bill on social housing I have to take cognizance of the fact that, unlike the Housing Executive, housing associations can obtain private finance. This means that they can build more houses for the amount of public subsidy given to the Housing Executive, thus providing better value for public money.

**Mr Hay:** Does the Minister intend to bring forward plans to allow senior citizens in Northern Ireland who rent Housing Executive property to buy that property? My understanding is that whether you are in a Housing Executive property for one year or 20 years, once you reach the age of 60, you are not allowed to buy that property.

**Mr Dodds:** At some point during this calendar year we hope to be in a position to bring forward legislation on a whole range of housing policy areas. The issue that the Member has raised is an issue that I will certainly look at. Representations have also been made to me on that issue by other Members, and I will certainly look very closely at it.

**Mr Maskey:** I thank the Minister, Mr Dodds, for his first response, but let me follow on with the reason behind the question. I accept that the Minister has only just taken up his post and will take some time to consider these issues. However, it is unacceptable, given the high demand for housing and the few houses available in certain areas for allocation, that people in many constituencies have to be on a priority housing list or an emergency housing list before they can even be considered for a house. Consequently, people can be on the waiting list for public housing for years before they have a chance of being re-housed.

**Mr Dodds:** I am well aware of the long waiting lists in certain parts of Belfast and other parts of Northern Ireland. There are a number of reasons for that, but, in terms of meeting housing needs, there are issues regarding the provision of a roof over people's heads — which is absolutely necessary. There is also the matter of ensuring that the roof over people's heads, and the walls which surround them, ensure that their house is fit for habitation. There are a whole range of issues regarding housing need. It is also vital to point out, coming back to the original question, that in terms of resources the amount of money spent on housing need, as a result of Housing Associations' having been given responsibility for new build, is about £35 million this year alone. An extra £35 million of public money would have to be found if the Housing Executive were to undertake the responsibility as the main provider for new-build housing.

The situation would be even better had the Housing Executive, over the last 10 years, not needed to spend £3·8 million on repairing properties as a result of bomb damage, or if they had not had to spend £20 million over recent years on the special purchase of evacuated dwelling scheme. When we are talking about these issues, a whole range of matters need to be taken into account.

**Mr Paisley Jnr:** Is the Minister aware that his reputation of being capable of dealing with the issue of housing, not only in West Belfast but across the Province, has been impugned by an allegation in today's 'News Letter' that the DUP is part of the Executive. Will he confirm that he will never be a partner of IRA/Sinn Féin in any Government in this country?

**Mr Dodds:** I can certainly confirm that I will be adhering to the election manifesto pledges under which I was elected, in terms of the basis on which I hold ministerial office. I have not been present and certainly do not intend to be present at any meeting of the Executive. We made it clear that we would not sit in a Government with IRA/Sinn Féin, and that remains our position. In the light of the earlier debate, this is absolutely crystal clear. So far as the form of government we have in Northern Ireland is concerned, those parties who voted for the agreement have to look at how best they believe this serves the people of Northern Ireland. We voted against that agreement, not least because we had concerns about the workability and the efficiency of local administration, and, as far as my ministerial responsibilities are concerned, I can give an assurance that I will be doing everything to advance the issues for which I have responsibility. I am confident that I will be able to do that within the terms of my election manifesto. The bottom line is that whilst others abandon their election pledges, we keep ours.

**Mr Speaker:** Order. I am struggling to work out what the connection is with the question. I can only assume the new-build housing refers to the new build of this House. I encourage Members to stick with the spirit of the question.

**Mr O'Neill:** May I ask the Minister to return to his brief. Can he tell the House what plans he and his Department have for the implementation of the 1998 Housing Order? Given his response to Mr Maskey's question, it would seem that the Housing Executive is at present falling between two stools without the necessary power to regulate the strategic role promised under the housing review some years ago. I would like to hear what plans he and his Department have for dealing with the regulations as laid down in the 1998 Order. Also, it would be good if there were an early statement on general housing policy. There is still — despite the Minister's firm comments — an uncertainty over the role of housing in the future. Given that his party does not have a policy document on housing, and being

conscious, as I am sure he is, of the incongruity that that produces, would he not agree that an urgent statement on policy might go some way towards allaying this concern and uncertainty?

**Mr Dodds:** The latter part of the Member's question does not bear any comparison to truth and reality. On the main point of his question, I have been looking at housing policy issues. He will be aware that it would be easy for the Department to pick up on issues that have been within the remit of Ministers of the previous Administration. I want to give the Committee and Assembly Members the opportunity to have an input to see how their views correspond with previously settled policy. It would be an insult to Members if we were to present legislation that was prepared by English Ministers and say "There you are; this is what we intend to do." I want a meaningful, consultative process with the Assembly Committee so that it can have an input to legislation, not least because the Committee has to approve that legislation. We want these issues to be properly explored. We have to live with them, and we have received representations on them. I want to ensure that consultation in this regime really means consultation, and that input from elected Members really means input and not simply commenting on a measure that has been decided in advance as a fait accompli.

### Laganside Corporation

2. **Mr M Robinson** asked the Minister for Social Development if he is aware that the places allocated to public representatives on the Laganside Corporation have never reflected the political composition of the areas of Belfast which it covers and if he will be using the opportunities given by the two vacancies which have occurred as the basis to remedy this situation. (AQO 24/99)

**Mr Dodds:** The regeneration impact of Laganside is intended to benefit all of Belfast in particular and Northern Ireland in general. Appointments to Laganside Corporation are made under the Laganside Development (Northern Ireland) Order 1989, which provides for not fewer than seven or more than 10 members. One is appointed after consultation with the Belfast Harbour Commissioners and one after consultation with Belfast City Council. The corporation currently has nine members, all of whom were appointed in 1998. There are no immediate plans for new appointments to the corporation. I have not had the opportunity to fully consider this issue to date, but I will bear Members' comments in mind at the appropriate time.

**Mr M Robinson:** Can the Minister give an assurance that his Department will, in future, take on board representations made in relation to these issues?

**Mr Dodds:** As I said in earlier answers, I will look carefully at all representations made on this issue as well as on others. The issue of appointments to Laganside, and, indeed, to a range of other public bodies over the years, has caused some concern. We are casting no aspersions on the merits or integrity of anyone who has served on any of these bodies. I am speaking in terms of the balance of appointments between public representatives and those who are non-elected. Members will be aware that for appointments to Laganside we are bound by legislation and the code of practice and guidance of the office of the Commissioner for Public Appointments. Unlike certain other appointments made recently to public bodies, it is not a question of making appointments willy-nilly without following that guidance and code of practice. Those considerations must be borne in mind.

3.45 pm

### Housing Executive Budget

3. **Mr S Wilson** asked the Minister for Social Development to confirm how much the Northern Ireland Housing Executive has been required to save from its budget for 2000-01 in order to facilitate the budget shortfall caused by the delay in the sale of the port of Belfast and whether he has been informed about how the Northern Ireland Housing Executive intends to fund the required savings. (AQO 23/99)

**Mr Dodds:** The Member is referring to the present in-year reduction to the Housing Executive's expenditure to facilitate the non-sale of the port of Belfast. This year, 1999-2000, the Housing Executive has had to defer schemes to the value of £3 million. These are deferrals, and the £3 million will be reinstated once the sale of the port of Belfast proceeds.

**Mr S Wilson:** Is the Minister aware that in this year the Housing Executive has already delayed the implementation of the redevelopment area in Connswater and that, as a result, many people who should have been given priority to the houses built to facilitate them will not be able to move into those houses? They will be allocated to people from outside the area. The blight on the area is going to be exacerbated by the delay in the Housing Executive fulfilling its promises, on the basis of the budget shortfall. Will the Minister take the matter up with the chief executive to ensure that those promises are fulfilled?

**Mr Dodds:** The assessment of the need to carry out a redevelopment scheme and the time at which any such scheme is undertaken is a matter for the Northern Ireland Housing Executive and not for me, directly. I do know that the chief executive has advised that plans for the redevelopment of the Mersey Street/Connswater area are well advanced, and that, subject to financial provision, this project should begin in the next financial year. He has confirmed that the Housing Executive remains



totally committed to that area and to ensuring decent and good housing as soon as possible. I will be meeting the chief executive later this week, and I will draw these matters to his attention. I should point out that as this relates to the sale of the port of Belfast, the matter falls within the Department for Regional Development.

I should add that on 12 May 1998 when the Chancellor announced the £315 million package of spending measures and tax reliefs to bolster Northern Ireland's economic future, some of us, who were wearing a different hat at that time, did point out that this money did not come without strings attached. Whilst he announced where the money might go, he left in the small print the question of where it was going to be found. Unfortunately we are now paying for that in terms of some of the deferrals that we are seeing.

**Mr Poots:** Given the problems indicated in the finances of the Housing Executive, and the fact that over the past few years we have seen rent increases above the inflation rate, can the Minister assure the House that rent increases will be kept as close to inflation as possible?

**Mr Dodds:** The issue of rent increases will be considered in due course. The income for next year for the Housing Executive is presently under consideration. I agree that increases need to be kept as close as possible to the rate of inflation. Departments have come to this issue regarding the regional rate for domestic and non-domestic use fairly late in the cycle, and therefore our room for manoeuvre this year is somewhat limited. I will be laying down a very strong marker that in future years, under devolution, I would hope that any rent increases should be pegged as tightly as possible to inflation.

### Social Security Agency

4. **Mr McMenamin** asked the Minister for Social Development if he will review the procedures within the Social Security Agency relating to the loss of forms and post in the internal postal system. (AQO 10/99)

**Mr Dodds:** The Social Security Agency deals with millions of pieces of post every year, as the Member will be aware, and, while the vast majority are dealt with satisfactorily, I acknowledge that some can go astray. The agency is committed to a continuous review of the level of service it provides and has work in hand to improve customer service in this area.

**Mr McMenamin:** I have had complaints from several of my constituents over the past few months about lost mail. Apart from the delay and frustration that can result, this can also lead to lengthy telephone calls which these people cannot afford. Will the Minister assure me that he will give this problem his utmost attention?

**Mr Dodds:** Yes, I can give that undertaking. This issue has been before me already. The recent report from the Citizens Advice Bureau entitled 'Accessing Social Security' pointed out this problem as well as a number of others. However, independent research has consistently shown that at least 90% of customers are satisfied with the social security service that they receive, but I am not content with that. I want that figure to rise to the highest level possible, and I undertake to look at the matter very closely. Officials are already in liaison with a number of outside bodies who are also concerned.

If the Member wishes to give me details of the individual cases to which he is referring, I will ensure that they are fully investigated and that his constituents are replied to.

### Housing Executive Estates: Sectarian Graffiti

5. **Mr Ford** asked the Minister for Social Development what plans he has to tackle the problem of sectarian graffiti, kerbstone painting and flags and emblems in Housing Executive estates. (AQO 7/99)

**Mr Dodds:** To ensure the safety of the staff and contractors involved in the removal of offending and offensive material, such removal is undertaken only with the support of the local community. To gain more support for this, the Housing Executive recently launched a consultation paper aimed at achieving a community-relations strategy. The objectives of the initiative are to encourage a co-ordinated approach, to increase support and to open the way for further intervention where possible.

**Mr Ford:** I thank the Minister for that response and the Executive for its work so far, but may I draw his attention to Clause 28 of the Fair Employment and Treatment Order 1998, which deals with discrimination in the provisions of goods, facilities and services, and that includes public goods. Does the Minister agree that this imposes a duty on the Housing Executive to clear up sectarian graffiti in its estates?

**Mr Dodds:** No, I cannot accept that that piece of legislation imposes that particular duty on the Housing Executive. The Question deals with graffiti, kerbstone painting and flags and emblems in estates. Kerbstone painting, flags, emblems and street lighting posts fall outside the remit of both the Housing Executive and the Department for Social Development.

**Mr Ford:** Some of them.

**Mr Dodds:** Well, kerbstone painting certainly does.

However, the Housing Executive is concerned with this issue. It has published a consultative document, and it intends to bring a report to the Housing Executive Board later this month.



Action should be taken regarding offensive and threatening material, but we must adopt a common-sense approach. The problem is widely acknowledged, but I for one do not wish to see the lives or limbs of contractors or staff endangered or a problem made worse by intervention which only exacerbates the situation. I am sure that that would be the Member's view as well.

Last week I listened to reports on the early morning news of two pilot schemes that are underway in the Highfield Estate and in Lenadoon. I also heard about the excellent work that is being carried out in the Ballyduff Estate in Newtownabbey. These point the way forward for community involvement.

**Mr B Hutchinson:** What is the Housing Executive's definition of sectarian graffiti? Some of the things to which Mr Ford and his Colleagues have referred are among the biggest tourist attractions in west and north Belfast.

**Mr Dodds:** I do not know whether the Housing Executive has a definition, but I doubt it very much. I am almost certain that it is not the case. The Member has highlighted what many people see as a representation of their culture and identity.

There are other instances, however, where the graffiti are clearly threatening and offensive. That is why we have to judge these situations on an individual basis and consult with the community. The examples I pointed out earlier show that where the graffiti are offensive and threatening, the community will support removal, even though some may not be happy about it. There is much greater resistance to removing something that is an expression of culture, and that is why it is very difficult to lay down ground rules in black and white. The Executive has produced a consultation document, and we want to hear the responses to that before we take the matter further.

**Mrs E Bell:** I agree with the Minister that it is vital to have community involvement — I have some knowledge of this in the north Down area. I want to ask the Minister if consideration has been given to a co-ordinated approach. Part of the problem in my area is that there is a pass-the-buck mentality — sectarian graffiti of whatever ilk, paintings and flags, et cetera, are not dealt with.

**Mr Dodds:** I can give the Member that assurance. The strategy report that the Housing Executive has launched recognises that neither the Executive nor any agency alone can improve this situation. The proposals are aimed at supporting and working with others involved, and this includes more research into and understanding of the issue. Intervention will take place, and it may help to achieve something.

## Social Security Benefits: Post Office Service

6. **Mr Ford** asked the Minister for Social Development what action he will take to ensure that those on benefit can continue to have their benefit paid through their local post office. (AQO 21/99)

**Mr Dodds:** The Social Security Agency has given a commitment to continue to use the post office to much the same extent as it does now until March 2003. With effect from 2003, payments will be made by automated credit transfer (ACT) under national Government proposals. I hope that arrangements will be in place to allow people to continue to get their money through post offices.

**Mr Ford:** I thank the Minister for his response, which gives a guarantee until 2003. Unfortunately, given the problems which seem to occur in all major Government computerisation schemes and the fact that the payment, if not the rate of benefit is something which is devolved, I have my doubts about whether the arrangements for ACT will actually be ready by then. Will the Minister give an assurance that he will continue to maintain the essential service provided by Post Office Counters Ltd in both urban and rural areas, whether or not the computerisation is completed by the 2003 deadline?

**Mr Dodds:** I understand, as I know that other Members do, that the post office network is important to the community, particularly the elderly. I have asked that the agency work closely with the post office to try to ensure that customers will be able to continue to obtain benefits at post offices.

With regard to social security, Members will be aware that in Northern Ireland we have a fairly restricted degree of manoeuvre on these issues because of the parity principle and, as I have said, because of the fact that a national policy is agreed. That is not to say that we should not be looking at UK-wide level, to see whether we should go ahead with this national policy.

This is what the new Labour Government intend to do, and benefit payments in Northern Ireland depend on the main benefit-feeder systems in Great Britain. The Social Security Agency in Northern Ireland has very little room to manoeuvre on encashment methods. Therefore to do otherwise would incur substantial business cost, and that money would have to be taken out of other programmes. There is also the issue of fraud with order books and giro.

I should like to explore this policy with the Assembly Committee and Members to see whether, on a national basis, it can succeed. Present policy and constraints show that we have to follow the national policy.

4.00 pm

**Rev Dr William McCrea:** I thank the Minister for his expression of concern. Does he appreciate the depth

of feeling in the community over the possible stopping of benefits from being paid through local post offices? Such a move would make a great difference to the elderly population for whom a visit to the post office is a day out and an opportunity to meet others. Does he agree that without the revenue and the business that comes through benefits, many sub post offices would not be viable and, therefore, endangered? This is another way of withdrawing services from small urban or rural communities. It would be a retrograde step, and I ask the Minister to make representation at national level to see if the policy can be changed.

**Mr Dodds:** I agree with the Member, and I undertake to bring these points home to the Minister responsible at UK level. I also agree with the Member about the importance of post offices, particularly in rural areas and for the elderly. It is important for post offices to remain the means by which people can access benefits, whether by automated credit transfer or under the present system.

I agree that our post offices should still be used in the way that the Member has described.

**Mr Speaker:** The time for questions is up.

## NATIONAL FLAG

**Mr Paisley Jnr:** I beg to move the following motion:

This House condemns the refusal of the Health Minister to grant permission for the flying of the national flag on appropriate Government property on the designated period over the Christmas holidays, in flagrant breach of settled policy.

This motion has been prompted by the actions of the Minister of Health, whose arrogance leads her to think that she can attack the symbols of British identity and do so with impunity. A message must go from the House that this will not be tolerated, it will not be accepted. With apologies to Winston Churchill, may I say that never before in the history of Western democracy have so many Ministers been paid so much money to administer so little.

Given the flu epidemic over the Christmas period, the Minister should have had greater things to perplex her mind than the flying of the British national flag from Government offices.

The agreement signed in April 1998 says that there must be tolerance and sensitivity with the use of symbols in our country. The Minister has demonstrated no such tolerance or sensitivity with regard to the Unionist population, and she is in breach of the agreement. The agreement says that symbols and emblems must be

“used in a manner which promotes mutual respect rather than division.”

The Minister’s approach to the flying of the national flag on her Government offices failed to demonstrate respect for the Unionist community, and her attitude has caused further division. I put the charge to the House that the Minister has breached the Belfast Agreement that she signed and claims to support and to which her party claims to be wholly signed up.

I note how other parties have responded to this motion and, particularly, the way in which the SDLP has put down an amendment to it. I believe that the SDLP — instead of doing what it did earlier today, when it was supposedly defending the agreement — is actually ignoring the agreement on this issue, and one can see that this is so from the amendment. The amendment is not concerned with the agreement. In fact, the amendment put forward by the SDLP is nothing more than flannel. Like Sinn Féin, the SDLP is attacking the national flag. Once again, the SDLP is running away from Sinn Féin, just as it is doing on the ground in the constituencies.

The flying of the Union flag over government buildings is not a party-political or sectarian matter, as is implied in the SDLP amendment. The flag is flown in its proper context, and I cannot think of a more appropriate context in which it could fly. It is

non-controversial and non-confrontational to have it flying on government buildings. The SDLP ought to be ashamed of itself for putting down this amendment.

The SDLP has said very little about the triumphalistic display of tricolours by people in this society and the St Patrick's Day Committee in particular. In fact, the SDLP has said very little publicly about that. One wonders about the two laws in which the SDLP believes. One law attacks, denigrates and undermines the symbols of Britishness, attacks and undermines our right to display those symbols, and the other law permits Nationalist symbols to be displayed at all times.

I believe that the Ulster Unionist Party's Whip, Mr J Wilson, stated in Saturday's 'News Letter' that he had no problem with the motion, so I look forward to his and his party's joining us in the Lobbies.

Also in that edition, an unidentified Ulster Unionist Party source also made some very interesting comments, apparently following a marathon session of the Northern Ireland Executive. According to the 'News Letter' there had been a very heated debate in the Executive. One party insider said that Unionist Ministers were incensed and gave no quarter as they rounded on Sinn Féin over its approach to the flag controversy. Indeed, they were apparently responding to the way in which Ms de Brún had taken it upon herself to ensure that the flag of this country did not fly on Government buildings.

Of course, we have seen the Ulster Unionist Party giving no quarter in the past. We only have its word that it gave no quarter in the Executive. When it gave no quarter at the talks, we ended up with the Belfast Agreement, which not only allowed for the release of IRA prisoners but substantially attacked on the integrity of the Royal Ulster Constabulary and provided for the establishment of all-Ireland bodies with executive powers. When the Ulster Unionist Party gave no quarter during the Mitchell review, we ended up with the IRA's entering the Government of Northern Ireland. I can only imagine — and, indeed, I think we should brace ourselves for this — that, since the Ulster Unionist Party gave no quarter last week at the Executive meeting, we will end up with the white flag of surrender flying over Glengall Street.

One of the first duties of the Ulster Unionist Party's junior Minister, Mr Dermot Nesbitt, was to have a meeting with his counterpart, Mr Haughey. I understand from his diary, which I have seen, that he had a meeting with Mr Haughey about the flying of flags on Parliament Buildings. This meeting lasted for about one and a half hours, and as a result any fears or speculation about the flag were dampened down during the Christmas recess. The Ulster Unionist Party said nothing about the Minister's refusal to let the flag fly.

This is an attack not only on the symbols of British identity and of this nation but also on people. This subtle, but important, difference should be understood. We have seen in recent hours how extremists in IRA/Sinn Féin have attacked people because of symbols. An example of this is the Duchess of Abercorn. She is identified by Sinn Féin as someone worthy of attack because she is a duchess. They allege that because she is a duchess she must be royalty, and not only royalty but a member of the British royal house and an heir to the throne. The reality is far from the myth that Sinn Féin has created. It is almost like suggesting, Mr Speaker — if you will forgive me — that the wife of the Speaker of this House should be classed as royalty because she is a "Lady".

Sinn Féin has got this completely wrong and has not only attacked people on this issue but attacked and exploited children also.

I have a clipping from the 'Irish News' in which Mr Kelly of Sinn Féin, in dealing with the matter of flags, takes great exception to the police's taking down Nationalist flags. It appears to me that Sinn Féin, like the SDLP, has two rules. First, the RUC, and everybody else, has to bow down and accept Nationalist symbols of identity, and not only accept them but appreciate them — not attack or demean them. However, British symbols of identity have to be removed and demeaned, and Nationalist ones elevated above them.

I understand that part of the Sinn Féin oath is to do with driving Unionists into the sea. Attacking our identity is part and parcel of that strategy. An attempt to outlaw and demean the symbols of our British identity is very much part and parcel of that Republican agenda.

I have a message for Sinn Féin, as every genuine Unionist has. It is that Sinn Féin will fail. It will not achieve its agenda. It failed in 1798, in 1916, and in 1921, and it will fail again in 2016. I understand that Mr Adams believes that, when up close to Mr Trimble, he can persuade Unionists to come into a united Ireland. He is dealing with, and indeed he is up close to, the wrong sort of Unionists. Genuine Unionists are not interested in Mr Adams's united Ireland.

On 20 May 1998 in Belfast, Tony Blair claimed that there would be no change to the status of Northern Ireland. If that is so, I would like to know why Sinn Féin is attempting to remove the national flag? If the agreement is all that those in the Unionist pro-agreement camp believe it to be, and that it protects our British identity, why is Sinn Féin being allowed to get away with not flying the national flag?

I do not believe that the agreement protects our national identity. In fact, I do not believe that Tony Blair's pledge of 20 May 1998 is credible. I also want to know why the Ulster Unionist Party does not

appear to have taken punitive action against Sinn Féin for this breach of the agreement. Saturday's 'News Letter' said that people were very angry, that voices were raised and that no quarter was given. But no punitive action has been taken against a Minister who took it upon herself to lower the symbol, the national flag, of this country. This is not the only Minister in breach of the Belfast Agreement. So are the other Ministers who attend Executive meetings.

**Mr Speaker:** I indicated earlier today that when I had a list of Members before a debate I would attempt to give a timescale for speeches. That was not possible before the first motion, and some Members were understandably unhappy that they did not get a chance to speak.

4.15 pm

I had hoped, given the number of Members who have indicated a wish to speak in this debate, to be able to allocate five minutes to each. I must caution the mover of the motion that he will restrict either the number of participants in his own debate or the length of their speeches if he does not bring his remarks to a close.

**Mr Paisley Jnr:** Thank you for drawing my attention to the clock. I will indeed come to a conclusion.

The Executive has been prepared to abuse its position. Not only has a member of the Executive abused her position, but the Executive itself has done the same thing. The Information Service has issued statements totally in Irish on behalf of the Minister of Health, Social Services and Public Safety. There has been an acceptance that the pursuit of the Irish identity can be tolerated and treated in a sensitive way. However, when it comes to the British national flag, there is no such tolerance on the parts of Sinn Féin/IRA or those from that party who are now Ministers. It is intolerable that they have taken that position, and they must face some form of punitive action from the Assembly and the Executive or the symbols of our national identity will continue to be exploited, debased and attacked.

**Mr A Maginness:** I beg to move the following amendment: Delete all after "condemns" and add

"the abuse of national flags and other symbols and emblems in our community as party political or sectarian symbols and will work to ensure that such symbols and emblems are used in a manner which promotes mutual respect rather than division, in accordance with the Good Friday Agreement."

I never fail to be surprised by the total negativity of Members from the Democratic Unionist Party, and today is no exception. There is a negativity in all their motions which reflects their general melancholia over politics and life here in general. They always seek to condemn and reject; never to accept, praise or promote, and Mr Paisley Jnr's speech has simply reflected that.

This is a sensitive issue. It is a very difficult issue for any divided society. In most societies, flags and emblems are a source of unity and inspiration. That is because there is consensus within those societies about how they should be governed. Sadly, within our society, flags and emblems are seen as a source of provocation, aggravation and division. We have not yet matured politically to the point where we can mutually tolerate the flags and emblems that represent our differing political traditions. Some day, perhaps not too far in the future, we may reach a level of political maturity where Republicans and Nationalists will fully respect the Union flag and associated British emblems. Equally, one hopes that Loyalists and Unionists will fully respect the Irish tricolour and associated Irish Nationalist emblems.

I do not believe that we in the SDLP are being Utopian in seeking those noble aims. For example, in this very Assembly we have accepted the flax flower as our motif, without rancour or disagreement. Those who chose it chose well. Not only is it ornate and attractive, indeed artistic, it is also meaningful. It embodies the most positive aspects of our social and economic history, in which we can all share and of which we can all be proud. It was an inspirational choice, and it will serve as an inspiration for the Assembly in the future.

There are three ways of addressing the question of flags and emblems. First, we could create totally neutral political environments in our public institutions, their offices and spaces. Secondly, we could accord parity of esteem to the flags and emblems of all political and religious traditions in our society.

Thirdly, a new consensual symbolism could be created that the vast majority of society could honour and identify with. I do not suggest that Members can resolve these issues today. But we could reaffirm our common commitment in the Good Friday Agreement to address these issues together and agree on the way forward. This would avoid our being intermittently bedevilled with arcane disputes over flags and emblems that would unnecessarily disrupt the common quest to create a new, modern and inclusive democracy in Northern Ireland.

I remind Members of what the Good Friday Agreement says about symbols and emblems in paragraph 5 of the chapter dealing with rights, safeguards and equality of opportunity:

"All participants acknowledge the sensitivity of the use of symbols and emblems for public purposes, and the need in particular in creating the new institutions to ensure that such symbols and emblems are used in a manner which promotes mutual respect rather than division. Arrangements will be made to monitor this issue and consider what action might be required."

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

**Mr A Maginness:** No. I have very little time.



Let Members act to avoid acrimony and work to create harmony in this institution and beyond. Those who are truly committed to the Good Friday Agreement will find a way to resolve these difficult and deeply emotive issues, and political goodwill will provide the very means of that resolution.

**The First Minister (Mr Trimble):** This is an important issue, and it is important that it be addressed properly and with due deliberation. I do not think that this debate gives an opportunity for that, but I hope that there will be a serious debate on this issue in the coming weeks. Devolution occurred on 2 December 1999, and many things had to be done to get the new institutions working. Because of the pressure of events, it was not possible to get the issues raised by this motion properly settled in the period between 2 December and Christmas.

Members will find over the coming weeks and months that the Executive, and the Assembly as a whole, will address this issue. It is important that it be dealt with properly and in a way that is sensitive to the rights that should be accorded to people in Northern Ireland, of whatever view, and to the essential elements of the agreement. Great care should also be taken not to insult Her Majesty, who is sovereign and the only sovereign in this land.

The position, as I understand it, is set out in the agreement and the Act. By the agreement, people accept the consent principle and thereby accept that Northern Ireland is part of the United Kingdom. The agreement commits all parties to accept the legitimacy of that choice.

The Act is clear. Section 23 (1) states

“The executive power in Northern Ireland shall continue to be vested in Her Majesty”.

Executive power is vested in the Queen. A limited element of the Queen’s Government is carried on here by us on her behalf and subject to her direction. The position regarding the display of the national flag, as I understand it —

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

**The First Minister:** No.

The position regarding display of the national flag, as I understand it, is that Her Majesty has commanded that it be displayed on all public buildings on certain days — official flag days. There is a dispute in Northern Ireland about the status of some additional flag days, and further enquiries need to be made on that. The position regarding certain additional flag days stems from decisions taken many years ago. I understand that there is no question of the Government’s, previously the Secretary of State’s, having to approve the dates on which flags will be flown in the coming year.

Because some of the dates are movable feasts — for example, Easter — a mechanical job had to be done each year to determine the official flag days. That was the sole status of the list that came out each December. The legal basis has been properly examined, and there is no discretion on the flying of flags on official flag days, though there may be a question about certain dates that were added to the list. Regrettably, in December confusion arose about the basis on which the flag is flown. I have given my understanding of the situation, and research is under way to establish the exact legal basis of the flag days over and above those which Her Majesty has commanded. That is the basis on which we should proceed on this.

I listened with interest to the comments from Mr Alban Maginness, and, in view of what I have said, I think that not one of the three options he suggested is obtainable. It is not possible to abandon the existing national flag. Parity is not possible, because there is only one sovereign here. Nor is it possible to operate in what is called a totally neutral environment if the display of the national flag is regarded as moving in any way from neutrality. I believe that it is possible to have a completely neutral environment that respects the sovereignty which exists here. I am well aware that the flag is, at times, used in a provocative way, but no real objection can be taken to things that fall within the normal course of events.

I heard Mr Ian Paisley Jnr’s sneering comments about discussions in the Executive. If he thinks that his party can do a better job, let it come and do it. Its members should stop hiding away. It is very easy to hide in one corner of this Room and sneer in that way, but those Members who do not bother to do the work are not worth listening to.

There is a further serious mistake in the DUP’s motion. It talks about granting permission. It will be clear from what I have said that there is no question of permission needing to be granted. I have indicated that it is not possible for my party to support the SDLP’s amendment. We have drawn attention to the defective drafting of the DUP’s motion, reflecting its lack of knowledge of what we are dealing with, but we will vindicate the legal position.

**Ms Gildernew:** Go raibh maith agat, a Chathaoirligh. We are dealing with the Minister’s decision to suspend the flying of the British national flag alone over Department of Health buildings. Ian Paisley and Ian Paisley Jnr described its absence as a flagrant breach of settled policy. However, settled policy does not reflect the views of a great number of people in the Six Counties, and it certainly does not reflect how the issue is dealt with in the Good Friday Agreement:

“All participants acknowledge the sensitivity of the use of symbols and emblems for public purposes, and the need in

particular in creating the new institutions to ensure that such symbols and emblems are used in a manner which promotes mutual respect rather than division.”

Given that this is contrary to settled policy, there needs to be an urgent review of that policy to reflect this.

The flying of the Union flag has been used as a tool to provoke and intimidate Nationalists, and that includes its flying on this Building — which houses an Assembly made up of the elected representatives of all the people, and all the political views, in the Six Counties. Indeed, the Church of Ireland’s guidelines on this matter, published last year, recommended that churches should not fly the Union flag but, instead, should fly the cross of St Patrick. If we are to build an inclusive society that cherishes all of its people equally, we must stop forcing the symbols and emblems of one community down the throats of another. If the flags that we fly do not reflect all of the people, we should not fly any. Either we fly both the Union flag and the tricolour on the roof of this Building, to symbolise the diversity of our people and the equality of all, or we fly none.

We need to have a neutral environment, a place where we can all work together to promote mutual respect instead of division. Indeed, the only places where flags have been flown in numbers similar to the numbers here are in other places where there has been domination and suppression of one culture, or people, over another. In the Twenty-six Counties, for example, where Irish Nationalism is predominant, you do not see the tricolour everywhere, because none of the communities there feels oppressed.

4.30 pm

There is no abuse of the national flag there, and had Unionists been more generous when they were in government — instead of displaying paranoia and fear in everything they did — we would not have had the Union Jack flying from every telegraph pole, street light, hospital, school and fire station and we would not have had red, white and blue kerbstones in housing estates. Thus there would have been no need for Nationalist communities to reciprocate.

It is unhelpful when Members of a political party continue to demand the retention of symbols which for many people on this island represent sectarianism and the domination and supremacy of one culture over another. While full implementation of the Good Friday Agreement will help to address the equality agenda, thus ensuring fair and equitable treatment for all, we, as public representatives, need to promote mutual understanding, and I urge Members to vote against this motion. The amendment is too vague — we cannot support it either. We need to have a full debate on the use of symbols and emblems in this Building and beyond. Go raibh míle maith agat.

**Mr Boyd:** I rise to support the motion put forward by the DUP’s two North Antrim Assembly Members, Dr Paisley and Mr Paisley Jnr. It is scandalous that the Sinn Féin/IRA Minister of Health, Social Services and Public Safety refused to allow the Union flag to be flown over Castle Buildings on Christmas Day. I have a list here of days that the Union flag must be flown on Government buildings under well-established practice, and 25 December is one such date. There was no need for the matter to be discussed.

The Sinn Féin Health Minister’s actions were deliberately provocative and appalling. This was an attack on Northern Ireland’s position within the United Kingdom.

The Minister acted outside her authority and must be utterly condemned in this House. She has insulted the vast majority of people in Northern Ireland. At a time of deep crisis for the National Health Service the Sinn Féin Health Minister was more interested in cheap, political stunts than in the well-being of the people of Northern Ireland. Why, for example, did she not investigate and publicly condemn, during the same period, the intimidation by a Republican mob of two health workers for attending a police liaison committee in Carrickmore? We were told that the Minister had no comment to make.

For a Minister of this fundamentally flawed Executive to refuse to allow our country’s flag to be flown is disgraceful and an insult to the people of Northern Ireland. It just shows that the Belfast Agreement offers nothing for Unionists, despite David Trimble’s and the UUP’s utterances that it copperfastens the Union. If preventing the flying of the flag on Castle Buildings, a Government building, is copperfastening the Union, I wonder what the UUP would think was weakening the Union.

The SDLP’s amendment says that there should be mutual respect. We have had 30 years of bombs and bullets. Where was the mutual respect for the Unionist community? We hear about the Union flags and the red, white and blue kerbstones. What about Garvaghy Road, where we see tricolors, and green, white and gold kerbstones? Will the UUP clarify whether if, under the Belfast Agreement, Nationalists object to the Union flag, it can no longer be flown on Government buildings? That is what the SDLP is telling us today.

The Union flag is flown permanently at Westminster — except when the Queen is present and the Royal Standard is flown — and it is flown permanently on the building of the Welsh Assembly. It is also flown on occasion on the Scottish Parliament Buildings and Government offices. The Union flag, and only the Union flag, should be flown permanently on Parliament Buildings, Stormont and on all Government buildings to

bring us in line with what happens in the rest of the United Kingdom.

It is scandalous that a Northern Ireland Office spokesman should say that this is a matter for the parties to sort out and agree among themselves. That attitude is totally unacceptable, and I am calling for a full investigation by the House into the comments made by that faceless civil servant, who must be brought to task for them. Northern Ireland is an integral part of the United Kingdom — this has been demonstrated in election after election — yet our British culture and identity continue to be attacked. The list is endless — parades, the oath of allegiance, the RUC and portraits of Her Majesty. Just today the Duchess of Abercorn was blocked from visiting St Mary's Primary School in Pomeroy, County Tyrone, by Sinn Féin/IRA, and that visit was to promote a cross-community writing competition.

Sinn Féin/IRA wants to destroy our British culture and identity. However, in spite of ongoing attacks by the pan-Nationalist front on that British culture and identity — and that includes utterances by Sinn Féin/IRA's Gerry Adams about a united Ireland by the year 2016 — there are still enough Unionists in Northern Ireland to ensure that we will always be living under the Union flag, and the Union flag only.

I support the motion.

**Mr McCartney:** Undoubtedly there is confusion, on both sides, about the purpose of the national flag. There has been much talk about culture and cultural differences. The flag of the United Kingdom is being used as a political weapon. Coming from Ms Gildernew, this view is amusing, since the Irish language and culture have been used as bludgeons by Sinn Féin, and to a lesser degree by the SDLP, to further the Nationalist aspiration for a united Ireland. This is understandable in a political party, but the purpose of a national flag is political rather than cultural. The flag of the United States, the Stars and Stripes, covers a multitude of different cultures and ethnic groups, but it signifies the overall and over-arching the national identity of the United States, as does the national flag in Northern Ireland.

The First Minister has correctly pointed out that if parties here accept the Belfast Agreement, and if, as is repeatedly stated, the Belfast Agreement is founded upon the principle of consent, that principle of consent says that Northern Ireland will remain an integral part of the United Kingdom until such times as the majority should decide otherwise. Therefore, since Northern Ireland remains an integral part of the United Kingdom, the flag which represents it is the Union flag, and therefore it is appropriate that that flag be flown on all state occasions.

The First Minister has outlined in some detail the circumstances in which the flag should be flown under those conditions. I, for one, object to flags, language and culture being used as weapons in political battles and against what Robert Graves once described as “the jelly belly flag flappers”, who encouraged young people to enlist in armies, including the British Army. I object to a lot of the facets of nationalism, some of which have destroyed the true meaning of the Olympic Games and turned them into some sort of nationalist competition.

Flags should be reserved for their purpose: to represent the current political status of the territory governed and forming part of an integral, sovereign state. That is the purpose of a state flag, and that is what we should use it for. If, as Mr Adams suggests, there is a united Ireland in 16 years' time, will the tricolour be quartered or even halved to include part of the Union flag as a gesture towards the tradition in Northern Ireland? This would not be tolerated because Northern Ireland, if such should come about, would be an integral part of a united Irish Republic, whose flag is the tricolour.

Until such times occur we should adhere to the fundamental political principle that a flag is the symbol of the state as constituted at the time it is flown. If both the SDLP and Sinn Féin accept the principle of consent, they must accept the natural and usual conditions that are attached to that. This issue is perhaps relatively peripheral given the social, health and other problems that we should be dealing with.

It is sad that the Minister of Health should have utilised her functions to denigrate the principle of consent and to give rise to the sort of divisions which this body is supposed to be in the process of healing.

I support the motion.

**Mr Gibson:** I have listened with some interest to the debate. The fact that the flag was not flown at Christmas was most negative and, indeed, the greatest denial of our Christian traditions that could possibly have occurred. The Union flag is the ensign of the United Kingdom; it incorporates St Patrick's flag — the central cross that represents the saint who brought Christianity to this part of the world — the flag of St Andrew, who is associated with Scotland, and the flag of St George, who is associated with England. After the birth of Christ the three saints followed, and the most negative thing that could happen — and I heard a Member use that word “negative” about my party — was that we would deny the birth of our Lord by not acknowledging His birthday.

The First Minister talked about a royal command. He said that this was our sovereign flag, our legitimate flag. That is obvious, and it is taken for granted by those who have any regard for constitutional law. But what did the



First Minister, the Deputy First Minister and a Minister in the Executive do? They denied the very agreement that they had agreed to by refusing to honour the command of the sovereign — they disobeyed that command. That was not just negative; it was an insult to the very thing that they had agreed to.

People who use the word “negative” to condemn others should be very careful. There has been a clamour of late, as part of the recent Mitchell agreement, for certain people to be allowed to get into the Palace of Westminster where the Union flag flies constantly. Will they disagree with the flying of the flag there? They used every lever and got the consent of the First Minister to get into the Palace of Westminster. That was part of the Mitchell agreement. Sinn Féin/IRA’s reward was to get into Westminster where the Union flag flies constantly. The negativity, the condemnations and the rejections are not from this part of the House; the rejections are from those in the House who say that they are for the agreement. They are the people who have disobeyed; they are the people who have disregarded the sovereign’s command.

If these people are so loyal they should obey the commands of the Queen. The First Minister and the Deputy First Minister had a command, a responsibility to respect the sovereignty of the country in which they operate. But what did they do? They abandoned their responsibility, and they work in the same building as the Minister who made the original decision. They abandoned their responsibility and left a secretary to carry the can. That was not just negativity or condemnation; it was abandonment of responsibility.

Is this how the Executive is going to run, with intolerance, bigotry and, above all, a great lack of responsibility.

4.45 pm

**Mr Dallat:** A book entitled ‘Lost Lives’ was referred to earlier. I have it with me because I wish to use it. The first three names in it are John Scullion, Peter Ward and Matilda Gould. Those were the first three people to die in what are known as the present troubles. Older Members will know the circumstances. There was a row about a flag in Divis Street, and a certain Mr Paisley felt offended. It caused embarrassment to the Unionist Government of the day, who sent in the police, and now, 30 years later, we have a book this thick.

The same old arguments are continuing today — it is a case of *déjà vu*. We have been here before — obsessed with flags, forgetting and learning nothing. No one can deny that flags have played a major role in this senseless war waged against ordinary people for no good. I hope that the final chapter in this book has been written and that the number of 3,630 is indeed the final number. I hope that the Assembly will start to behave sensibly and

work for the people who depend on it, rather than waste time in this senseless argument about flags.

Is it too much to expect that the same mistakes are not repeated? I do not need to tell the House that a divided community that is recovering slowly from the divisions of the past is the perfect place in which to exploit flags and create fear and suspicion. It does not matter whether those flags are on Government buildings, nailed to telegraph poles or painted on kerbstones. They serve only one purpose — to further sectarianism and polarisation. They cannot unite people. Indeed, it was certainly not the intention of the Paisley faction to unite people. Its intention was to cause embarrassment to Ulster Unionists.

The motion is not about respecting the Union flag. If it were, that would have happened a long time ago, and then, perhaps, history might have been different. Perhaps this book would never have been written. As we know from the contributions, this is not about furthering working relationships between the different political traditions in the Assembly. Some things never change, but I am sure that there is a difference. Today people have the experience of knowing what is in this book. They know what happens when politicians exploit people. They can read the book and know what happened to ordinary, decent families who were exploited, used for political ends by politicians who were not prepared to face reality and sit down and work with people from other traditions rather than exploit the differences.

I accept that flags are important to some people, but once they are used for the express purpose of imposing their significance on others with quite different views, they cease to serve any healthy purpose, and they certainly cease to command respect. That is true irrespective of what flag we are talking about; I do not confine it to just one.

Government buildings should be neutral venues for all people to turn to for whatever services are on offer to the public. That is their purpose; they should not become places for rows about flags. Perhaps at some time in the future we can discuss the issue of flags and emblems and agree on symbols that reflect a community that is not divided but united and determined to put the horrors of the past behind it.

For God’s sake, give us a chance to map out a new future that is not based on notional territorial claims but on unity between all the people. Then, and only then, can we seriously discuss the flying of flags. I am sure it is everyone’s hope that the last chapter of ‘Lost Lives’ has been written, that lessons have been learned and that everyone will give a commitment that neither by word nor deed will anything be done to jeopardise the peace process that we are currently enjoying.



**Mr Foster:** This is a big issue about which I feel very strongly. As an Ulster Unionist, I feel as strongly as Mr Paisley about the Union flag. I served in Her Majesty's forces. Did he?

I raised the flag issue at Christmas, when it was established that the Union flag was not flown on some Government buildings. Such action by the Minister of Health, Social Services and Public Safety is most offensive and an attempt to deny the jurisdiction of Her Majesty in this part of her realm.

I contend that Ministers in the Assembly are acting on behalf of Her Majesty, yet here we have a Minister — maybe Ministers — failing to accept their responsibility. There are obvious double standards. Whom are they attempting to deceive — their own supporters, or the pro-British people? This action by the Minister was blatant hypocrisy and crass political deceit — a denial of what she agreed to in the Good Friday Agreement.

Let me refer to the Northern Ireland Act 1998 to emphasise these points. Section 1(1) states

“It is hereby declared that Northern Ireland in its entirety remains part of the United Kingdom and shall not cease to be so without the consent of a majority of the people of Northern Ireland voting in a poll held for the purposes of this section in accordance with Schedule 1.”

I emphasise that Northern Ireland in its entirety remains part of the United Kingdom, not just a piece of it here and a piece of it there.

Section 23(1) says

“The executive power in Northern Ireland shall continue to be vested in Her Majesty.”

Subsection (2) states

“As respects transferred matters, the prerogative and other executive powers of Her Majesty in relation to Northern Ireland shall ... be exercisable on Her Majesty's behalf by any Minister or Northern Ireland department.”

Section 5(2) says

“A Bill shall become an Act when it has been passed by the Assembly and has received Royal Assent.”

Her Majesty's sovereignty prevails under the agreement; we cannot deny that. Mr Alban Maginness referred to a “neutral symbol”, but this is about the sovereignty of this state. It is not offensive, nor is it meant to be. There can be only one sovereignty in a state.

I repeat that this action by the Minister is most offensive, and it is not in keeping with the terms of the Good Friday Agreement. It is an attack on the sovereignty of Her Majesty in this part of her jurisdiction. I want the Union flag to be flown only on designated days or when the Assembly is sitting, and that is something that we will have to think about. I want the Union flag to be flown with dignity and with responsibility — not as a taunt to anyone but with great respect for what it stands for. The flag is the

embodiment not of sentiment alone but of history. It should be given the respectful place to which it is entitled in this jurisdiction.

The jurisdiction issue was determined in the Good Friday Agreement and accepted by the majority in the Province and the vast majority of the people of the Republic of Ireland.

Sinn Féin must realise that it is not joint sovereignty which is expected or required, it is real citizenship. Its members must learn what they signed up to and what they must accept under the terms of the agreement. Their recent actions and words suggest that they are out to wreck the co-operation required to benefit all the people of Northern Ireland. Such offensive action by Ms de Brún is very devious, subtle and totally reprehensible. The Union flag should have been flown, as has been the practice and the correct procedure over the years.

I reject the Minister's action and express concern. Under the terms of the agreement the flying of the Union flag and the sovereignty of the Queen have to be acknowledged. Ms de Brún has failed to acknowledge that in this instance, and I contend that she exceeded her authority. We cannot move the agreement's goalposts, one which is the principle of consent. I support the motion.

**Mr A Maginness:** In many ways this has been a useful debate, in spite of the negativity of Mr Paisley and his party.

The debate has been useful in that it addressed the issue of flags and emblems, but this is an issue which will not be concluded today. It will continue to trouble us unless it is addressed imaginatively and creatively under the terms of the Good Friday Agreement. Flags and emblems should promote harmony and mutual respect in our society, not division. That is the fundamental approach that we should all take when addressing this issue. The debate has been constructive, but the argument will continue. We must work patiently, diligently and harmoniously to try to resolve the issue.

Far from being vague, as Ms Gildernew has said, the amendment is quite precise. It places the issue where it should be — at the heart of the Good Friday Agreement. If we address this issue in the spirit of the Good Friday Agreement we can ultimately resolve it. I accept that these are difficult and deeply emotive issues, and I understand the fears and worries, particularly of Unionists. But one must also realise that those fears and worries are shared by people in the Nationalist community. It is up to us, as democratic politicians attempting to create an inclusive democracy, to try to reach an amicable compromise.

**Mr Speaker:** I call Mr Ian Paisley Jnr and advise the House that I shall put the Question on the hour.

**Mr Paisley Jnr:** I have listened with interest to all the contributions. Mr Alban Maginness failed to explain how Sinn Féin is not in breach of the Belfast Agreement. I am surprised that the bare-chested defenders of the Belfast Agreement have not been kicking up a stink about the way in which Sinn Féin has polluted it. The SDLP has run away from Sinn Féin on this issue. The issue remains contentious because the SDLP will not deal with it in Nationalist areas.

The First Minister, in his usual red-faced and bombastic way, attacked the messenger and not the message. He said that this is not the proper place in which to debate this issue. If he has striven so hard to create the Assembly, where is the proper place to have this debate, and when will be the proper time? The First Minister does not want to have this debate, for it embarrasses him. He ought to face that reality. The Ulster Unionists have failed to accept the legitimacy of this issue and to attack Sinn Féin on it both inside and outside the Cabinet.

I remind Mr Sam Foster that the national flag is not the exclusive property of members, serving and past, of Her Majesty's Forces — it is the flag of all of the people in the United Kingdom. Mr Dallat's trite and irresponsible comments were nothing short of codswallop. He was trying to justify that two wrongs as making a right. But two wrongs do not make a right.

I was handed a written response to a question that I put to the Minister of Health, Social Services and Public Safety. I asked her to condemn the IRA violence that has resulted in the hospitalisation of people in Northern Ireland, but she refused. Should she not be concentrating on condemning violence and dealing with its effects, instead of running around tearing down the country's national flag? I regret her approach.

5.00 pm

*Question put* That the amendment be made.

*The Assembly divided: Ayes 24; Noes 63.*

AYES

*Alex Attwood, Eileen Bell, P J Bradley, Seamus Close, John Dallat, Arthur Doherty, John Fee, David Ford, Tommy Gallagher, Carmel Hanna, Joe Hendron, Patricia Lewsley, Alban Maginness, Kieran McCarthy, Donovan McClelland, Alasdair McDonnell, Eddie McGrady, Eugene McMenamin, Monica McWilliams, Sean Neeson, Danny O'Connor, Eamonn O'Neill, Brid Rodgers, John Tierney.*

NOES

*Ian Adamson, Fraser Agnew, Billy Armstrong, Roy Beggs, Billy Bell, Paul Berry, Esmond Birnie, Norman Boyd, Gregory Campbell, Mervyn Carrick, Joan Carson,*

*Wilson Clyde, Fred Cobain, Robert Coulter, Duncan Shipley Dalton, Ivan Davis, Bairbre de Brún, Nigel Dodds, David Ervine, Sam Foster, Oliver Gibson, Michelle Gildernew, John Gorman, William Hay, David Hilditch, Billy Hutchinson, Roger Hutchinson, Gardiner Kane, John Kelly, Danny Kennedy, James Leslie, Alex Maskey, Robert McCartney, David McClarty, William McCrea, Barry McElduff, Alan McFarland, Gerry McHugh, Mitchel McLaughlin, Pat McNamee, Francie Molloy, Maurice Morrow, Conor Murphy, Mick Murphy, Mary Nelis, Dermot Nesbitt, Ian Paisley Jnr, Edwin Poots, Sue Ramsey, Iris Robinson, Ken Robinson, Mark Robinson, Peter Robinson, Patrick Roche, George Savage, Jim Shannon, David Trimble, Denis Watson, Peter Weir, Jim Wells, Cedric Wilson, Jim Wilson, Sammy Wilson.*

*Question accordingly negated.*

5.15 pm

*Main Question put.*

*The Assembly proceeded to a Division.*

*[Interruption]*

**Mr Speaker:** Order. A Member has obviously left his phone unattended. Phones are not to be left switched on in the Chamber.

*The Assembly having divided:*

AYES

*Ian Adamson, Fraser Agnew, Billy Armstrong, Roy Beggs, Billy Bell, Paul Berry, Esmond Birnie, Norman Boyd, Gregory Campbell, Mervyn Carrick, Joan Carson, Wilson Clyde, Fred Cobain, Robert Coulter, Duncan Shipley Dalton, Ivan Davis, Nigel Dodds, Reg Empey, David Ervine, Sam Foster, Oliver Gibson, John Gorman, William Hay, David Hilditch, Billy Hutchinson, Roger Hutchinson, Gardiner Kane, Danny Kennedy, James Leslie, Robert McCartney, David McClarty, William McCrea, Alan McFarland, Maurice Morrow, Dermot Nesbitt, Ian Paisley Jnr, Edwin Poots, Iris Robinson, Ken Robinson, Mark Robinson, Peter Robinson, Patrick Roche, George Savage, Jim Shannon, David Trimble, Denis Watson, Peter Weir, Jim Wells, Cedric Wilson, Jim Wilson, Sammy Wilson.*

NOES

*Alex Attwood, P J Bradley, John Dallat, Bairbre de Brún, Arthur Doherty, John Fee, Tommy Gallagher, Michelle Gildernew, Carmel Hanna, Joe Hendron, John Kelly, Patricia Lewsley, Alban Maginness, Alex Maskey, Donovan McClelland, Alasdair McDonnell, Barry McElduff, Eddie McGrady, Gerry McHugh, Mitchel McLaughlin, Eugene McMenamin, Pat McNamee, Monica McWilliams, Francie Molloy, Conor Murphy,*

*Mick Murphy, Mary Nelis, Danny O'Connor, Eamonn O'Neill, Sue Ramsey, Brid Rodgers, John Tierney.*

*Question accordingly agreed to.*

*Resolved:*

This House condemns the refusal of the Health Minister to grant permission for the flying of the national flag on appropriate Government property on the designated period over the Christmas holidays, in flagrant breach of settled policy.

## ASSEMBLY BUSINESS

**Mr Speaker:** Many Members have asked to speak on the third motion, but the Business Committee's decision means that we cannot continue beyond 5.59 pm, when we shall move to the vote — and there will be only one vote, as there is no amendment. That is the limit to which things can go, except by leave of the House, and I have no indication of whether that would be forthcoming.

**Mr McCartney:** May I ask that the House give that leave. Whether we like this or not, whether some are opposed to the motion or in favour of it, this is a matter of grave public interest, and I ask the House, in these circumstances, to grant its leave.

**Mr Speaker:** The request has been made that leave of the House be given. As Members are aware, leave of the House requires unanimity, and I require an indication of whether leave will be given. It would be helpful to have that indication now. I certainly need it before 6.00 pm.

**Mr Maskey:** A Chathaoirligh. May I remind Members that the Business Committee — made up of representatives from all of the parties here — agreed to have the three motions on the Order Paper. Everyone was concerned that there should be ample opportunity for all parties to raise whatever they want for discussion during Assembly hours. With the three motions on the Order Paper and an Adjournment debate scheduled for tomorrow afternoon, the Business Committee therefore agreed that we would allow as much time as possible — three hours — for the motions to be dealt with. The spirit of the discussion was to the effect that if the DUP accepted that its motions were on the Order Paper — and this was put to the DUP — the motions would be dealt with in the free time available.

The three hours available run to 6.00 pm. Half an hour gives ample opportunity for discussing this motion. It has been discussed before, and, no doubt, it will be discussed again. I ask the party concerned to respect the Business Committee's decision — a decision to which it agreed — to wind up at 6.00 pm. After all, the other parties could have taken a different approach to the three motions.

*5.30 pm*

**Mr P Robinson:** On a point of order, Mr Speaker. I think that the Business Committee would recognise and have respect for the general view of the Assembly. If you were right when you indicated that a substantial number of Members want to take part in the debate, perhaps the Business Committee did not properly reflect the amount of time that would be appropriate. Some of us are quite prepared, if the House is agreeable, to come back tomorrow and deal with this issue. Tomorrow is a

sitting day, so there is absolutely no reason why the Assembly could not deal with a substantial matter in a substantial way.

**Mr Speaker:** As it is important that I should not misrepresent myself, I must say that a substantial number of Members wish to speak. I am not saying that there are necessarily many on all sides, but there is a substantial number on one side. It is the responsibility of the Speaker to ensure that the various opinions are put, and not that everybody gets an opportunity to speak. But in any case, in respect of Standing Orders, it is absolutely clear that it is a question of by leave of the House, and I am assuming at this point that I do not have such leave. If we do not continue fairly quickly on the motion now there will be no time for it, and we will simply have to move to the vote, if it is quite clear that there is no leave of the House.

I propose that we move to it. I ask Mr Dodds, in opening, to restrict himself to about five minutes, and I will try to ensure that as many other Members as possible are able to speak, although I will have to ask them to restrict themselves to about two minutes in order to do so.

**Mr Dodds:** On a point of order, Mr Speaker. This is a substantial issue of extreme public importance, in spite of what certain newspapers might think of it, even though they cover it in some detail virtually daily. A substantial number of Members have indicated that they wish to speak to the motion, and, provided that we can be assured that it will be on next Monday's Order Paper, my party will agree to withdraw it today. That might be a practicable way out of this difficulty, and we would have more time for debate than the half hour that is available to us this evening. It is important that Members have an opportunity to say something on this if they so wish.

**Mr Speaker:** There is no way that I can give such an undertaking. Mr Dodds must be aware of how the Business Committee would view such a proposition. I doubt very much if an undertaking could be given for a debate next week and for a particular amount of time to be allocated to it. Of course, it is entirely open to the Member who is proposing the motion to withdraw it and resubmit it to the Business Committee; which would then give its view on when the motion might come forward and how much time should be allocated. It would be quite out of order for me to give any undertakings in that regard. I do not think that in practical terms we could consult on the matter either. I am in the Member's hands. Is he indicating that he wishes to withdraw the motion and resubmit it?

**Mr Dodds:** Is it possible, Mr Speaker, to find out what other parties, such as the Ulster Unionists and the SDLP, think about this? I think that would be helpful for the House.

**Mr Speaker:** That could be formally ascertained only if we were to take a five-minute recess. I think it would be unfair and inappropriate for me to require Members to respond to that, but if Members wish to give such an indication, then I am happy for that to be so.

**Mr McGrady:** The Business Committee, in considering these three motions from the same party, received an undertaking from that party's representatives that we would devote three hours to the three motions, and you allocated approximately one hour to each. DUP Members have taken up a preponderance of the time today on their own motions. I have no problem with that. However, it is they who have cut short the time. In spite of that, I have to say, on behalf of my party, that we are prepared to accept a 30-minute extension today in order to debate this third motion.

**Mr Morrow:** On a point of order, Mr Speaker. I find it alarming that Mr McGrady has such knowledge of this subject despite the fact that he was not at the meeting. It was clearly agreed and understood that there would be a minimum of one hour set aside for each debate. We are not in that position: we have only 25 minutes left.

**Dr McDonnell:** I told Mr McGrady exactly what had happened at the meeting.

**Mr Speaker:** It is quite inappropriate for the conduct of meetings to be brought out and argued back and forth. I mentioned earlier the understanding about the time available. Time continues to tick away, and it will not be increased except by leave of the Assembly.

**Mr Maskey:** May I reiterate the point, Mr Speaker. Some people may want to remain until 6.30 pm, but my party would prefer the motion to be withdrawn today and put on the agenda for next week. The DUP Whip Mr Morrow accepted the proposal that three hours should be taken up today on the three motions, on the basis that the Business Committee could have decided to adopt one motion from that party, or two, or three, as the case turned out. There was a clear commitment from the DUP to use those three hours to the best of everybody's ability, and we would try to allow one hour per motion.

However, a lot of time was taken up this afternoon by the voting procedure. That wasted time. However, it is nobody's fault. The DUP gave a clear commitment at last week's Business Committee meeting that if they were given the maximum time today for their motions they would respect that and wind up the business at 6.00 pm.

We will be happy to support Mr Dodds's withdrawal of the motion and its postponement to next week. People may not be just so willing in future to allow three motions to be dealt with in a day. We are trying to be fair.



**Mr McCartney:** On a point of order, Mr Speaker. Mr Maskey made a point about the time taken up for voting. One has to take into account that a considerable amount of time was taken up voting on amendments which were not, as I understand it, the subject of the Business Committee's decisions about the amount of time that would be allotted to the motions.

**Mr Speaker:** With regard to that matter, amendments are not a question for the Business Committee. It is for the Business Committee to indicate how business arrangements will be made. Members may have voted for Standing Orders that set down certain requirements, but perhaps they have not factored in voting times and, indeed, how quickly they move through the Lobbies.

Before lunchtime today — when Members were demanding that there should be more time for speaking because we were going to be here to a certain time — I was aware there was no way we would be finished at that time. There were votes to be cast, and I knew that Members would take some time over that. The Member is absolutely right when he says that voting takes time. This fact needs to be factored into people's thinking.

**Mr C Wilson:** Mr Speaker, can you explain the thinking of the Business Committee when it provided for a sitting on Monday 17 January and, if necessary, Tuesday 18 January? Surely —

**Mr Speaker:** Order. One must be somewhat wary about my explaining the rationale for the Business Committee's doing something. I can give the Member a piece of information about procedure which may help to explain matters to him.

Ministers have the right to make a statement on an issue of importance. If they give the requisite notice, then business will be interrupted in order for that to be the case. One possibility would be for Ministers to produce statements and then subsequently face a series of questions on the statements which would throw askew agreements about motions and the time available for them. That is the reason for that particular note on the Order Paper, but the understanding about how long would be available for these motions was, in fact, pretty clear, as I explained earlier.

I do not think I can take any more points of order until we get clarity about this question of whether this motion can be withdrawn. I do not know whether anyone wishes to respond to that.

**Mr J Wilson:** I have no difficulty lending support to the Democratic Unionist Party's withdrawing the motion now, but I cannot be associated with the condition that might be attached that I would support a proposal to bring it forward at a subsequent Business Committee meeting.

**Mr Speaker:** At the moment we have a series of responses that people may or may not make, but none of them guarantees anything in respect of the Member.

**Mr Irvine:** It seems to me that this is an issue that needs to be dealt with. There would be wisdom in the Assembly's giving leave to accept this business for tomorrow. It is perfectly legitimate for me to request that leave of the Assembly. Since Mondays and Tuesdays are designated as sitting days, Members should not find it difficult for the Assembly to sit tomorrow.

**Mr Speaker:** There are many reasons for the Assembly's not sitting tomorrow. It is clear that they doubt that a further decision will be made in respect of this business. The decision is made not by the Assembly on the Floor but by the Business Committee, and there is a series of other issues arising. Standing Orders state that if we move to Tuesday we are required to have an Adjournment debate of three hours. I have no doubt that the DUP would be content with that — it was the only party with motions for debate that would last for three hours, on top of the three motions that were already down.

Members will understand the nature of the agreement reached among the parties in respect of the Business Committee. There was more to it than appears on the surface. It is not possible for the Assembly, by leave, to agree as the Member suggests. It is possible for the Assembly, by leave, to continue on into the evening or for the DUP to withdraw the motion. It could then be brought before the Business Committee, which might agree it for next week or for a subsequent week. I cannot give that undertaking, and we have no further undertakings. I must ask the Member whether he wishes to move the motion now, with the possibility of a limited debate.

**Mr Dodds:** It is amazing that, by leave, we can continue beyond 6.00 pm, but we cannot carry the business over until tomorrow. Tuesday is a designated sitting day, and there is no other business. This issue is important to the communities we represent, and it deserves proper time and consideration. We want to make points about the sacrifice of RUC members over the years and the way in which they have been treated by the Patten Report, and it would be remiss and wrong of the House to debate this matter in the 15 minutes that are left. Therefore, out of respect for the RUC, I ask leave to withdraw the motion.

I give notice that we will be resubmitting the matter and seeking an opportunity to come back to it early next week. This issue will not go away. It deserves to be addressed by the Assembly at an early date, before it is addressed in the House of Commons. It is essential that Members' views be expressed, whether they are for or against the motion. It should be debated, and such is the purpose of the Assembly.

*Motion, by leave, withdrawn.*

*Adjourned at 5.44 pm.*







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# NORTHERN IRELAND ASSEMBLY

Monday 24 January 2000

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

*Members observed two minutes' silence.*

## EQUALITY (DISABILITY, ETC) BILL

### First Stage

**The Deputy First Minister (Mr Mallon):** I beg to lay before the Assembly a Bill [NIA 4/2000] to confer new powers on the Equality Commission for Northern Ireland in respect of discrimination by reason of disability; to provide for the appointment of additional Commissioners of that Commission; to amend the reporting period of that Commission; to amend the transitional and saving provisions of the Fair Employment and Treatment (Northern Ireland) Order 1998; and for connected purposes.

*Bill passed First Stage and ordered to be printed.*

**Rev Dr Ian Paisley:** On a point of order, Mr Speaker. Why was the Assembly given no notice of this Bill? Are we not entitled to be given notice?

**Mr Speaker:** No. In many other places, notice is not given of the First Reading of a Bill. The First Reading is purely a technical device to publicise the order for the Bill to be printed. When the Bill comes to its subsequent stages, those will go down on the Order Paper, but normally the First Reading does not. In certain circumstances it cannot go down on the Order Paper because the Speaker may decide to bring the Bill forward early, and that decision can be taken after the Order Paper has been published.

**Rev Dr Ian Paisley:** Further to that point of order, Mr Speaker. In the House of Commons, at times, the First Reading of a Bill does appear on the Order Paper.

The Business Committee was not informed about this either. I understood that nothing could come before this House without passing through that Committee.

**Mr Speaker:** I do not know about the House of Commons, but certainly in the House of Lords there is never any notice of the First Reading of a Bill. In any case, there are differences here about the question of

Bills coming forward, advice to the Speaker, the Speaker's response, and so on.

There was, in fact, discussion in the Business Committee about Bills coming forward and the need for urgency in moving forward with the business of the House. It seems reasonable that this important Bill should come forward as quickly as possible.

**Ms Morrice:** Further to that point of order, Mr Speaker. This is, as you say, an important Bill that you are asking the House to accept. None of us know what it is about. How can we possibly accept it in this way?

**Mr Speaker:** The House has no option but to accept it. Under Standing Orders, it is not open for debate. It is purely a technical matter whereby the Bill is presented in order to be printed. It is not possible for the House to know exactly what is in the Bill until it has been printed. That is the purpose of the exercise. That is what the First Stage is about in the other places that Dr Paisley and I have referred to. It is not a matter for debate. The only way it could be done differently would be if there were a pre-legislative scrutiny stage, which, of course, there is not.

**The Deputy First Minister:** There has been wide consultation on this Bill. A substantive Bill has been proposed at Westminster, and the bodies representing the disabled in Northern Ireland have made representations to it. The First Minister and I have had discussions with the Equality Commission and with other groups. It was their request, and our desire, that this Bill be finalised by May 2000 so that there should be no gap in time between the completion of this Bill and the completion of the Bill at Westminster. Such a gap would have left Northern Ireland without any legislation on this crucially important matter. There has already been wide-ranging consultation.

**Rev Dr Ian Paisley:** Further to that point of order, Mr Speaker. It should be made clear that the House could vote against this. I do not think any of us want to do that, but the House is entitled to say that the Bill cannot be printed.

**Mr Speaker:** In fact there is no provision in Standing Orders for the House to do that. This is not a Question in that sense. There is no opportunity for this to be voted on; it is simply a presentation to the House and an order to be printed. That is the position under Standing Orders. Of course, the House may change the Standing Orders, and we would have to consider the legality of that with regard to the Act, but at this time the position is as I have stated.

**The Minister for Regional Development (Mr P Robinson):** Further to that point of order, Mr Speaker. I do not think that anyone in the Assembly is saying that the First Minister and the Deputy First

Minister should not introduce such a Bill, that it should not flow naturally from Great Britain legislation and that it is not timely for it to be introduced at this stage, but because the heading on the Order Paper merely reads “Executive Committee Business”, Members have no way of knowing what types of issues will be brought forward.

I suspect that Mr Mallon knew before today that he was going to introduce the Bill. Could the introduction of various Bills be listed on the Order Paper as a matter of courtesy and to keep Members informed?

**The First Minister (Mr Trimble):** On a point of order, Mr Speaker. Had Mr P Robinson carried out his duty by attending the Executive meetings, he would have known all about the matter.

**The Minister for Social Development (Mr Dodds):** Further to that point of order, Mr Speaker.

**Mr Speaker:** Perhaps before —

**Mr P Robinson:** Such meetings are covered by confidentiality, so I could not have told Colleagues anyway.

**Mr Speaker:** Order. I will respond to points of order, and Members should try to keep some order. As far as the heading “Executive Committee Business” is concerned, Standing Orders make it clear that decisions about that matter or on the ordering of that matter are not for the Business Committee to make. It is for the Executive Committee to order the business in respect of that slot on the Order Paper.

Mr Robinson raised some legal questions — for example, that this would have been known about and sorted out well in advance. Because of the timescale, that is not necessarily the case. The urgency with which the First Minister and the Deputy First Minister sought to bring this issue before the House meant that matters had to be resolved as quickly as possible. However, as regards the matter of the First Readings of Bills going down, there is no particular reason why that should be the case. In practical terms it would not always be possible for that to be the case, otherwise all Bills would have to be delayed further.

For example, this Bill could not have been brought today had that requirement been in Standing Orders — which it is not.

**Mr Dodds:** On a point of order, Mr Speaker. If, like the First Minister, members of the Democratic Unionist Party were in the business of breaking election pledges, then we would, of course, be sitting in the Executive. It

may be all right to say that members of the Executive Committee who are present may know that these Bills will be coming forward, but what about the other Members of the House? Do the First Minister and Deputy First Minister — particularly the First Minister, given his remarks — have no consideration for other Members, who should at least be given the courtesy of knowing what is going to arise from the Order Paper?  
[Interruption]

**Mr Speaker:** Order.

**Mr Dodds:** The First Minister may laugh —

**Mr Speaker:** Order. The Minister will resume his seat. This is not a point of order; this is becoming a debate. The Standing Orders are clear. It is not necessary for First Readings of Bills — certainly for First Readings at Westminster — to be on the Order Paper. In this case the matter could not have been on the Order Paper. That is the ruling, and I am not prepared to take further points of order on that specific issue. Some of the issues raised were not points of order. This technical matter is becoming a matter for debate, and that is not appropriate.

**Rev Dr Ian Paisley:** Further to that point of order, Mr Speaker. You would need to make it clear that even if a member of the Executive attends an Executive meeting, he would not be able to inform Colleagues of issues that would be coming forward if they were confidential. The person who was out of order in this debate was the First Minister.

**Mr Speaker:** Order. How the Executive Committee conducts its own business is not a matter for me or for the House.

**The Deputy First Minister:** The important thing is that the Executive Committee decided, rightly, that Northern Ireland should not lack disability legislation because of a particular timescale. This type of issue will arise in relation to other Departments. That may require urgent legislation so that parity is not broken. I should have thought that Mr Dodds would have more than a passing interest in ensuring that this House proceeded very quickly with matters that affect his Department — the Department for Social Development — as this one does, so that people are not disadvantaged as a result of delay.

10.45 am

**Mr Speaker:** The position is clear in the Standing Orders. I have given a ruling, and we must now proceed to the next item of business.

## ASSEMBLY AUDIT COMMITTEE: DEPUTY CHAIRMANSHIP

**Mr Speaker:** I am required to supervise the appointment of a Deputy Chairman of the Audit Committee. Mr Alban Maginness, the Deputy Chairman of that Committee, has decided to resign, as he has been appointed to the Chair of another Committee. We must proceed by running the d'Hondt system.

I ask Mr McGrady, as the nominating officer of the SDLP, if he wishes to nominate another Member.

**Mr McGrady:** Under the d'Hondt mechanism the Social Democratic and Labour Party has the vice-chairmanship of the Audit Committee. However, my party, in agreement with others, is prepared to leave this post vacant in order that a representative from the minor parties may participate in the Audit Committee. For that reason, I will not nominate for this position.

**Mr Speaker:** Mr Trimble has advised me that Mr Jim Wilson will act as nominating officer of the Ulster Unionist Party.

I call on Mr Jim Wilson, as the nominating officer of the political party for which the formula laid down in Standing Orders gives the next-highest figure, to nominate a person who is a member of his party and of the Assembly to be the Deputy Chairman of the Audit Committee.

**Mr J Wilson:** The Ulster Unionist Party will not be making a nomination.

**Mr Speaker:** I call on Dr Paisley as the nominating officer of the political party for which the formula laid down in Standing Orders gives the next-highest figure, to nominate a person who is a member of his party and of the Assembly to be Deputy Chairman of the Audit Committee.

**Rev Dr Ian Paisley:** I will not be nominating.

**Mr Speaker:** I now call on Mr Mitchel McLaughlin as the nominating officer of the political party —

**Mr Ford:** On a point of order, Mr Speaker. Should Mr Neeson not be the next nominating officer?

**Mr Speaker:** I am grateful for that point of order. Mr Neeson should be the next nominating officer.

I call on Mr Neeson, as the nominating officer of the political party for which the formula laid down in Standing Orders gives the next-highest figure, to nominate a person who is a member of his party and of the Assembly to be Deputy Chairman of the Audit Committee.

**Mr Neeson:** We decline to nominate.

**Mr Speaker:** I call on Mr McLaughlin, as the nominating officer of the political party for which the formula laid down in Standing Orders gives the next-highest figure, to nominate a person who is a member of his party and of the Assembly to be Deputy Chairman of the Audit Committee.

**Mr McLaughlin:** Despite the delay, Sinn Féin will not be making a nomination.

**Mr Speaker:** I call on Mr McCartney, as the nominating officer of the political party for which the formula laid down in Standing Orders gives the next-highest figure, to nominate a person who is a member of his party and of the Assembly to be Deputy Chairman of the Audit Committee.

**Mr McCartney:** I never nominate in these matters.

**Mr Speaker:** I call on Mr Ervine, as the nominating officer of the political party for which the formula laid down in Standing Orders gives the next-highest figure, to nominate a person who is a member of his party and of the Assembly to be Deputy Chairman of the Audit Committee.

**Mr Ervine:** I nominate Mr Billy Hutchinson for the position.

**Mr Speaker:** Is Mr Hutchinson willing to accept the office for which he has been nominated?

**Mr B Hutchinson:** I am.

**Mr Speaker:** I therefore announce the appointment of Mr Billy Hutchinson as Deputy Chairman of the Audit Committee.

## ASSEMBLY STANDING COMMITTEES: MEMBERSHIP

**Mr Speaker:** Following the appointment of the Chairmen and Deputy Chairmen to Standing Committees, it falls to the Assembly to appoint the membership of the Standing Committees. The Business Committee agreed the proportionate share of membership among the parties, and it fell to the Whips to propose the Members' names. One result of this exercise was that two Members were nominated to serve on both the Public Accounts Committee and the Audit Committee. This is contrary to Standing Orders, as only one member of the Public Accounts Committee may sit on the Audit Committee also. We therefore have an amendment in the name of Mr J Wilson which will rectify the situation and allow the appointments to proceed. If this is not agreed, it will not be possible to allow the other memberships to proceed.

*Resolved:*

That Mr Derek Hussey shall replace Mr Billy Bell on the Audit Committee membership list in the paper 'OP/99 Standing Committees'. — [*Mr J Wilson*]

**Mr Speaker:** We now proceed to the appointment of members to the Standing Committees.

**Mr McGrady:** I beg to move

That the Members listed in the paper 'OP4/99 Standing Committees', as amended, shall be the members of the relevant Standing Committees.

In accordance with the notes already given to Members with OP4/99 on Standing Committees, I propose the nominees to the Public Accounts Committee, the Audit Committee, the Committee of the Centre, the Committee on Procedures and the Committee on Standards and Privileges.

*Question put and agreed to.*

*Resolved:*

That the Members listed in the paper 'OP4/99 Standing Committees', as amended, shall be the members of the relevant Standing Committees.

## ASSEMBLY STATUTORY COMMITTEES: MEMBERSHIP

**Mr Speaker:** Since the appointment of Members to the Statutory Committees some changes have been proposed, occasioned in some cases by the appointment of Members to other offices and the knock-on effects of that. There is a motion proposing changes to Statutory Committee membership, and that is in the name of Mr McGrady.

**Mr McGrady:** I beg to move

That Mr John Dallat shall replace Mr Denis Haughey on the Agriculture Committee; that Mr Derek Hussey shall replace Mr Dermot Nesbitt on the Finance and Personnel Committee; that Mr Alex Attwood shall replace Mr John Dallat on the Finance and Personnel Committee; and that Mr P J Bradley shall replace Mr Denis Haughey on the Regional Development Committee.

In accordance with the motion before us, and consequential, as you say, Mr Speaker, on the appointment of junior Ministers and other matters, I propose these four changes to the membership of the Statutory Committees.

*Question put and agreed to.*

*Resolved:*

That Mr John Dallat shall replace Mr Denis Haughey on the Agriculture Committee; that Mr Derek Hussey shall replace Mr Dermot Nesbitt on the Finance and Personnel Committee; that Mr Alex Attwood shall replace Mr John Dallat on the Finance and Personnel Committee; and that Mr P J Bradley shall replace Mr Denis Haughey on the Regional Development Committee.



## ASSEMBLY BUSINESS

**Mr Speaker:** Members will see that the Consideration Stage of the Financial Assistance for Political Parties Bill is next on the Order Paper. However, we cannot take this until at least tomorrow because of the staged intervals that are required by Standing Orders.

## POLICE: PATTEN COMMISSION REPORT

**Mr Dodds:** I beg to move the following motion:

This House rejects the Patten Commission's report and calls upon the Secretary of State to reject proposals which would reward and elevate terrorists while demoralising and destroying the Royal Ulster Constabulary, whose members, both full-time and part-time, have diligently and with great distinction served the whole community.

I am grateful for the opportunity to debate this issue this morning. As Members will be aware, only about 20 minutes were left at the end of the proceedings last week, and that was not enough time to enable us to explore these matters fully and allow Members who wished to express a view to do so. For that reason we withdrew the motion and sought permission for it to be reintroduced this week. It has been reintroduced, its terms are identical, and I am grateful to the members of the Business Committee who have allowed it to appear on the Order Paper today.

It is right and timely that the Assembly should be deliberating this matter, given the events of last week and the statement made in the House of Commons by the Secretary of State to the effect that the Government are adopting virtually all the recommendations of the Patten Commission's Report. Indeed, some reports made previous to the statement that only some changes would be made turned out to be largely groundless. There was some minor tinkering and some very minor changes were made to the proposals, but virtually all recommendations of real substance and meat were adopted, as were all those that are controversial and deeply divisive.

In spite of the large number of representations that were made right across the Province, the Government, nevertheless, proceeded to introduce virtually all the recommendations of the Patten Report.

In spite of the fact that, at present, this is a reserved matter, it is right that the Assembly should deliver an opinion on it. It would be amazing if the Government and all the pundits, commentators and media personnel who are so quick to tell us how important this place is and that the Assembly must and will make an impact on the lives of the ordinary people of this Province chose to ignore the democratic decisions of the House, particularly on an issue such as this.

I hope that the House will decisively reject the Patten Commission's report, and its conclusions and recommendations, and that in so doing, it will send a strong, emphatic signal to the Secretary of State and the Government that what they have announced is unacceptable, certainly as far as the Unionist community is concerned.

I am sure that during this debate the deep anger, the deep frustration and the deep sense of disillusionment that is felt right across the Unionist community, and by many moderate Nationalists as well, will become apparent. Members of the minority community to whom I have spoken recently have expressed deep concerns about where all this will lead with regard to the policing of their communities. They have also expressed concern about the way in which Sinn Féin/IRA has hijacked the policing agenda and about the way in which the SDLP appears to have lain down while the Government have responded to the demands of the Sinn Féin/IRA propaganda barrage and to those demands alone.

Of all the issues which have flowed from the Belfast Agreement, this is the one which most touches a raw nerve in this community. It is bad enough that we should have unreconstructed IRA terrorist frontmen and their supporters in the Government of Northern Ireland; it is bad enough that virtually all terrorist prisoners have been released much earlier than they would otherwise have been, even under the normal early-release schemes; it is bad enough that we should have all-Ireland, cross-border bodies with executive powers — and I note that one of those bodies will meet in Newry today after a meeting to be attended by the Minister of Enterprise, Trade and Investment and the Minister of Higher and Further Education, Training and Employment with their Southern counterparts; and it is bad enough that all these things should have happened as a result of the Belfast Agreement.

All these matters have caused deep concern in the Unionist community, but now the axe is being taken to the RUC. You have only to pick up the newspapers, you have only to go out among people, and you have only to listen to media reports to know that ordinary people on the ground are deeply apprehensive and angry at the proposals which were made by the Secretary of State last week.

I urge the First Minister to get out among ordinary people occasionally and listen to what they say. I heard him on the radio on Saturday saying that people should not listen to those who are expressing concerns about the Belfast Agreement and to those who are opposed to the agreement. Where on earth has he been over the past 18 months? Who on earth is he talking to? He is certainly not talking to people on the ground.

Every person in the House from a Unionist background — and, indeed, from other backgrounds — will know that the message coming through from the grass roots of every section of the community is one of deep anger and concern at the way in which the police have been treated, at the way in which the Royal Ulster Constabulary has been decimated in spite of its 80 years of service to the people of Northern Ireland and in spite

of the 30 years of horrendous injury and aggression that have been inflicted on that gallant force.

I would like to pay tribute — as, I am sure, will other Members — to the 302 officers, both full-time and part-time, who died in the service of this community during the recent period of the troubles. I also want to pay tribute to the almost 10,000 officers who have suffered injuries, many of them appalling, lifelong injuries, at the hands of terrorists.

11.00 am

No one has spoken more eloquently about the hurt and anger felt than spokespersons for current RUC members and disabled officers who regard this as the ultimate insult to their membership and to the memory of those who fell while serving Northern Ireland and defending the community against violence and terrorism.

As I said at the outset, all the main controversial and deeply divisive proposals in the Patten Report are going to be implemented. On all the key issues, this Government sided with the Provisional Republican movement against the Royal Ulster Constabulary and the decent, law-abiding majority in this community.

What was the response from the Republican community and movement to this announcement? On the very day this announcement was made in the House of Commons, we saw the Sinn Féin leadership carrying the coffin of the IRA killer of an RUC officer through the streets of Belfast. Yesterday we saw them — Ministers included — standing before a memorial to the IRA killer of a policeman. That killing took place back in 1942, and I have had many complaints from people who have pointed out that while we know the name of the IRA killer and have read background pieces on who and what he was, we have heard very little about the victim of this crime — an innocent police officer who was done to death by an IRA killer. There is much concentration on the victims of crimes. The media sometimes pay lip-service to this issue, as do some Members. Where, however, was the balance in the reporting of this issue? Where was the attempt to find out how this affected the victim of that dastardly crime? Where was the in-depth analysis of just what a vicious, nasty murder that crime was?

**Rev Dr Ian Paisley:** The people of Northern Ireland should be reminded that the police officer was a member of the Roman Catholic community.

**Mr Dodds:** That is correct. Const Patrick Murphy was murdered by the IRA. There has, of course, been not one word of remorse or regret from the Sinn Féin leadership. Instead there has been eulogy and praise for the IRA killer at the very time when the Royal Ulster Constabulary is being marked for destruction.

What is the response from the Provisional movement? It is not a generous one; it is not one of acknowledgement. They are asking for more; nothing is ever enough. A prominent Sinn Féin spokesperson said that of course this did not go far enough. It is never enough. The bottom line in this whole debate is that it is not the behaviour of the Royal Ulster Constabulary which offends the Republican movement and Sinn Féin and the IRA, but rather the very existence of a police force in this part of the United Kingdom. The RUC is designed to uphold law and order and to prevent terrorists from getting their way by violent means against the wishes of the majority community and, indeed, the majority of the population in Northern Ireland as a whole. That is why all the other forces of law and order have been attacked, denigrated, demoralised and eventually destroyed over the years. That is why the concentration of attack has been on the RUC.

We all know that in a few years time, if these proposals go ahead, whatever this renamed force will be called will also be the subject of complaint. There will be calls for reform or disbandment until, eventually, they attempt to have their way by doing away with any police force in this part of the United Kingdom. Some people have said that the Secretary of State, in his statement last week, did grant some concessions. However, they were very minor and of little import.

The change of name has been delayed until Autumn 2001. Even the badge on the cap of the RUC has not been saved, despite reports that Mr Trimble was fighting very hard on that front. Nothing was delivered. The district policing partnership boards are not to be given powers to raise money from ratepayers to cover extra policing services. Of course, that does not mean that they will not get these powers in the future. The real objection that many of us have — I will deal with the concerns felt in due course — is that these boards are being set up at this level with participation and membership for Sinn Féin, an organisation part and parcel of the Republican movement which has been murdering and maiming police officers for more than 30 years. Talk about the politicisation and the introduction of politics into policing. There could not be a clearer illustration of the introduction of politics into policing than that proposal.

There are some who will say that we have to bear in mind that the vast majority of the Patten recommendations are non-controversial, that most of them could be welcomed. The reality is that most of those proposals were already being addressed by the RUC and the Police Authority. We did not need the Patten Commission. The real changes to be introduced by Patten are those which will affect the name, emblems and insignia and the political involvement in policing. There will be a drastic reduction in numbers, the full-time Reserve will be abolished, and Special Branch

will be wiped out, with consequences for the operational capacity to defeat terrorism. There will also be the appointment of an international overseer.

I have been asked on a number of occasions if everything is perfect with the RUC and whether it should be left as it is. My party has made it clear — and I am sure that other parties have their views — that of course there are areas that need to be changed and where improvements can be made. I am not satisfied with the present make-up of the Police Authority. A substantial section of the community that we represent has been completely left off that body.

There are means by which police accountability could be addressed and where improvements to the operational effectiveness could be made, and proposals on those matters have been put to the Secretary of State. Patten's and the Government's proposals are not about improving the operational effectiveness of the RUC but about decimating and destroying it. They are about destroying its ethos and its effectiveness as a counter-terrorist organisation. That has been the aim of IRA/Sinn Féin from the very outset. What they could not accomplish by the bomb and the bullet this Government is delivering through an Act of Parliament. That is the reality, and that is what everyone in the community knows.

People are rightly alarmed that these proposals are coming at a time when the IRA has not given up anything. It has not given up its name or its threat to the community. The Chief Constable told us recently that the IRA and other paramilitary organisations on ceasefire retain the capacity to inflict enormous damage on the community through violence. That threat remains. It has not been removed. There has been no proposal for the dismantlement of the IRA machine, for a reduction in the number of terrorists. We have not heard anything from Sinn Féin regarding that. We have not heard anything about the introduction of a human rights regime for the leg-smashers, the racketeers and the intimidators, yet the law enforcement agency — the RUC — and the other security forces will have this imposed on them. The community will rightly ask what on earth kind of logic there is in this so-called peace process, which rewards the terrorist and their spokespersons by putting them in government, letting them out on the streets, creating political institutions that they are happy about and which destroy the Royal Ulster Constabulary.

When you speak to such people the only answer they give is that it is part of the price of the agreement — the price that the community is being asked to pay. The price is far too high — the community is not willing to sacrifice the RUC. We have to remember also — and we had news this morning of an arrest in the Irish Republic — the continuing threat being posed on both

sides of the border by so-called dissident terrorist groups while these very proposals are being made.

Charges were levelled last week in the United States against a number of individuals — serious terrorist charges — and that shows us that, in spite of Sinn Féin's so-called commitment to peace, the reality is that its members are busy re-arming, getting their agents in the United States to tout for arms and shipping them across to Northern Ireland. Yet the arms that are being used to defend this community are to be removed.

We have to remember too that all this is all taking place in the context of a series of announcements that will be made over the next weeks and months. Proposals will be brought forward shortly on the review of the criminal justice system. Again, they are part of the Belfast Agreement, and concerns have already been raised, not least by the Lord Chief Justice, about what the impact of some of them may be. We also have ongoing proposals for so-called demilitarisation, and where is that going to end?

When, if ever, are we going to see, any reciprocation on the part of the terrorists for whom all these concessions are being made? The reality is that we will wait a very long time for any such reciprocal movement. They have not had to make any move so far in this process, and why should they begin now? That is the reality of it, and it is time that we had a firm pledge here from the First Minister and the leadership of his party. I make a distinction between the leadership and the grass-roots support of the Unionist Party. It is time that we had some indication from the leadership of the party to my left of what it is going to do about these proposals.

A leading columnist said in the 'Belfast Telegraph' on Saturday that it was now clear what Mr Trimble's line of defence is on any of these problems. He gets all furious and concerned on the day that an announcement is made, then he lets it all calm down for a number of months to let everybody get used to it, and then he proceeds as normal. This time I do not think that he is going to get away with it. People are simply not going to sit.

**Dr Birnie:** Will the hon Member give way?

**Mr Dodds:** No. The Member will have an opportunity to contribute later.

People in this community will simply not allow this issue to be swept under the carpet. On this issue there is no hiding place. There will be no opportunity simply to allow it all to calm down and be forgotten until the legislation comes forward in Parliament. Now is the time for something to be done, and I will indicate later what that should be. The ordinary members of the Ulster Unionist Party know what it is. I suspect that the leadership of the Ulster Unionist Party also knows what it is, because it has been advised on it by leading

members both publicly and in private. It remains to be seen whether it will listen.

**Rev Dr Ian Paisley:** Does my hon Friend not think it is a strange irony that Mr Patten has been appointed in Europe to look after security, freedom and safety of the individual? Yet he is the very person who has proposed that new recruits are to be appointed on a fifty-fifty basis.

11.15 am

Is it not surprising that those who have shouted loudest about religious discrimination are strangely quiet when we have deliberate discrimination which flies in the face of all the laws of the European Union?

**Mr Dodds:** I thank my hon Friend for that intervention. The fact that the European Commissioner responsible for these issues is the same Chris Patten is an irony which will not be lost on people in Northern Ireland and, I suspect, in the United Kingdom as a whole. Having a man such as this in charge of that area will certainly re-inforce many of the deep concerns and suspicions that people have about the direction of the European Union.

On the point about fair employment laws, it is clear that there are grave question marks over the enforceability, admissibility and legality of this, as far as European legislation is concerned. A leading Queen's Counsel delivered an opinion on this matter and said that discrimination in the numbers of men and women being recruited to the RUC or the police service as a means of correcting imbalance would most assuredly be against European law. However, when he considered the matter on religious grounds, he was not quite sure.

Without any doubt the fair employment laws — laws which have been upheld and lauded for their fairness and heralded by this Government and by parties in the House as the only approach possible — will have to be abandoned for this proposal. These safeguards will have to be done away with when it comes to future recruitment for the police service, for it is quite clear that these proposals run counter to current fair employment law. How far will they go with rigging the system for recruitment when they are going to do away with the very fair employment laws that were passed to counter discrimination and imbalance — laws which parties in this House have vehemently supported over the years, in spite of criticism from us?

This is something that touches a nerve in the community. Is there any real doubt that if this proposal did not have the support of a sizeable section of the Nationalist or Republican community the Secretary of State's statement in the House of Commons last Wednesday would have been very different? If there had been a proposal on a series of recommendations, or if a commission had been set up, on a fundamentally



divisive issue to which 100% of Nationalism was opposed, does anybody seriously think that the Government would have proceeded to implement these proposals or the recommendations of that Commission? Of course they would not.

We would have had a statement saying “We would like to have gone down this road; we still believe that it is the best way forward, but at this time no cross-community consensus exists, so we must search for a way forward that brings the two communities together.” A petition on this matter, containing between 300,000 and 400,000 signatures was handed into 10 Downing Street, showing almost universal opposition to these reforms from within the organisation itself.

**Mr McCartney:** Does the Member agree that the terms of the Belfast Agreement, in providing Mr Patten and his commission with their remit, specifically charged the commission to bring forward proposals for police reform that would enjoy widespread support throughout the community?

**Mr Dodds:** The Member is absolutely correct. The terms of the Belfast Agreement have not been met because of the opposition to this.

I will now move on to deal with the terms of the agreement. It is clear that the agreement set up and provided for the remit and the parameters within which the commission would operate. The Member is absolutely right. This series of proposals and the Secretary of State’s statement will alienate far more people than they satisfy, and that is entirely contrary to what the commission was supposed to be about.

The reason the Government have chosen to ignore their normal conventions in these areas and on these sorts of issues, the reason they have chosen to ignore the broad swathe of community opinion, to totally ignore representations from within the security forces — to whom they normally pay a great deal of attention, we are told — is that they are not interested in accommodating and listening to the views of the broad mass of the people. Their focus is on appeasing an extreme minority. In terms of the implementation of the Patten Report, the Government are interested only in satisfying Sinn Féin. That is just like saying that you have to make the police force in England acceptable to hoods, vandals and drug dealers, because only then will you get the support of such people for a policing service. You have to set down principles for a law enforcement agency and objective criteria under which they will be able to carry out their job effectively. If that does not please the criminal element, those who wish to see that force and the institutions of the state destroyed, so be it.

It is incumbent on any police force and law enforcement agency to carry out its duties impartially. A police

ombudsman has been appointed with widespread support from all parties in the House. We have been told that the force itself has to reflect the entire community. In the words of the Sinn Féin leader “Can people from Crossmaglen and West Belfast feel comfortable in it?” I wonder what sort of people he had in mind. We all know who he had in mind. That sort of force will not be the effective policing force that the broad mass of people want, not least in Nationalist areas.

Nothing is more sickening than to listen to the slick and oily words of a Secretary of State who, before he was appointed, never set foot in Northern Ireland. He comes here and lectures us about the tremendous sacrifice, courage and valour of the RUC — and I have already paid tribute to the courage, valour and integrity of the RUC. The Secretary of State belatedly awarded them the George Cross; he talked about the force’s being greater than its name. If that is so, why change it? With one hand he pays compliments and patronises, and with the other, he smashes the force that he is complimenting. No wonder many of us were a little concerned when the George Cross was awarded. At that time many people wondered if this would be a posthumous award; sadly, that is what it has turned out to be. The manipulative Secretary of State tried, through propaganda and spin doctoring, to put a different gloss on it, but the people know this. Instead of running around with his newly found friends that we read about in the media, he should go out and listen to ordinary people. Then he too would understand the deep resentment brought about by his action.

He has done dishonour to the service of RUC officers over 80 years. I will not go into details on the various changes, for I know that other Members will speak on those aspects. We have dealt with issues relating to the name of the RUC. The Secretary of State says that any new badge decided by a new police board will have to meet the test of cross-community support.

He does away with the force, even though that move does not have cross-community support, but he says that any new name must meet that test. No doubt the call for cross-community consensus will be warmly welcomed by the SDLP. What about a bit of cross-community consensus for reforms of the RUC? Of course, that is not on, for the only agenda is to appease the extreme minority in Sinn Féin/IRA and its supporters.

What about the police force down South, the Garda Síochána? Its symbol has a very close identification with the Irish State. Has there been any proposal to do away with its symbols or insignia? Have there been any proposals from the Irish Government who are so quick to comment on Patten and on what should happen in Northern Ireland? Have they made any proposals on recruitment?

I understand that, at the last count, they had to engage in a pretty intense exercise to find the number of Protestants in the Garda Síochána. They did not amount to more than 20, yet in terms of community balance, there should be almost 300 — more than 10 times more. What do the gardaí or the Irish Government propose? What are the British Government doing to press the Irish Government on these issues? What is the First Minister doing?

**Rev Dr William McCrea:** Does my hon Friend know what representations the SDLP has made to the Southern Government about the serious matter of there being only 20 Protestant members of the Garda Síochána?

**Mr Dodds:** I will wait with interest to see whether the SDLP takes up that challenge and says whether it has issued any statements or made any representations of concern on the issue. I certainly have not heard anything about that from those who have expressed concern about the implications of the Patten Report and the so-called imbalance in the police.

**Rev Dr Ian Paisley:** Is it not a fact that all senior officers of the gardaí are political appointments by the Government?

**Mr Dodds:** Members have only to read some recent history of Irish political life, particularly during the Haughey Administration, to see the extent of political interference with senior members of the gardaí. People were transferred from one police station to another at the behest of their political masters for political reasons. Police cars were used to ferry witnesses and to get people offside.

I commend some of that literature to those who are so quick to promote the values of the tremendous Irish Republic and who urge us to look southwards to see an example of modern pluralist democracy. They should study the way in which the police down there have been interfered with and how political corruption has led to the resignation of not just one but several Cabinet Ministers over the years.

**Mr Speaker:** Order. I draw the Member's attention to the question of time, as he has now been speaking for more than 35 minutes. That in itself is not out of order, but the Business Committee has determined that the debate will end at 6 o'clock. A substantial number of Members wish to contribute to the debate. There is also an amendment for debate, so I appeal to the Member and to all other Members to allow time for all contributors to put their views.

**Mr Dodds:** Mr Speaker, I hesitate to say that you could have said that in less time. I will certainly bear your comments in mind and will draw my remarks to a close. *[Interruption]*

**Mr Speaker:** Order. The more points of order that are raised now or, indeed, earlier, the less time there is available for debate.

**Mr Dodds:** I understand that at least three hours has been set aside for the debate, so the points of order prior to the debate should not have had any effect.

11.30 am

I will draw my remarks to a close because I want as many Members as possible to speak. In view of the outrage that has been expressed and the concerns of many, people are asking what will happen here now. I have already indicated how the First Minister intends to play it — basically he intends to do very little. He says that when the matter comes before the House of Commons, amendments will be moved. Quite right. I have no difficulty with that, and I am sure that all Members who are concerned will support those amendments.

However, the reality is, as pointed out at the weekend by the deputy leader of the UUP, Mr Taylor, that this will not make any difference — it will be a waste of time. The Government's majority is such that it will not make any difference.

So what do we do? Do we do what Ken Maginnis tried to do and have a private word in the ear of the Secretary of State? Mr Maginnis highlighted his great concern, only to be shafted by the Secretary of State in the House of Commons.

**Dr Birnie:** Will the Member give way?

**Mr Dodds:** No. The Member will have an opportunity later.

Mr Maginnis was told by the Secretary of State in the House of Commons that his public pronouncements were very different from the compliments that he paid him in private. In respect of this issue, should the First Minister and his party not exercise the leverage on the Government which they are entitled to exercise? They have been urged to do so by the DUP and the whole Unionist community.

There is no point in dithering. There is no point in sitting on. There is no point in hoping that at some stage down the road the Secretary of State or the Government will suddenly change their mind. It is up to Mr Trimble and his Colleagues to say that they will not go on propping up the institutions of the agreement and tell the Secretary of State that they are not prepared to preside over the RUC's being axed.

This is not the time to issue pious statements of condemnation. This is the time to actually do something. Action by the UUP is the only way that these institutions will be collapsed or brought down. Under the legislation only three Unionist Members have to be on the

Executive to make it work. That is why, for the benefit of those denser members of the UUP who are speaking from a seated position, the UUP has to move on this. Perhaps they could use their calculators to work out why that is the case.

However, the reality is that many of us will look in vain for that judgement. Again I make the distinction between the leadership of the UUP, as exemplified by the First Minister, and the grass-roots members of the party, who take a very different view on this. We will look in vain, however, for a sign that the leadership will start to exercise good judgement given what the gentlemen who make up that leadership have said over the years about the Patten Commission. Their judgement has certainly been lacking.

I have only to look at what Mr Maginnis, the security spokesman for the UUP, said on 4 June 1998. He said that he was

“very happy with the make-up of the Patten Commission.”

And he went on

“I think practically we could not have hoped for anything better.”

Then we had the same Mr Maginnis speaking on behalf of his party on 28 April 1998. This is what he said then:

“If we are going to have a sensible look at the RUC, then I believe that Chris Patten’s appointment is progress, because there was talk that we were going to have some distant international figure, perhaps an American or a European.”

Do I hear the name George Mitchell being mentioned? Was it Ken Maginnis who mentioned George Mitchell first of all?

However, as Chris Patten said,

“What on earth did these people think they were going to get when they signed up to the Belfast Agreement?”

The remit, the terms and conditions and the parameters of the Patten Commission were in the agreement for all to see.

As Frank Millar, a former honorary secretary and chief executive of the Ulster Unionist Party, said, in his capacity as a journalist in the ‘Irish Times’, on 20 January 1999,

“In the mind of Mr Patten and his colleagues, as to most outside observers, it was, and is, manifestly clear that the International Commission and the Belfast Agreement were the two sides of the same coin”.

A blind man on a galloping horse could have seen that the principal of parity of esteem, as enshrined in the agreement, would translate into the end of the identification of Northern Ireland’s police service with the symbolism of the British State. That is the reality. Everybody knows it. Let us not make the same mistake again. Let the Ulster Unionist Party not make the same

mistake as they have with the Executive. IRA/Sinn Féin has been allowed into the Executive. Pledges have been broken. Promises of “No guns, no government” have been ditched in the hope and expectation that IRA/Sinn Féin would deliver on decommissioning. As we are seeing on a daily basis, that is not happening.

Now it looks like the same mistake is going to be made again. “Let us implement Patten. Let us go for all these changes.” they say, in the hope, belief and expectation that all will be well further down the line. The reality is that if this is allowed to proceed — and it will proceed only if, as I said earlier, action is not taken — then someday it will be too late to save the RUC. This community will find that it is too late to have the proper defence it needs against the terrorist threat.

**Mr Neeson:** I beg to move the following amendment: Delete all the words after “This” and add

“Assembly believes that, while the Patten Report causes pain to many, it can provide a new beginning for policing in Northern Ireland, responsive to and representative of the entire community.

This Assembly urges leaders from all sections of the community to give full support to the proposed reformed police service and to encourage people to join.”

Like Mr Dodds, I welcome the opportunity to debate the Patten Report. The Assembly and the Business Committee were wise to delay the debate until today because this has provided us with the opportunity to respond to the Secretary of State’s speech. The amendment before you, in my name and that of Mr Close, is one which is a balanced reflection on the Patten Report and the Government’s response to it. The Alliance Party broadly welcomes the report. However, we, like others, have some reservations.

When we submitted our response on the Patten Report to the Government, we put forward our vision of policing in Northern Ireland. We want to see a single, integrated, professional police service, which is representative of, responsible to, and carrying the confidence of the entire community in Northern Ireland. We believe that the responsibilities of the police are, primarily, to serve and protect the public and to uphold the rule of law fairly and impartially. We are pleased that, in the main, the report reflects this vision.

In saying that, we recognise the pain that many people in Northern Ireland are going through as a result of the report. I served on the Police Authority for six years, and I walked behind many of the coffins of RUC personnel. We have to understand the pain and hurt felt by people in Northern Ireland — particularly in many areas of the Unionist community. By the same token we must also understand the hurt felt by every family in Northern Ireland which has been bereaved during the 30 years of the troubles. We have all suffered. We are all feeling the pain. However, if we are



to move forward, we have to move forward in a climate of change.

Yesterday I bought the book 'Lost Lives'. Once again, it brought home to me the number of friends, relations, civilians and police personnel that gave up their lives during the troubles. The one message that is important for this Assembly to adhere to is that while we are all trying to create a society of forgiveness we must not forget the suffering that has been felt by the whole community over that futile 30 years of violence and the troubles.

One of my greatest difficulties with the Patten Commission is that it did not give the RUC the recognition it deserves. The Secretary of State referred to this in his Commons statement last week, and I believe that we also need to put on record our appreciation of the RUC's work during the troubles. Some people regarded it as cynical, but I welcomed the award of the George Cross to the RUC.

We have some reservations. First, my party is concerned about the proposed local police boards. I am in favour of local consultation. The community police liaison committees have made a worthwhile contribution throughout Northern Ireland, although it has always been my criticism that those committees based purely on the local council have not been as effective as those which involved all of the community. There is a need for local consultation. However, despite the Secretary of State's decision to leave the question of finance to the criminal justice review, I want to put on record my grave reservations about giving district councils any authority to raise money for policing. I hope that a mechanism for local consultation can be established, bearing in mind that if this Assembly succeeds, there could be changes within local government.

The other area about which I want to express concern is recruitment. I want to see a balanced police service. At the moment it is totally unbalanced in its gender and religious make-up, but to devise a quota system that is illegal, under both British and European law, is not on. Quotas are both illegal and unnecessary. The 1991 census shows that the composition of the target 18-30 group is roughly balanced. Looking beyond that, I want to see a police service that reflects not only religion and gender but also race. This is not the most pluralist society, but there are sizeable ethnic minorities developing. Their numbers should be reflected in the police service.

I welcome the Secretary of State's statement on the possible downsizing of the police service. It is important that any such downsizing be based on the security situation and not on political considerations. It is important that the Chief Constable be given the impartial role of advising the Government on the needs of his service and the effects of any downsizing of that

police service. We must ensure that no irresponsible action is taken.

One of the major aspects of our amendment is to call on community leaders to encourage recruitment to the proposed reformed police service from right across the community. Here, I must take issue with a number of groups in the Assembly.

11.45 am

I believe that there is an onus and a responsibility on Sinn Féin and Republicans to acknowledge the changes that have been taking place recently. The Executive has been established. The Government have responded to the Patten Report. Proposals are coming forward for demilitarisation. However, if we are going to move forward, it must be on the basis of trust.

David Trimble has set a deadline of the end of January in relation to decommissioning. My party believes that the Good Friday Agreement clearly set a May deadline — but the May deadline is for the completion of decommissioning by both Republicans and Loyalists. An opinion poll in 'The Irish Times' last Saturday showed that 86% of people in the Irish Republic believe that decommissioning should start now. I am firmly of that view.

I must be honest. Like many people living in Northern Ireland, I am getting a little tired of the arrogance of Republicans with regard to the changes that are taking place in Northern Ireland. To move forward is not a matter of having one's cake and eating it as well. All sides of the community have to make sacrifices to ensure that this society can break away from the 30 years of violence and move forward into a truly peaceful society.

The proposals in the Patten Report were brought forward on the basis of a peaceful society. That has to be created. Therefore if people hold back, they are also holding back on the implementation of the Patten Report — and it is for the Chief Constable to decide on any downsizing that might be necessary.

Another matter that annoys me is the GAA's response to the report. Once again it is begrudging, rather than moving forward and accepting the importance and nature of the Patten Report. It is holding back. It will not change Rule 21, which, in essence, is political apartheid. In any society in the twenty-first century, political apartheid is unacceptable. It is not on. If this were South Africa, there would have been an outcry about it.

Therefore if a truly pluralist society, based on trust and confidence, is to be created, this form of discrimination by organisations like the GAA can not be afforded. I know that there are those in the GAA who want to see



change, and I urge them to bring about the abolition of the iniquitous Rule 21 sooner rather than later.

Going back to the opinion poll in 'The Irish Times', it related to all paramilitary organisations. Therefore, while I have pointed the finger at Republicans, I point it equally at Loyalist paramilitary groups. The murder in Portadown just over a week ago clearly shows that unless decommissioning takes place then incidents like this will continue throughout Northern Ireland. The onus and responsibility on Loyalists is equal to that on Republicans. Why can we not get away from the "win/lose" situation in Northern Ireland? Nationalists are perceived to have won by the Government's response on the Patten Report, and Unionists have lost. How are we going to get away from this mentality? The Patten Report reflects the policing needs of the new society that we hope to create in Northern Ireland.

The main proposal shows the total hypocrisy of the DUP, whose support for the police has been conditional. I remember the leader of the DUP, when he was being carried out of the Assembly Chamber on 23 June 1986, pointing his finger at the policemen and saying

"Do not come running to me if your homes are attacked".

That typifies the double standards of the DUP throughout the troubles.

Many police officers have said to me that they are embarrassed to have the DUP leading the so-called "Save the RUC Campaign". They are embarrassed by the activities and double standards of the DUP during the last 30 years.

In our response to the Patten Report we must recognise that throughout the 30 years of the troubles the police have been the piggy in the middle. The best example of that has been at Drumcree. If the police let the parade down the Garvaghy Road, they are attacked by Republicans; if they do not let the parade down the Garvaghy Road, they are attacked by Unionists. In 1996 we remember the First Minister, Mr Trimble, pointing the finger at police personnel on the Garvaghy Road. Support for the police has been conditional.

The whole Assembly can accept this amendment. It aims to reflect on the sacrifice of the police over the 30 years of the troubles and yet recognise that the Patten Report aims to provide effective and efficient policing. It is a plan that could be adopted by police services in other parts of the world. I urge the leaders of every community in Northern Ireland to encourage people to join the proposed, reformed police service.

**Mr Benson:** To see the good name of the RUC being sullied by Chris Patten and his fellow executioners is one of the most painful experiences that I have had to endure. I say this as one who had the great honour of serving in the RUC for over 30 years. During that time I served with the finest group of men and women one

could ever wish to meet — Roman Catholic and Protestant alike — and the suggested dropping of the proud name RUC is an insult not only to those who have faithfully served the citizens of this country but also to the 302 people who made the supreme sacrifice and gave up their lives. It is particularly insulting to the widows, the children and the fathers and mothers who lost loved ones in the prime of life.

How Chris Patten, Tony Blair, Peter Mandelson and the other betrayers who have contributed to this dirty deed can feel comfortable or sleep in their beds is beyond my comprehension. Of course, Patten's reward has been a £200,000-a-year job in the European set-up. Is it too much to hope that when the legislation to enact this is passing through Parliament, enough hon Members will restore the good name of the RUC? If not, I suggest that the George Cross, rightly awarded to the RUC, be not passed on to the new police service for Northern Ireland. It was earned proudly by the RUC and should remain with that great name.

No one could say that Roman Catholics are discriminated against in the RUC. Roman Catholics have held every rank up to and including Assistant Chief Constable, Deputy Chief Constable and Chief Constable. Indeed, at one stage a Roman Catholic Assistant Chief Constable was the head of Special Branch.

The force was certainly well served by men such as the late Brendan Durkan, who reached the high rank of district inspector. He was the father of our new Minister of Finance and Personnel, Mark Durkan, and he was a close friend of my Colleague Sir John Gorman.

Another colleague was the late Supt Danny McDaid, who was a native of the Bogside in Londonderry. Danny gave great assistance in providing welfare to injured members and widows during my five years as chairman of the Police Federation, No 7 Region.

The religious imbalance in the RUC is the result of the intimidation, by murdering Republican thugs, of Roman Catholics from Nationalist areas who had joined the RUC.

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

**Mr Benson:** No.

I can give an example of this. A very close colleague of mine, who had reached a high rank in the force, was a Roman Catholic who had married his childhood sweetheart. Both were from west Tyrone. During the time when his family was growing up he could never return to visit his wife's parents because of the near-certainty that he would be shot. Because both sets of parents lived in a strong Nationalist area he had to take his wife and family down, drop them off to visit and then get offside. Several hours later he would pick

them up at a predetermined safe area — sometimes many miles away.

Members can now see why many Roman Catholics who wished to make a career in the RUC considered the intimidation and risk too great. The surprising thing is that any Roman Catholics at all were prepared to withstand the pressure.

Members will have seen the great excitement, in the last week or so, over the exhumation of the body of Tom Williams, the IRA murderer, and the big memorial service for him yesterday. I am certain that, like me, they heard little mention of the man he murdered. He was Const Patrick Murphy, a decent, honest Roman Catholic man doing his duty, and he left a widow to bring up her young family. This was a brave Roman Catholic man who made a career in the RUC and ended up a sad statistic. Unfortunately Patten and Mandelson have forgotten these victims and are now rewarding the murderers.

I cannot speak too highly of the loyalty and bravery of my colleagues in the RUC. I stood with them during the serious riots in the Falls, the Shankill and the Bogside, when petrol bombs and bullets were the order of the day. I know what it is to be on the receiving end of a brick thrown by a Bogside Republican at Butcher's Gate. No amount of intimidation and murder could prevent the RUC from continuing professionally to defend its fellow countrymen, both Unionist and Nationalist. I am 100% behind the motion, but the DUP's motives for bringing it forward appear to have more to do with having a bash at the Ulster Unionists and David Trimble than with defending the RUC.

Let us examine the DUP's record of support for the RUC over the years. First, it tried to form the Third Force, which was really a means of undermining the authority of the RUC and the security forces. Then it marched up and down mountains waving firearm certificates — again distracting the RUC from its prime function of administering law and order. During its many protests, some members of the DUP were quite happy to knock policemen and policewomen about and tramp police caps on the ground — caps that bear the very badge that the DUP is now purporting to be trying to protect. On one occasion, when some of its members were being carried away from a sit-down protest, remarks such as "Don't come to us for help when you are being burned out of your homes" were made and other insults hurled.

I am delighted that the DUP has now come into line with the Ulster Unionists in defending the RUC.

The proposer and seconder of the motion are expert at making snide remarks about my party, so let us examine their contribution to the defence of Northern Ireland during the time of the troubles. Did

either of them don the uniform of the security forces, and what medals can they wear? I could make a snide remark like "Perhaps the Clontibret Star", but I will not go down that road.

I fully support the motion, and I appeal to Tony Blair, William Hague and Charles Kennedy to advise their members to do what was suggested by Msgr Denis Faul, who is surely a responsible representative of the Nationalist people. The RUC name should be retained and the words "Police Service for Northern Ireland" added. If parity of esteem is to mean anything, this must be the correct course of action.

If the RUC is sacrificed on the altar of appeasement, these three political leaders and their parties will be tramping on the graves of those who gave their lives to protect all people, Unionists and Nationalists alike. This would be an insult to the bereaved who will go on suffering for the rest of their lives.

I make this plea from the bottom of my heart.

12.00

**Mr Attwood:** First, I wish to state that I intend to tread warily and easily, not least because of the comments made by Mr Benson, who said that this is one of the most painful experiences of his life.

When I reach the body of my speech my perspective will be to tread warily and tread easily because we tread on people's hearts and experiences. Nothing that I say on behalf of the SDLP — indeed, no SDLP comment today — will be meant to do anything to compound the hurt, anxiety and anguish in our community.

However, a number of matters that were raised by Mr Dodds and Mr Neeson need to be commented on.

**Mr Roche:** In view of your comments about not wishing to tread on the sensibilities of Members, what do you make of the comments made by the deputy leader of your party when he attended the Brehon Law Society 'Irishman of the Year' award in Philadelphia? He took the opportunity to inform his United States audience that in the North of Ireland the RUC has reduced the rule of law to little more than the law of the jungle. That is your party's position.

**Mr Attwood:** I will deal with that issue, but first I wish to deal with some other points.

Mr Dodds referred to the Garda Síochána. He asked if the SDLP had made any submissions to the Irish Government about issues such as emblems and names in respect of the Garda Síochána. Whilst I did not wish to start with this issue, the point that Mr Dodds raised is germane to the issue of Patten, the RUC, and policing change.

While it may or may not be necessary for the Garda Síochána to modernise in a pluralist society, it can be

said that there is no disagreement about the nature of the Republic of Ireland and its Constitution. There is no disagreement about the nature of its institutions of state, including its police service. As far as we are aware the people of the Republic of Ireland are comfortable regarding the name 'Garda Síochána' and the symbols and emblems it displays.

That is the reality in respect of the Garda Síochána and the Republic of Ireland but it has not existed heretofore in the North of Ireland. The fact that these core values and requirements about the nature of the state and its institutions did not exist in relation to the North is one of the compelling reasons why the nature of our state, and its police service has to change. This is why the name, the emblems, the symbols, policies and practices of the police service in the North must change. There are compelling arguments why that must be done — arguments that do not exist in relation to the Garda Síochána.

In the Forum for Peace and Reconciliation in Dublin, the SDLP — along with many other parties — made proposals to the Irish Government about how that state should modernise in the context of a pluralist future and the new millennium. Therefore we are not behind the door about making proposals to the Irish Government about ways in which they could change their constitutional institutions in order to reflect more fully the requirements of our changed circumstances.

My second point was raised by Mr Dodds also. He said that the SDLP had lain down before Sinn Féin in relation to the issue of the RUC and policing. I fundamentally disagree with that assertion. Our attitude towards the RUC and policing change has been fundamentally different to that of Republicans. We have repeatedly said that, whatever its nature, our conflict should not be expressed in violent terms. It should not be visited upon any member of our state, including the RUC, in violent terms. We have said to our community that, whatever our difficulties with the Patten Report — and there are some — it remains the baseline around which people in the North can begin to gather in order to create a police service which earns the allegiance of all. We have said that to our own community and to Republicans.

Regardless of our anxieties about the hesitancy evident in some of the Government's comments on Patten in its response last week, we tell our community, and we urge Republicans to tell theirs, that this represents the opportunity for a new beginning for policing. We should not dismiss it idly or casually.

We differ from Sinn Féin in this matter and in many others. It is dishonest and inappropriate to say that we have lain down before any party on this issue. Our judgements have been made solely on what we feel best

serves the needs of all communities in the North — not on what may or may not be the view of any other party.

I wish to turn to the core of my speech by returning to some of the comments I made earlier in reply to Mr Benson. It is important that some of these matters be put on the record in this Chamber, just as we hope we have put them on the record in the public domain in the past. Nothing that I say on behalf of the SDLP should deny certain truths. My community recognises how greatly, both individually and collectively, the RUC, their families and the wider community have suffered. They have acted courageously, and members of the present RUC are entitled to be in a future Northern Ireland police service.

While we have been tough on what is wrong in policing — myself in particular, perhaps — we have also been tough on the wrongs visited on the RUC. Some of those who seek to protect the RUC do not fully accept that my community acknowledges what the RUC has endured. My community's requirement for far-reaching change is seen as somehow diminishing what has been endured. That is not the case, and my community wishes this to be known conclusively. If nothing else arises from this debate, I want those Members who feel most protective of the RUC and who have valued its role over the last 30 years to understand how my community and our constituency view the RUC, notwithstanding our concerns about RUC actions in the past.

There is a concept developing, especially in certain eastern European states, of "chosen victims, chosen victories". It concerns the selective remembrance of the past. We can all relate to how we have "chosen victims and chosen victories." Whilst it is too painful at this stage of our history to move beyond that way of viewing past conflict, it is essential that we remind ourselves that others have their own victories and victims also.

If we are selective or partial, and if we do not deal with matters in a complete way we will end up not dealing with the conflict of the last 30 years and the pain inflicted and endured over that time in a complete way. Whilst our community has not yet reached that stage, it will be essential for us to fully and creatively deal with past abuses if we are to move past this phase of conflict.

It is inevitable that the differences about the future of policing are intense. Emotions surrounding the RUC and our experiences of it have been different. Wrongs have been perpetrated against the RUC, and wrongs have been perpetrated against Nationalists and others by the state and its agencies.

Next Sunday I, Bairbre de Brún and other Assembly Members will be speaking at the "bloody Sunday"



commemoration rally. It would be helpful and creative if the pain of “bloody Sunday” were more fully acknowledged and accepted by all Members of the Assembly and not just by those who have been associated with that issue.

**Mr Morrow:** I am interested to hear the Member say that next Sunday he will be parading and coat-trailing in Londonderry. I recall that his leader is on record as saying that it is time to draw a line under the past and let history be the judge of it. Unfortunately, as he knows, a very expensive commission has been established to investigate what is supposed to have happened on “bloody Sunday”. Is he prepared to draw a line under this, or is this one of the special items that is reserved for the domain of the Nationalist community?

**Mr Attwood:** When John Hume referred to drawing a line under the past he did not mean that we should ignore or abandon it, or that our obligation to explain, interpret and deal with the past should not be accepted. There is a difference between drawing a line under the past, in terms of how we conducted our political affairs, and how we should try to understand and interpret what happened in the past so that it does not happen in the future. That is why we have a victims’ commission, a police ombudsman and a human rights commission which is enabled and empowered to investigate and deal with issues of the past which have caused anxiety and concern. There are issues of the past that every Member can talk about that must be dealt with, but that is different from saying that we should ignore the past and abandon it to memory and history. That is what John Hume meant, and if he were here it is what he would say.

**Mr Paisley Jnr:** On a point of order, Mr Speaker. Is it appropriate for the Member to try to mislead the House by suggesting that the policing ombudsman has the power to investigate past alleged misdemeanours by the RUC? She has no such function.

**Mr Speaker:** That is not a point of order.

**Mr Attwood:** I did give way to the Member. If he were to consult the police ombudsman the Member would be aware that any existing complaints that are ongoing and will become the responsibility of the police ombudsman. These include complaints arising from the killings of Robert Hamill, Pat Finucane and others, and the investigations into the circumstances surrounding the death of Rosemary Nelson. Complaints from anybody else, from whatever background, will continue to be within the custody of the police ombudsman, and she will have the responsibility of dealing with those issues when she is empowered next August.

**Mr Roche:** I am sorry to have to interrupt the Member twice. Does he not think that it is a little incongruous to be attending the “bloody Sunday” event

next week with Bairbre de Brún, who is a colleague of Gerry Adams, when in the book ‘Man of War, Man of Peace’, written by Mark Davenport, Mr Adams is explicitly mentioned as being among the planners of “bloody Friday”?

**Mr Attwood:** There is no incongruity whatsoever in any Member going to Derry next Sunday and standing with the families of those who suffered on “bloody Sunday” to respect the dignity which they have shown in their campaign and to acknowledge that we are at a very important moment, given that the Government have undertaken this inquiry into the circumstances of “bloody Sunday” — to stand with them in order to get at the truth of what is in representative and local terms a deeply painful moment in the last 30 years of our history. There is no incongruity in doing that. That is why I will be there next Sunday and not for any other reason.

We all must recognise the wrongs of the past and the wrongs perpetrated one on the other in the past. As a consequence we come to the issue of policing change carrying different, sometimes common pain, but with pain comes wisdom.

*12.15 pm*

The late Robert Kennedy, who often quoted the ancient Greek writer Aeschylus, said

“In our sleep, pain that cannot forget falls drop by drop upon the heart and in our own time against our will comes wisdom through the awful grace of God.”

That wisdom has informed the political process over a number of years, and, unlikely though it may seem at the moment, it may yet inform the policing debate over the coming months. I appeal to everybody to stand back and reflect on what Patten and the Secretary of State have said and proposed. Everyone should ask themselves a number of questions. These are essential if we are to move this debate from the sterile ground which it currently occupies into a more fertile area. The following questions must be answered if we are to solve the current policing problems.

First, if each of us were asked to design a police service for a new beginning, could we say honestly and with absolute conviction that the Patten proposals and the Government’s response are so far off the mark? Do any of us, including Republicans, seriously believe the changes are the outworking of the obsolete slogan “Disband the RUC”? Are the proposals on training, recruitment, human rights and structure such that, taken in totality, they would not create a service to which we could all give allegiance? Ultimately, if both traditions join in equal numbers and with equal enthusiasm, is that not a prize worth striving for? The answers to those questions, which should be placed honestly before each



of our parties and communities, may enable us to begin to work through the current problem and find a solution.

I should like to comment on what the British Government have said and what they will do in the coming weeks. The judgement of the SDLP is that, taken in totality, the Patten and Mandelson proposals create the potential for a police service that can earn the allegiance of all. That judgement will be better informed when the Government publish their draft legislation. We trust that the legislation will faithfully and fully reflect the Patten and Mandelson proposals. I say that advisedly.

The draft Northern Ireland Bill, which gave legislative effect to the Good Friday Agreement, did not faithfully and fully reflect the agreement when first published. It required a lobby inside and outside the House of Commons and the good offices of Paul Murphy, in particular, to ensure that the powers of the Human Rights Commission and the responsibilities of the Equality Commission, as intended by the Good Friday Agreement, were reflected in the Northern Ireland Act.

The intentions of the Patten and Mandelson proposals need to be reflected in the forthcoming Police Bill; and we anticipate that that will be the case. If not, people's concerns that elements within the police or Government wish to design the new police service in their own way rather than in a way that is consistent with what Patten and Mandelson have proposed will be confirmed. If that were to happen, a new policing world would dawn, but the old men would have come out again and remade it in the likeness of the world that they knew.

The Government need to be aware that we shall watch closely to ensure that that situation does not arise. In particular the Government should be aware that we wish to see human rights put centre stage in the new police service. It is surely not coincidental that the lead chapter of Patten is on human rights, and it cannot be coincidental that the lead sentence of the report says

"the fundamental purpose of policing should be ... the protection and vindication of the human rights of all."

Patten translates that principle into a wide range of practices, including a code of ethics, codes of practice, training and awareness of human rights, close monitoring by the police board, integration of human rights in every module of police training and a new oath for new officers that expresses an explicit commitment to upholding human rights.

Given the centrality of human rights to Patten, there cannot be selective, partial or occasional implementation of his proposals. On this issue where Patten's proposals are authoritative, where the arguments are definitive and compelling, where the recommendation is unambiguous, Patten should be implemented through Mandelson in

full, and in good time. The same is true for any Patten proposals that are definitive, compelling and unambiguous.

I conclude by addressing my comments to those in the Nationalist and Republican constituencies. While the SDLP has a degree of concern and caution over certain Patten/Mandelson proposals — in particular, the timeframe for balanced membership, the use of plastic bullets and emergency laws — nonetheless, we say to all, and not least to those in our community, that it is a baseline around which those who wish to see a representative, unarmed, civilian, accountable police service that conforms to human rights standards can congregate.

We say to all — and again not least to those in our community — that we must move beyond slogans about the RUC and into strategies about good policing policy and practice. In spite of the headlines, 85% and more of the Patten proposals can be signed up to by 85% and more of the population. The Patten proposals, with all their integrity, that Mr Mandelson intends to implement in their totality represent a new beginning in the practice of policing to sustain our new beginning in the practice of politics.

I remember when I first read the Patten Report I was anxious about what was not recommended. Last Tuesday I was anxious about the hesitancy in the Government's response to some of the proposals. All of us, and I not least, would design a new police service somewhat differently. But if each of us were asked to design a police service for our new beginning, not in the image of Nationalism or Unionism, not remade in the image of the previous policies and past practices, we would design a service to be shared in and joined in, and the Patten/Mandelson proposals are not so far off that mark.

I commend the amendment to the House.

**Mrs Nelis:** Go raibh maith agat, a Chathaoirligh. Let us be realistic about this motion. The harder the DUP tries to convince itself and others that the RUC is a normal, acceptable police body like other police bodies throughout the world, the less people believe it. Most right-thinking people acknowledge the reality that the RUC as an organisation is the product of a failed political dispensation. RUC families have suffered as a result of this.

I wish to correct the comment made by the spokesperson on the Official Unionist Benches. Gerry Adams addressed the suffering of Const Murphy's family at yesterday's commemoration in honour of Tom Williams. The Good Friday Agreement was put in place to give us the new dispensation, and part of that new dispensation is a new police service acceptable to all the people on this island. I can tell you now that that will not be the existing RUC or a reformed RUC. The RUC is not acceptable in Nationalist areas. It can be

argued that there is some evidence to suggest that it is not acceptable in some Loyalist areas either, in spite of the continual assertions from the Unionist camp that the RUC is their police force — not a Nationalist but a Unionist one. And this claim is part of the problem.

The abuse of the Nationalist community is well-recorded, and what body would want to claim such a record?

The RUC has been involved in a campaign of intimidation, harassment and terrorisation of people in Nationalist areas, not only in the last 30 years, but since this state was set up. The RUC has been responsible for killing women, men and children with plastic bullets, yet not one of them has ever been convicted of any of those murders.

There is growing evidence of the RUC's collusion with Loyalist death squads that resulted in the deaths of 300 people, including two lawyers. Sinn Féin is not the only group that has flagged up the role of the RUC in murder and torture. It has been criticised by a raft of credible and prestigious human rights bodies such as Amnesty International, the United Nations' Rapporteur on the Independence of Lawyers and Judges, the US Congressional Committee on Foreign Affairs, the British-Irish Watch, the Helsinki Watch, the Committee on the Administration of Justice, the Pat Finucane Centre and even the British Scarman and Bennett Inquiries. They all indicted the RUC over its abuse and violations of human rights — a catalogue which includes murder, torture, intimidation and threats.

The RUC has paid £2.5 million to members of the public arising out of 6,702 complaints made against them in the last four years. This year alone it has paid out £982,000. Six thousand people do not complain for the sake of it, and the RUC does not pay compensation for the sake of it — the compensation is an admission of guilt.

This is the RUC that Nigel Dodds attempts to defend and tries to convince us is a decent, good and honourable force, while all the sheep on the DUP benches say "Baa, baa". The world-renowned organisations I have mentioned, whose credentials cannot be disputed, have found that the RUC's track record of consistently abusing human rights has resulted in the British Government's being brought before the European Court of Human Rights 23 times during the last 25 years. It can be argued that the RUC has contributed to and prolonged the conflict in this island and that it is the greatest threat to its peaceful resolution.

If we are to start from scratch, as Patten suggested, we should do so urgently because daily in our communities we can see the results of a policing vacuum. We should take the Patten Report's recommendations on human rights, culture and community policing as a positive template.

The Human Rights Commission has a key role to play in a number of areas relating to policing. Two of its key actions should be to weed out those RUC personnel guilty of human rights abuses and to press for an end to the suppression of reports on the RUC, including those by Stalker and Stevens. The RUC has never diligently or with any distinction served the whole community, as this motion states.

12.30 pm

Patten recognised that, because he consulted with the community and heard the truth about the RUC. In fact, there is an article in this morning's *Independent* which states — and this has been suspected for a long time — that

"the inquiry into claims that RUC and Army officers colluded in the [Pat Finucane] murder is understood to have found material to support allegations made by two informers that the authorities ignored a series of tip-offs"

that he was to be murdered by the UDA. In fact, Mr Stobie, an RUC informer who is now on bail, was arrested in 1991 on a charge of murdering Pat Finucane and admitted to his involvement in the murder. He also admitted to being a registered informant of the RUC Special Branch and that he had informed his handlers on the night of the murder that Pat Finucane was going to be murdered and that they ignored it.

It is obvious from these disclosures that the RUC wanted Pat Finucane dead. It is a known fact that RUC members threatened Pat Finucane's life just as they threatened the life of Rosemary Nelson. The RUC have known for 11 years who murdered Pat Finucane. They knew that their paid informers were acting to their agenda, were involved in that murder and supplied arms for the murder. Yet this is the police force that Nigel Dodds wants us to try to defend and wants the Nationalist community to support — this so-called law enforcement agency that conspires in the murder of lawyers who were attempting to uphold their clients' rights and uphold justice.

In saying this, I am reminded that policing is one of the most important issues that lies at the heart of conflict resolution. To ensure the success of the Good Friday Agreement — something I am sure most Members want — it is crucial that a proper democratically accountable police service be established. This is a touchstone issue for Nationalists and Republicans.

Sinn Féin has called for the RUC to be disbanded. In common with the other participants of the Good Friday Agreement, we believe that a police service should be one which is professional, effective and efficient, fair and impartial, free from partisan political control and accountable, both under the law for its actions, and to the community it serves. It should be representative of the community it polices and should operate within a coherent and co-operative criminal justice system which conforms with human rights.

In essence, the RUC cannot deliver on any of the above, as it is an integral part of a failed political dispensation. For young people in Nationalist areas the word “police” has become synonymous with the word “sectarianism”, with repression, with all-invasive surveillance of their everyday lives, with harassment and brutality meted out with total impunity, with daily humiliation at the hands of an armed force which has shown total contempt for the political and religious beliefs of the people in this community.

I have a cutting from a paper which states that an Omagh student successfully sued the RUC for damages for assault. One of the officers commented to another policeman that there was nothing like beating a few Fenians on a Friday night. It is no wonder young people have no respect for this brutal force. Yet, in spite of their myriad negative experiences at the hands of the RUC, Nationalists and Republicans still want a policing service.

Our community is implacably opposed to the RUC, but it is not anti-police per se. Nationalists and Republicans, like all sections of society, want and, indeed, deserve a policing service they can trust and respect, one which they can feel confident of joining or recommending to others as a possible career option.

We were promised a new beginning in policing. Our task at present is to assess whether this report and its implementation hold the potential to create that new beginning. Pending the establishment of an all-Ireland policing service, Sinn Féin wants to see the establishment of a police service that can attract the widespread support that is necessary and is seen as an integral part of the whole community. We remain to be convinced that the Patten Report provides the potential to bring this about. However, we could be convinced if there were clear evidence that the British Government have the political will to see such a service established.

Nationalists and Republicans, like all sections of society, want and deserve that policing service. I do not believe that anyone from any community will accept being policed by a force whose members sit by in a Land Rover while a young Catholic is kicked to death by a Loyalist mob, by a force whose security files on Nationalists are routinely passed on to Loyalist death squads, by a force that acts with total impunity — *[Interruption]*

**Mr Speaker:** Order.

**Mrs Nelis:** Go raibh maith agat, a Chathaoirligh.

It is even confident of issuing death threats against solicitors, whether because of their fight to uncover the truth or because of the identity of their clients. Such a force must go — and go for ever.

The Patten Commission has said that human rights abusers must be dealt with, but the British Government have yet to make it clear how this will be done. The nightmare that was the RUC must now be a thing of the past as we move forward to create a new future for all our people.

Let us stop pretending. The composition of the RUC never reflected the Nationalist Catholic community prior to 1969. With a new police service, we may now have the opportunity to redress this imbalance. Sinn Féin will reserve judgement on that until it sees the colour of Peter Mandelson’s eyes.

I oppose the motion. Go raibh míle maith agat.

**Mr Roche:** The destruction of the RUC is a core requirement of the Belfast Agreement. The Belfast Agreement requires there to be a new beginning in policing in Northern Ireland — a requirement based on the understanding, on the part of those who negotiated the Belfast Agreement that

“it is essential that policing structures and arrangements are such that the police service is professional, effective and efficient, fair and impartial, free from partisan political control; [and] accountable, ... under the law, for its actions”.

Those words from the agreement are a radical denigration of the operational efficiency, legal accountability and professional integrity of the entire RUC.

The negotiators of the Belfast Agreement, which, of course, included the leadership of the Ulster Unionist —

**Mr C Wilson:** On a point of order, Mr Speaker. You called for order when there was a great deal of noise coming from Assembly Members. Is there something you are not aware of?

**Mr Speaker:** Continue, Mr Roche.

**Mr Roche:** The negotiators of the Belfast Agreement, which included the leadership of the UUP, obviously considered that the RUC was so deficient that a new beginning to policing was imperative for Northern Ireland. The Patten Report incorporates the letter and spirit of this section of the Belfast Agreement and is, in short, a blueprint for the destruction of the RUC. The content of the Patten Report, in keeping with the terms of reference for the Patten Commission in the Belfast Agreement, was determined by the fundamental perspective set out in paragraph 1·8.

This paragraph states that the so-called reform of policing in Northern Ireland

“should not be a cluster of unconnected adjustments...that can be bolted or soldered onto the organisation that already exists”.

The “organisation that already exists” is the RUC. This means that the fundamental perspective of the Patten Report is that the implementation of the recommendations of the report is entirely incompatible



with the continued existence of the RUC. In fact, the so-called new police service for Northern Ireland, recommended in the Patten Report, which the Government are now committed to implementing, will be radically different from the RUC in terms of symbolic identity, basis of allegiance, organisational structure and, over a relatively short period, personnel. Not even the name will remain.

At an even more fundamental level, the imperative of the Patten Report to destroy the RUC is based on an unbelievable inversion of reality. For the members of the Patten Commission, terrorism is not central to the intractability of political conflict in Northern Ireland. The Patten Report makes the RUC the cause of the persistence of political instability and terrorism in Northern Ireland. The Patten Report presents the RUC as being at the

“heart of ... the problems that politicians have been unable to resolve in Northern Ireland”.

The logic of the report is that the effective destruction of the RUC must be central to a process that the report claims is required to restore the

“values of liberty, the rule of law and mutual respect”

and to

“reorient policing in Northern Ireland onto an approach based on upholding human rights and respecting human dignity”.

The authors of the report obviously consider that these values are absent from policing in Northern Ireland and that the restoration and maintenance of these values is incompatible with the continuing existence of the RUC. The report explicitly states

“by means of a fresh start for policing, our aim is to help ensure that past tragedies are not repeated in the future”.

The clear implication in this statement is that the destruction of the RUC is required to prevent a repetition of the tragedies of the past. This means that the RUC must, in the minds of the authors of the Patten Report, have been, in some unspecified way, responsible for these tragedies. This is a gross and offensive insult to the memory of the 302 RUC and RUCR officers who were murdered and almost 10,000 who were maimed in defence of liberty and the rule of law during 30 years of Sinn Féin/IRA terrorism.

In keeping with this inversion of reality, the Patten Report deploys the tactic of demonising the RUC. This tactic has been central to Sinn Féin/IRA and SDLP strategy for 30 years. The tactic involves relentless denigratory propaganda. What is the political motivation behind this tactic of demonisation? The political motivation is to remove every security barrier to the SDLP and Sinn Féin/IRA goal of the political unification of the island of Ireland.

The Sinn Féin/IRA and SDLP strategy of demonisation directed against the RUC has the unqualified support of the Clinton Administration and the US House of Representatives. On 22 July 1999 the House of Representatives unanimously accepted a report on the RUC by the Committee on International Relations. In this report the RUC is presented, as the enforcement arm of the dominant Unionist majority and as a Gestapo-type organisation which is rotten to its core. Needless to say, there is not a shred of evidence in the report to back any one of these absolutely outrageous claims. Both Sinn Féin/IRA and the SDLP propaganda feed these outrageous sentiments.

Mr Mallon is a vociferous anti-RUC propagandist, and I want to repeat what I said to one of the SDLP members earlier. At the Brehon Law Society ‘Irishman of the Year’ award ceremony in Philadelphia on 24 April 1999, the then Deputy First Minister (Designate) took the opportunity to inform his United States audience that in the North of Ireland the RUC had reduced the rule of law to little more than the rule of the jungle. This is precisely the understanding of the role of the RUC that determined the conclusion of the report by the House of Representatives Committee on International Affairs.

12.45 pm

The report concluded that the RUC had been at the core of — indeed, had given rise to — the human rights abuses and civil unrest that has plagued Northern Ireland for the last 30 years. The position of the Committee on International Relations is that terrorism in Northern Ireland is driven not by Sinn Féin/IRA but by the RUC.

This inversion of reality is not confined to the rigid Nationalism that directs the Northern Ireland policy of the Clinton Administration. The Patten Report fully incorporates this entire mindset. The core logic of the Patten Report is that what it refers to as “the return of hope, healing and peace” to Northern Ireland requires the effective destruction of the RUC and the incorporation of Republicans into a so-called Northern Ireland Police Service.

The Patten Report claims that the consent required right across the community in any liberal democracy for effective policing has been absent from the RUC. This claim is the ostensible basis for the effective destruction of the RUC recommended by the report, but it is demonstrably false. In reality, the statistics used in the report, along with the results of annual community attitude surveys since the mid-1990s, almost certainly demonstrate a level of cross-community support for the RUC unmatched by that for any other police force in the United Kingdom.



What is the real reason for the effective destruction of the RUC? The real reason is that the destruction of the RUC is a core demand of Sinn Féin/IRA, backed by the SDLP. Sinn Féin/IRA knows that without the destruction of the RUC, the terrorist war cannot be won. The SDLP is equally tied into the demands and objectives of Irish Nationalism. The position is set out in their 1995 policy document 'Policing in Northern Ireland'. This document claims that what it calls "the problem of policing in Northern Ireland" is incapable of resolution in the absence of a so-called political settlement agreeable to Nationalists.

The SDLP objection to the RUC is fundamentally a political objection that it shares with Sinn Féin/IRA, based on the demands of Irish Nationalism. This means that no amount of so-called reform of the RUC could make it acceptable to the SDLP. The real strategy of the SDLP is to use the concocted claim that the RUC is radically unacceptable to Catholics as a powerful lever for constitutional change in Northern Ireland in the direction of Irish unity.

The Patten Report meets the core requirements of Sinn Féin/IRA and the SDLP in respect of the destruction of the RUC, but that is not the final appeasement of terrorism. The report further recommends the replacement of the RUC with a Northern Ireland police service. Sinn Féin/IRA is guaranteed a central role in the political control and operational structure of the so-called new police dispensation in Northern Ireland. Recruitment from the Republican movement is a reiterated requirement of the report. The report states that the police service in Northern Ireland needs to include appropriately large numbers of Nationalists, including Republicans, if it is to be fully effective. The inclusion of Republicans — individuals committed to IRA terrorism — in policing in Northern Ireland would also be accommodated by the recommendation in the report that police support services should be contracted out by district councils and paid for from local rates. There is no doubt that in Nationalist districts of Northern Ireland these support services would be provided by members of the IRA.

Patten puts the incorporation of Sinn Féin/IRA into the heart of policing in Northern Ireland and in an all-Ireland framework; the report clearly envisages the development of an all-Ireland police structure. This structure would initially be based on the recruitment of members of the Gardaí into the police service of Northern Ireland and a programme of long-term personnel exchanges between the Northern Ireland police and the Gardaí. The location of the new Northern Ireland police service in an all-Ireland structure would provide the Republic with a developing role in the policing of Northern Ireland.

The Republic of Ireland, to which the Patten report gives this developing role in policing in Northern Ireland, has effectively been a safe haven for the IRA and other Republican terrorists since 1970. Members of Jack Lynch's Fianna Fáil Government established the Provisional IRA in the early 1970s. The status of the Republic as a safe haven for Republican terrorists is beyond dispute. This is due to the maintenance of Sinn Féin's headquarters in Dublin; the failure of successive Governments in the Republic, over a 30-year period, to extradite republican terrorists to the jurisdiction of the United Kingdom; and the storage and ease of movement of a huge arsenal of IRA arms in the Republic.

These considerations mean that for 30 years the Republic of Ireland has been responsible for what was, in effect, state-sponsored terrorism directed against the Protestant and Unionist community in Northern Ireland. The implementation of the Patten Report will establish the policing of law-abiding citizens in Northern Ireland by IRA terrorists within a developing all-Ireland structure involving the country — the Republic of Ireland — that initiated and sustained IRA terrorism in Northern Ireland.

The Patten Report rewards 30 years of Sinn Féin/IRA terrorism by incorporating both the terrorists and the Republic of Ireland — the state which sponsored them — into the policing of the society against which that terrorism was directed. The 'Daily Telegraph' of 28 September 1999 described this scenario as an "insane project". That is true, but it is not the whole truth. The implementation of the Patten Report will destroy the rule of law in Northern Ireland that the officers of the RUC fought and died to defend, and it will incorporate the terrorist organisation responsible for their murder into the policing of Northern Ireland. The Patten Report exemplifies not mere insanity but wickedness in respect of any civilised understanding of the requirements of public morality.

Finally, every one of the recommendations of the Patten Report is in keeping with the requirements of the Belfast Agreement. The agreement requires that the new so-called police service must

"recognise the full and equal legitimacy and worth of the identities, senses of allegiance and ethos of all sections of the community in Northern Ireland."

This means that the agreement requires that policing in Northern Ireland must be based on recognition of the legitimacy and worth of the Irish Republican tradition that spawned and has sustained 30 years of IRA terrorism in Northern Ireland.

However, these considerations have not prevented the UUP leadership — again I make the distinction made by Mr Dodds, I am talking about the UUP leadership — that delivered the Belfast Agreement from insulting the intelligence and political integrity of the

Unionist electorate by attempting now to present themselves as the champions of the RUC. In fact, they fought the referendum and Assembly elections on the claim that they had actually saved the RUC by signing up to the Belfast Agreement. There is only one honourable course of action left to the leadership of the RUC — and I address this point to Mr Trimble — and that is to resign immediately from the Executive and collapse this edifice that he has constructed to replace the police in Northern Ireland with terrorists.

**Mr Ervine:** On a point of order, Mr Speaker. For Mr Roche's own sake, he may well wish to say "the leadership of the Ulster Unionist Party" rather than "the leadership of the RUC".

**Mr Roche:** I thank the Member for that correction. I meant the leadership of the UUP.

**Mr Watson:** I too must express my disgust and abhorrence at the Secretary of State's announced decision to implement the vast majority of the Patten Commission's Report. This announcement has further demoralised the Royal Ulster Constabulary, and it gives Loyalist and Republican paramilitaries every hope that they can infiltrate and corrupt the police force that they hate. Society in the rest of the United Kingdom does not aspire to have a police force that is acceptable to anarchists, so why do the people of Northern Ireland have to be subjected to this? For many years the reputation of the RUC has been successfully demonised at home and abroad by Sinn Féin/IRA. They have classed the RUC as sectarian, yet people know that the overwhelming reason why Roman Catholics represent only 8% of the force is due to Republican murder and intimidation. The intimidation is such as was witnessed in Carrickmore against Msgr Faul.

We have seen little recognition for a force that over the last 30 years, through its vigilance and intelligence work, has prevented Northern Ireland from descending into anarchy. We will not forget the 302 officers who were murdered or the 9,000 injured — some horrifically — as a direct result of terrorism. The courage and suffering of the members of the force has been ignored.

It is particularly painful to see how their tormentors are to be rewarded by the changing of the RUC's name and adopting new insignia. Little of the ethos of the RUC will remain, and Republicans are rubbing their hands in glee. They know that they are now perfectly placed to decide on suitable recruits for the new force. Though it has been confirmed that convicted terrorists cannot join the police, there are hundreds of terrorists who have never been charged. The new force will not be able to keep out these enemies of the state, as recruitment will be handed over to civilians.

The political representatives of the IRA, who have murdered members of the RUC, will have a share in the

management of the district policing partnership boards. A police board will include two frontmen for the IRA, so an organisation that has yet to give up a single bullet or an ounce of Semtex, an organisation that is still murdering and mutilating its own people with virtual impunity, will oversee these boards.

There is no reason for implementing any of these controversial recommendations unless it is the British Government's intention to hand over parts of this Province to Republican and Loyalist fascists. The British taxpayer already subsidises many of these volunteers — I hope that he will not give them a uniform and a salary. The latest concession, like all the others made to the Irish Republicans by an Administration which, tragically, goes under the name of Her Majesty's Government, is aimed at weakening Northern Ireland's position as part of the United Kingdom, and it is sad that some Unionists have yet to waken up to this fact.

Unionists who voted in favour of the Belfast Agreement should remember what their endorsement has meant so far. Republican and Loyalist prisoners convicted of the most heinous crimes against innocent people are being released after serving a few years of their sentence. A Northern Ireland Executive was set up on a fifty-fifty Unionist/Nationalist basis — conveniently ignoring the fact that Unionists account for 60% of the total Assembly membership. Sinn Féin members hold ministerial positions, without any decommissioning of IRA weapons. Indeed, dropping "Northern Ireland" from the title of their Departments and banning the flying of the Union flag from departmental buildings were among the first things they did.

North/South institutions were set up to legitimise the direct influence of the Republic of Ireland in the day-to-day affairs of the Province. Vital security installations were scaled down in areas where Republican paramilitaries still hold considerable sway. Finally, the RUC has been emasculated and effectively disbanded, with plans to recruit officers to a new force on a fifty-fifty Protestant/Roman Catholic basis — in clear breach of fair employment legislation. What further enticements will there be to convince the Provos to make the move that may save the so-called peace process?

The leader of the SDLP, in a response in the House of Commons, would not call on Roman Catholics to join the new force. The First Minister showed his displeasure at the Patten announcement. This confirmed what many of us had thought — that he had been shafted once again.

The majority of the Unionist family will not forgive or forget what some of their representatives have done, and they will show their disgust when they next get their chance at the polls. Since last Wednesday I have been inundated by calls from Unionists who had

supported the agreement but are now expressing their total disgust at this latest treachery. They wish that they could turn back the clock. They were well warned by the anti-agreement lobby, but, sadly, they were misled into ignoring that warning.

I am proud to have served in the Royal Ulster Constabulary Reserve, and I count myself part of the greater family of the RUC. Religion was never mentioned, either among my Colleagues or by the people that we served and protected. Sadly, the reformed force will remain as unacceptable to Sinn Féin/IRA as the existing one is.

We should not forget that Queen Victoria bestowed the “Royal” designation to the RUC’s predecessor, the Royal Irish Constabulary, in 1867. It was carried forward to the new force on its inception in 1922. In 1867 the words of the Inspector General encapsulated the depth of feeling at that time:

“It will, I am persuaded, be gratifying to the Force to find that the loyalty and courage displayed by them during the late unhappy disturbances and their efficiency at all times (which have elicited admiration throughout the United Kingdom, and been noticed in both Houses of Parliament) have now been recognised in a quarter so illustrious.”

1.00 pm

Whatever the circumstances that prevailed in the unhappy disturbances at the time, they surely pale into insignificance when compared to the terrorist onslaught endured by the RUC over the last 30 years. We continue to be blitzed with the view that this peace process is all about parity of esteem. Surely the RUC badge encapsulates that with the crown, the harp and the shamrock. Unfortunately, the change in its title and badge are for nothing more than political expediency. The RUC longs for peace more than any other section of the community, and it is happy with modernising reforms and the encouragement of more Roman Catholic recruits.

In conclusion, the Patten proposals are the most odious manifestation of this obnoxious peace process — they stink of continuing appeasement of the IRA.

I support the motion.

**Mr Ervine:** The people in my community know hurt, anger, frustration and annoyance. There are many reasons, not least that things are happening that people do not fully understand. They get very simplistic responses when they ask about what is going on in this society. For instance, the last Member who spoke mentioned the polls and talked about what will happen at the next election. Perhaps some in our constituency will be looking at people like that who make such threats to their political partners in this Assembly.

I know what is going on in the rooms of those who are defending the RUC but are anti-agreement. They are

angry, and they have every right to be angry and upset. They have every right to share the sense of hurt that this community feels, but this is the bit that no one hears. One will say “Isn’t it terrible what they are doing to the RUC?”, and one of the clever ones will say “Aye, I know. Shout loudly, for it will not do us any harm in the long run.” That is a truth.

We also need to look at those who have lumped Republicanism and Loyalism together, and the last Member who spoke said that Loyalists hate the RUC. I do not know how he would know. Nevertheless, just to put it on public record, my Colleague and I have been kept alive on numerous occasions only because of the efforts of the RUC.

The area from which I come — for those who really want to know — is the Braniel estate, about two miles from here, as the crow flies. The police drive through there without any difficulty, and if anybody wants to make a phone call because there is trouble in his street, or his house has been broken into, or his car has been damaged, or whatever, he phones the RUC.

I have never seen anybody being molested where I live, which is in a solidly working-class, Loyalist area. So this very simplistic notion of the RUC being hated by Loyalists is quite incredible. But then you cannot have a go at the Provos without lumping the bad Prod people in as well. That is because people are moralists and have to lump all us bad people together.

What is happening to the RUC is shameful, and it is wrong. It is bad enough that the British Secretary of State said what he did last week, but he said it against a backdrop of some very interesting things. When we created the baby, the Good Friday Agreement, we were very quick to realise that we required a visit from the marriage-guidance counsellor, George Mitchell, to put us straight on how the new family might best look after the agreement. While he managed to create the circumstances where there was a movement forward — or an impetus that suggested a movement forward — I am afraid that we are in need of great assistance from marriage-guidance counsellors again.

Against a backdrop of what I am about to say, the Secretary of State made his determination on the future of the RUC.

If someone had told Angelo Fusco 10 years ago that he would go North and appear in front of a judge who, because of the Good Friday Agreement, would release him on bail and that, when the case was heard, he would be sentenced and serve probably one month or six weeks in prison, he would have said “Where do I sign on?”. That is not what we have heard from the Provos; that is not what we have heard from Sinn Féin — disgusting, arrogant, dishonourable Sinn Féin. What we have heard is the agitation that has again sent a



tremor into the Unionist community and compounded the difficulty of moderate Unionism by the narrowing of the ground even further.

This was followed by an incident involving “he who visits Europe and speaks in strange languages”, Barry McElduff, who went to Carrickmore with a bunch of lunatics to attack those who wanted to deal with the circumstances of a crime — an issue about which everyone in this community should worry. This was another awful message to send to the people who want the Good Friday Agreement to work but who are worried about the implacable in-your-face politics of Sinn Féin.

Of course, the SDLP could not be outdone, because when the Provos are showing their greenness, the SDLP must respond. So we had Downpatrick, where the flag became an issue. It is to be replaced with St Patrick’s flag. Within the confines of Down District Council the SDLP has the right to do such a thing. The tragedy is that it did so without worrying about or giving consideration to the consequences of its actions.

Last week we heard about Bairbre de Brún and her very simplistic decision on the Union flag, a decision which flies in the face of the recognition that Northern Ireland shall remain part of the United Kingdom for so long as it is the wish of the greater number of people so to do. It thus flew in the face of the Good Friday Agreement.

Enter the treatment of the Duchess of Abercorn in Pomeroy, treatment which was pathetic and arrogant in the extreme. It was good that Assembly Member Denis Haughey was on hand to put the SDLP’s position on record — but he is the only one I have heard speaking on the issue then or since.

All of these things have been happening in a rush, and they have all been hitting the Unionist community like Exocets. They have all been destabilising factors, not only in the Unionist community but, especially from a Sinn Féin perspective, for their partners in this process. Is this the new dispensation that Mary Nelis almost knew what she was talking about when she spoke?

Mary Nelis talked about the bad peelers and about how we have to root out those RUC officers who have performed badly on human rights. She did not mention the IRA. We can all go to Ronnie Flanagan and ask for the overtime sheets and find out who was stationed where and who did this, but such sheets do not exist for the Provos, or the UVF, or the UDA, or the INLA, or for a whole lot of other people who have broken the laws of this society. But Mary Nelis wishes to go back to deal with the RUC.

Whatever happened to the new dispensation? Whatever happened to the fact that we are to leave our

pasts behind us? Whatever happened to the argument that we too advocated that people have the right to change, that this society has the right to change and that all elements within this society, because of the polluted circumstances and difficulties under which we have lived, under a new dispensation, have the right to change? Everybody that is except the RUC.

I listened to that doyen of intellectual prowess, Mick Murphy, on the radio this morning. He was addressing a crowd of people in Carrickmore — 200 “Shinners”, or whatever they were — and his cry was for disbandment. Mary Nelis was a wee bit more polite today, but really what they are saying is this: “Let us offer no prize for Unionist pain.”

I am reminded of listening to the Chief Constable when the Patten Report was published. The Progressive Unionist Party took its line from his, for he said something extremely pertinent and sensible. He said that he wished to live in a pluralist society where policing is about the protection of people and property, rather than being the political football which it has tragically had to be in this divided society. He said the important question was whether the prize fitted the pain.

The truth of the matter — as shown by the commentaries I have heard today from the SDLP and Sinn Féin — is that the prize does not fit the pain. Alex Attwood said “if” it has the potential and “maybe”. Sinn Féin was not even as open as that. Mick Murphy was certainly not open when he spoke yesterday evening. All of Sinn Féin’s utterances have been pathetic and extremely arrogant. Each one of them has further narrowed the ground on which moderate Unionism, the partner in the Good Friday Agreement, can walk.

The consequences have been such that this political process is in serious danger. It is in trouble for many reasons: the attitude of Sinn Féin; its implacability as perceived by the Unionist community; and the potential that this implacability will continue in the form of in-your-face politics. It does not allow us to deal with practical issues, but simply challenges Unionism consistently and tries to put it on the back foot. It has in its ranks those who want to take over Unionism, those who frankly enjoy the difficulties moderate Unionism faces. While saying it has entered a new dispensation, by its actions Sinn Féin offers fuel to those who do not like the Good Friday Agreement, who are not involved in the marriage. Indeed, as regards the Good Friday Agreement and relationships with Members in this House, it might well be carrying on outside the marriage. Essentially, it is working to the benefit of those who do not advocate the implementation of the Good Friday Agreement, wishing to see its destruction instead. And they are making a good job of it. One has to ask oneself what its long-term strategy is, and what gain might be derived from it.



Several Members mentioned the decommissioning issue. They might not all have used the word, although some certainly did, but one said that already, without a single bullet or ounce of explosives being handed in, the RUC has gone. They do not realise what they have been doing. The Secretary of State has seen the in-your-face agitation on the part of Sinn Féin and recognised the demand coming not just from David Trimble, who undoubtedly needs it, but from every Unionist in this Chamber, that decommissioning take place. Not only must it take place, but it must do so before 12 February 2000.

I fear that the cause célèbre that decommissioning has become has created in the mind of the Secretary of State the need to pander to Mr Adams while Sinn Féin pursues its in-your-face politics. He does this in the hope that he can exact a price from Mr Adams to deliver Mr Trimble. Perhaps without realising it, they have created the circumstances where there is now a trade-off. Indeed, I certainly would not expect some elements in the House to realise this, since any argument against those who support the agreement will do, and any hurdle they can create is justified. As a result of this trade-off, we have lost the very thing we did not want to lose.

The name of the RUC, the oath and, potentially, the flag are to go, to some extent because we did not create a fierce enough battle to retain them. We must all accept responsibility for this. It happened against the backdrop of what was needed in the future, and who was in a comfortable position at the moment, for that is how the British Government play the game. I believe Mr Mandelson felt he had to pander to Mr Adams in order to bolster him, enabling him to make the move to assist Mr Trimble.

1.15 pm

If he does assist Trimble what are the DUP, the UKUP, the UUAP and the NIUP going to do? Are they going to applaud Sinn Féin for having delivered on decommissioning? Are they going to think that they can make it easier for people when the police service of Northern Ireland takes its place amidst the sense of anger, hurt and frustration that will exist in the Unionist community? Will a token gesture of decommissioning do it? Will it be 1% or 5%? How much do you need to feel comfortable that you allowed the trade-off to take place? Because allow the trade-off to take place, you did — believe me, you did.

You tried it with prisoners; that did not work. The next two big issues — the only two big issues — on the agenda were the RUC and decommissioning, and you walked right into it. All the clever, exalted people walked right into it.

However, I want to make an appeal — if it can be heard, for I cannot guarantee that UTV or BBC will

broadcast it. The ordinary people in the streets including, there is evidence to suggest, the vast majority of the Catholic people want the process of the Good Friday Agreement to work. I personally, as a representative of the PUP, am being sucked out of the process by Sinn Féin's actions.

The Nationalist and Catholic community will have to make a decision. Is the in-your-face street politics of Sinn Féin acceptable, or does this new dispensation get the opportunity to carry on? The question and decision is for them. I do not mean that as a threat in any way; I am basing it on an analysis of where we are. If the IRA and Sinn Féin do not move to assist this new dispensation, it will fall. It will fall, and Sinn Féin might do all right out of it, but there are those waiting in the wings for them to say "I told you so." However, be assured that those waiting in the wings for moderate Unionism are many; in fact they are in here, and they are joyous at the thought of what might not happen between now and 12 February. We have but a short time to find out if Sinn Féin is serious about the new dispensation. The deadline was once May 2000, but I fear that Gerry Adams has also made a blunder from his own perspective, because the deadline now, like it or not, is 12 February.

**Mr Speaker:** I would like to comment on the conduct of the debate. I did not impose a time limit for two reasons. The first was that I had not been informed by all the parties how many people wanted to speak, and that made it impossible. Secondly, if I were to have imposed a short time limit it would have been impossible for Members to develop their argument. Some Members have pushed the boat out regarding this, resulting in the fact that their Colleagues have had a shorter time to speak. I have been giving parties an opportunity to voice their views in respect of the report, and we will continue with that.

Another two Members wish to speak, Ms Monica McWilliams, and Mr Robert McCartney. That will end the debate for this morning — the morning having passed. We will resume at 2.30 pm with questions, as Standing Orders require. From 4 o'clock until 6 o'clock, by leave of the Assembly, there will be a time limit of five minutes on all speeches so that as many Members as possible who are on the list may have their say. We will then proceed to the winding-up and the vote. That is the best compromise I can make. To have put a limit on at the beginning would have been unrealistic and unworkable.

**Mr Morrow:** Perhaps you would clarify a point for me, Mr Speaker. You have a list of Members who wish to speak and a considerable number are from my party, but they are not here yet.

**Mr Speaker:** That is the problem. It is impossible for me to judge times, if the names of Members who wish

to speak are not given in advance. It is also impossible to impose a time limit on people when other Members have been able to speak for a considerable time.

**Mr McCartney:** As you said, Mr Speaker, since Members who have already spoken had no time limit placed on them, remaining Members should not have one either. I understood, upon enquiry, that the House was rising at 1.30 pm. That was the information I was given. From what you say that does not appear to have been entirely accurate.

**Mr Speaker:** At an earlier stage, my intention was that we would rise at 1.30 pm. I fondly hoped that we might have got through the run by then. Clearly we will not rise at 1.30 pm if both you and Ms McWilliams are to have the opportunity to speak. We will continue until you have spoken, and then we will rise, but we must resume at 2.30 pm.

**Mr McCartney:** But that will put a time limit on the Members yet to speak. If we are going to rise before 2.30 pm, and two Members have to speak before then, that will put a time limit on them.

**Mr Speaker:** Mr McCartney is quite correct, but there is a problem. If everybody wants to speak and time limits are put on us, we cannot function. I am simply doing the best I can. If Mr McCartney wishes, we can certainly allow Ms McWilliams to speak and then rise. There will then be an opportunity for Mr McCartney to speak, but he will have to appreciate that that will eat out of the period between 4.00 pm and the vote at 6.00 pm and that fewer Members will have an opportunity to speak then. I am doing my best to accommodate everyone.

**Mr McCartney:** With the greatest respect, Mr Speaker, all I ask is that my party be given exactly the same privileges as the other parties have been given to date. I ask for no special privileges — simply for the same amount of time that has been offered to every other party.

**Mr Speaker:** Mr McCartney, that is impossible. Since all the others operated without a time limit, theoretically you could speak — and I know from experience that you have the capacity — from now until 6.00 pm and then claim that you wanted more time. We are using up time, and there are only two possibilities. Either we rise after Ms McWilliams has spoken and you speak after 4.00 pm, or we do our best to see that you both get an opportunity to speak before lunch. I am going to rule now that we will go on for as long as is physically possible and that you will get time to speak. We are wasting time.

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

**Mr Speaker:** I am not taking any more points of order on this issue. We are only wasting time.

**Mr McCartney:** Mr Speaker, that I want to understand what you are saying. If I opt to speak at 4.00 pm will I be restricted by the five-minute rule or will I have the same opportunity that has been afforded to everyone else? That is all I want to know.

**Mr Speaker:** If we do that, it will reduce the time that is available to the other Members, and I will have to consider that. That is not the proposition that I was putting to the Assembly. I said that we would complete this, that we would break for lunch and that when the debate resumed, there would be five minutes for each Member. That was the proposition I put. If that is not acceptable, I will have to reconsider it, and we will have to make a decision before we resume at 4.00 pm.

**Mr McCartney:** With respect, Mr Speaker, and I stand on the record. That, if I may say so, is not what you said. You said that if I chose to speak at 4.00 pm and took up a certain amount of time it might limit other Members. You never ruled that if I chose to speak at 4.00 pm I would be confined to the five-minute rule, which would be manifestly unfair.

**Mr Speaker:** Order. I have not ruled so. I have said that if we are going to continue on, I will not rule on that issue until 4.00 pm. Then we will see what happens. I am quite clear about that. At this point I want to call Ms McWilliams. Then I will call you to speak, you will speak as you choose, and we will take things subsequently.

**Ms McWilliams:** The debate has reflected the difficulties that we faced during the negotiations when the issue of policing was being discussed. Therefore, we made the right decision when we suggested that an independent international commission be established to review policing in Northern Ireland. We have not heard anything we have not heard before about the divisions that exist with regard to how we want to be policed in the future. Patten and his commissioners faced a number of questions, as, indeed, the Secretary of State does now. It is a unique opportunity to devise a new form of policing for a modern society. How many people in any country have that opportunity? It is one that should be welcomed. However, it was not just policing for a modern society that Patten was addressing. He was also addressing the issue of policing in a divided society.

We are now having a different kind of discussion than we had prior to the Belfast Agreement. The discussion is now about the unacknowledged nature of the war. People are referring to the troubles, or the 30 years of conflict as a war. The unacknowledged nature of that war also led to a discussion as to what should happen to prisoners. We hear too from the whole range of victims about what did or did not happen in relation to resources and services for them.

Likewise we face the issue of policing. I always find it interesting to see how many Members are prepared to

declare that they were members of the RUC. It reflects the nature of the debate in the Chamber. There are those who served in the RUC and therefore have a lot to add to the debate, and there are those who have no knowledge of the RUC and make judgements based on cases that appeared before the courts or the European courts. It would have been surprising if the police had not been made accountable. That is what happens in other countries. Cases of infringements of human rights exist elsewhere — for instance, in the United States and western European countries including the Republic of Ireland and Northern Ireland.

On top of that, there has been the 30 years of conflict. We should acknowledge that the police serving on the ground were operating in a quasi-military fashion because of the nature of that conflict which we are now beginning to acknowledge was a war, and we should also acknowledge those who were operating in a quasi-service oriented role.

I taught the police for 20 years at the University of Ulster. When the bomb went off and killed three police officers, the staff and the police standards moved to the new police college at Garnerville. I remember having to take cognizance at that time of the fact that in front of me was a group of students who were no more homogeneous than students in any of my other classes. I had as much difficulty informing and educating that group of students about social policy, about the current ways of dealing with crime and about the changing social trends in relation to the family. In that group there were some who did not believe in changing attitudes or trends, and there were others who were prepared to understand the need for that and the need to be educated and trained in the workings of modern society.

There seems to be some idea in the House that the police service is somehow homogeneous and that police officers are antagonistic to the changes that are taking place, as recommended by Patten. That is not the case. We know from listening to police officers and to the Chief Constable that when a society makes the transition from war to peace, reorientation will have to take place. That applies to our police service and to any police force that operates in a society that was full of conflict.

*1.30 pm*

I take issue with those who say that Patten did not research his work. He took an enormous amount of submissions from people in Northern Ireland, and he visited police forces elsewhere and heard from experts in the field. He took on board 95% of the Police Federation's recommendations. That has not been emphasised sufficiently. I have carried out research on issues such as rape, domestic violence and child abuse, and I was always unable to get figures from the RUC on the number of cases that occurred in any particular year, on how many of them went forward for prosecution or

on how many of them fell or were withdrawn. That is the kind of simple information that ought to drive any police service anywhere in the world. If we do not know the extent of the problem, we do not know how resources should be deployed to deal with it.

Patten's investigations made him realise the amount of work that would be needed to create a police service for a modern society. Many resources were diverted into dealing with political terrorism and, often as a result of attitudes in the police service, it could not or would not deal with crime such as domestic terrorism, as those who are the victims of such crime would call it. It is right for him to draw on good practice elsewhere and that we have the most modern computerised system and information technology available.

Patten also talks about changing the culture, the ethos and the operational structures so that policing is based less on that quasi-military function of the past or on the drilling that took up so much time in training. There must be more emphasis on a problem-solving approach.

I am a little concerned about the recommendations that suggest that all education should take place in the police college. From what I hear and know of police officers' lives, I am aware of the fact that those who talk only to other police officers and who live beside them, do not have the life education that is required. Such education should take place both in university and in the police college.

I was surprised to find that there was little debate this morning on the name change. Much has been made of this in the media; it has led to an enormous amount of discussion and caused a great deal of pain for those in the Unionist community. In the 1920's the name was changed from Royal Irish Constabulary to Royal Ulster Constabulary. That is a precedent, and no doubt the change then was as painful as this one it will be. In acknowledging that, Patten and the Secretary of State have concluded that to service a divided community a new name was required. Inasmuch as symbolic change may be required, organisational, structural and policy changes must also be a prerogative of any part of the legislation.

I have a major criticism of the part of the report which deals with the composition of the new police service. It should, according to the report, be fair, impartial and representative. It never ceases to surprise me that in Northern Ireland the focus, in respect of impartial representation, is on Catholics and Protestants. Monitoring figures are based on religion and denomination, but the representation of women, about 15%, is lower than in police services elsewhere. Now we have an opportunity to correct that. It is difficult to attract women into police services elsewhere, but here we have an enormous difficulty.



I take issue with Nigel Dodds, Sean Neeson, Denis Watson and, probably, Paddy Roche who said that the Patten recommendations, in seeking to promote the idea that there should be more Catholics in the new police service, go against the legislation.

This question has come up also in relation to gender. The Equality Commission has looked at this. I attended a seminar organised by the Committee for the Administration of Justice, and it asked some of the commissioners why they felt it was so difficult to deal with the issue of the representation of women in the police service. The commissioners said that it could be ruled as being outside the current law. Fortunately a member of the Equality Commission was there and said that it was not outside of the European Equal Treatment Directive of 1976.

Indeed, if domestic law goes further than the text of that directive, but has the same purpose, then it may be possible to interpret its outcome as being in keeping with the spirit of that directive. In the treaty of Amsterdam, Article 13 covers this issue. It is inside the purpose of that legislation to include targets and timetables, not just in relation to religion but also in relation to gender.

**Mr A Maginness:** Is it not a fact that Patten went out of his way to try to attract more women into the new police service by recommending career breaks, part-time working and other measures?

**Ms McWilliams:** We supported the recommendation not to disband the entire Reserve, because we were concerned that it would obviously detract from the number of females who were currently in the RUC, and he took up the recommendation that the part-time Reserve should be retained.

I agree that the civilianisation of the new police service will increase the number of women, and it was useful for him to see that as a way of attracting recruits. They may come in as civilians and then move on to being full members of the police service. Different jobs will obviously be done by police officers and civilians, but potentially, this may increase the number of women.

It is extremely important to recruit female police officers, outreach work should be done, and potential targets and timetables should be set down. Because of his own profession, the Member will be aware of the fact that many women who are victims of certain types of crime — sexual abuse, for example — want to speak to female police officers to whom they can relate. That is currently not possible in the police service.

People need to be aware, not just in terms of Patten's recommendations, that police officers are taking advantage of funding for retraining and rehabilitation. Over £3 million has been set aside in the Peace and Reconciliation Fund — the European Fund — and that

is currently being spent. Patten has not said that so many police officers are going to be made redundant, but that is going on already. Some are choosing to move out of the police service. Many have gained degrees and post-graduate qualifications and are now in a position to move on.

Finally, there are two other points that the legislation should take up. One is that both the policing board and the district partnership policing boards are likely to be public bodies, so Section 75 of the Northern Ireland Act should apply to them in that they should be looking at recruitment, the procurement of services and, indeed, public safety. These are all functions mentioned in Section 75 of the Northern Ireland Act. We too will be looking at the legislation when it comes out to see if that recommendation has been taken up.

An oversight commissioner is essential, and we know that from other aspects of the agreement. If we create a vacuum and just expect that change to be implemented without its being monitored or evaluated by someone who has taken an holistic view of what is happening, justice will not be done to the amount of work that has gone into looking at how we want to be policed in the future. I am, however, concerned about the lack of focus on when that person should take up the post.

The Human Rights Commission, the Equality Commission and the Police Commission have a role to play in this debate, and the legislation should refer to there being liaison with these bodies. We have such a reference for the Assembly.

I await the outcome of the criminal justice review. It is essential that this debate does not take place in isolation. As those of us who have worked in this field know, policing is only one aspect of the matter. There is also the matter of dealing with crime and with how a society ought to operate; the prosecution of and sentencing for a particular crime are also essential. What body will do that, and how accountable will it be?

It would be very difficult to have a debate on that without knowing what the recommendations of the Criminal Justice Review Body's report will be.

I also take issue with David Irvine's comment that the only difficult issues in the Belfast Agreement were the issues of decommissioning and policing. There were many difficult issues in the agreement. There was the constitutional issue, and today we are dealing with an institutional one. But there were also the important issues of victims and how to create for the future a society based on tolerance.

Do these proposals promote effective and efficient policing? My answer, having reflected on the recommendations and on the comments of the Secretary of State to date, is yes.



Will they deliver fair and impartial policing, free from partisan control? Yes, they have the potential to do so.

Do they provide for accountability both to the law and to the community? Yes, potentially.

Will they make the police more representative of the society they serve? With the addendum that I have given in relation to gender representation, the answer is yes.

Will they protect and vindicate the human rights and human dignity of all? This is probably the most important question of all. If we recognise the divisions that exist and begin to acknowledge them, and if we base respect for human rights at the core of any new police service, the answer is yes.

**Mr Speaker:** Mr McCartney, I wish to give notice that I intend to suspend the sitting not later than 2.00 pm.

**Mr McCartney:** So you are, if I may say so, treating me differently from every other Member. No other party leader was put under any constraint. Am I to assume that if I am not finished my speech by 2.00 pm, I will not be able to resume it at 4.00 pm?

**Mr Speaker:** That is correct, and in giving you that amount of time, you will be able to speak for longer than almost any of the other Members bar the Member who moved the motion.

**Mr McCartney:** It is a matter of regret that I speak at a time when less than 10% of the Assembly is present. There are two Members from each of the major parties present, but those whom I particularly wished to address — those fronting paramilitary organisations such as Sinn Féin and the PUP — are not represented at all. That must be a matter of regret for everyone.

As Carson once said,

“There are none so loathsome as those who betray their friends to placate their enemies.”

There can be no doubt that the fundamental and driving principle of British policy in Northern Ireland has been to avoid the repetition of any bombs in the City of London. While I have been reiterating this principle for some five years, it is only in recent times — over the last four months — that it has become commonly acknowledged by almost every major political commentator. What effect has that principle had on law and order in Northern Ireland and on the police in general?

1.45 pm

Let us look at Sinn Féin, the party inextricably linked with the IRA and capable of making good the threat to bomb the City of London. What have they received under the Belfast Agreement?

Their key issues were as follows. First, the release of all the prisoners, which has been virtually accomplished. Secondly, a place in the negotiations and, ultimately, a place in the Executive Government of Northern Ireland. That has been accomplished. Thirdly, a reform of the criminal justice system, which was brought into effect to deal with their terrorism. Fourthly, the destruction of the RUC, which they clearly regarded as an abiding bulwark between the preservation of the rule of law and the success of armed violent political terrorism. All of these have been delivered under the guise of a new political dispensation in Northern Ireland.

It is alleged, in relation to the RUC, that in terms of both their name and their composition, they are unacceptable to the Northern Ireland community. History has a curious way of repeating itself. During the period from 1918 to 1921 the Royal Irish Constabulary (RIC) policed the whole of Ireland. No complaint was made against the RIC in respect of the discharge of their ordinary functions, in respect of what is now described as ordinary policing of ordinary crime. Certainly no criticism was directed at the RIC in terms of its religious composition, even though nearly 70% of its constables were Roman Catholic. What it did attract — just like the RUC — was vilification and the most intense propaganda, and its officers were murdered and mutilated. That was because they were utilised by the Government of the day to oppose violent political terrorism and as a means of bringing about political change.

I have personal experience of working with the police in the administration of justice in Northern Ireland. In my experience there has never been any real complaint from the Nationalist community about the actions of the police in discharging their duties in respect of what might be called their ordinary criminal jurisdiction — the detection of rapists, child molesters, house-breakers, burglars and those guilty of common assault.

There has been little or no complaint at all from the Nationalist community. Indeed, as the opening paragraphs of the Patten Report make clear, the RUC has as good an acceptance level from the entire community as any police force on the continent of Europe — indeed better than some in many other places. Only in England and Scotland was the level of acceptance exceeded. Why, therefore, does the RUC suddenly become unacceptable? They are unacceptable because they have provided an effective police force, essentially against political terrorism.

I can draw comparisons between the police and the judiciary. The integrity, impartiality and fairness of the judiciary that, day after day, disposed of domestic law and divorces, that settled compensation claims for road accidents and factory injuries, that settled land disputes and commercial problems, was never questioned. The

very same judges, when discharging their duty in dealing with crimes arising from political violence and terrorism, suddenly grew horns. Like the police, they became objects worthy of assassination, of murder and the targets for bombs.

The real issue is not one of policing. The real issue is political. The British Government have addressed that. In order to appease violent Republicanism and to keep bombs out of the City of London, they have had to come to terms with the demands of Sinn Féin/IRA. One of their demands, which still exists to this moment, is the complete destruction and removal of the RUC. Mrs Nelis made it clear that she is not interested in a reformed RUC. She wants its complete removal.

Let me move on. The British Government set up the Patten Commission within the terms of reference agreed by the Ulster Unionist leadership. Its remit was clear. Indeed, Mr Ken Maginnis, the security spokesman for the Ulster Unionist Party, claimed on television that he personally had been responsible for the inclusion of the issue of RUC reform in the agreement. Be that as it may, having provided the remit for reform, that party has now transformed itself into the defender of the RUC.

Secondly, it is plain that the anger which Mr Maginnis and Mr Trimble demonstrated in the House of Commons last Wednesday did not relate to 99.9% of the reforms. It was occasioned by the fact that the Secretary of State, Mr Mandelson, did not even leave them the fig leaf of a cap badge to cover their nakedness. They were left with nothing to take back to the grass-roots Unionists who will ultimately judge them for what they have done.

Mr Trimble and Mr Maginnis signed the agreement. Mr Maginnis has, apparently, been a very strong defender of the RUC throughout. Yet, in a revealing response to the assumed anger of Mr Maginnis in the House of Commons Mr Mandelson pointed out what everyone knows. He said "What you, Mr Maginnis, are saying in a rhetorical fashion for the benefit of your listeners is quite different from what you tell me in private." He was making it quite clear, as Matthew Parris observed in the columns of 'The Times', that the Mr Maginnis who talked behind closed doors about the future of the RUC was very different from the one who beat his chest and rent his garments on the Floor of the House of Commons.

Let me move on to some of the remarks made by Mr Ervine. He said, in a very interesting speech, that the "in your face" behaviour of Sinn Féin in rubbing salt in the sensitivities and wounds of the Unionist community did not augur well for the success of this new dispensation. One of the salt-rubbing exercises is Sinn Féin's failure to deliver one ounce of Semtex or a single bullet. Mr Ervine berated Sinn Féin. However, who has given Sinn Féin its best excuse for not

decommissioning, if not the paramilitary groups that Mr Ervine fronts? They have made it clear that even if Sinn Féin were to decommission, they will not.

I was also interested by Mr Ervine's statement that he and his Colleague are alive today only because of the RUC. That is an interesting paradox. Many other people would not be alive today if the RUC had not intercepted Mr Ervine carrying a huge bomb which was presumably destined for some Nationalist area or premises.

We have to be thankful to the RUC for a number of mercies — not only for preserving Mr Ervine for posterity but also for preserving the lives that he might have taken at an earlier date had it not been for its assiduous discharge of its duties.

I have much experience of the RUC and the security forces in general. For over 20 years I acted for members of the RUC and the military in relation to their claims for criminal compensation. That experience carved on my mind some factors which make it impossible for me to have anything whatever to do with Sinn Féin while it is inextricably linked with the IRA.

I have memories of bombs being thrown over a wall where some Army dog handlers were working — of a young man in his twenties without legs or genitals screaming to his colleagues to shoot him. I have memories of many of those young men in their teens who were in the bus that was blown up on the way to the Omagh depot — men without legs, arms and eyes, maimed for the rest of their lives.

I have an even more vivid memory of the bomb that went off at the bus station on "bloody Friday" — I was then a barrister practising in the law courts — when RUC men shovelled up the remains of human beings, including those of the teenage son of the clergyman Mr Parker, and put them in plastic bags. Mr Gerry Adams, the leader of Sinn Féin — I wish he were here today — was the commandant of the Belfast brigade at the time of the "bloody Friday" massacre.

I think of those at Whitecross and Teebane. They were innocent workmen — not partisans, not people involved in any way in terrorism — sent to their untimely ends by Sinn Féin, an organisation which the British Prime Minister and his Ministers state is still inextricably linked with the IRA. "Inextricably linked" means that they can never be separated, and yet Mr Trimble has sent a round-robin letter to some MPs protesting that because they are unreconstructed terrorists, Mr Adams and Mr McGuinness should not be afforded the facilities of the House of Commons. That allows Sinn Féin to make the riposte "Well, why in those circumstances are you sitting with us in the Northern Ireland Executive?" Those are matters which the leadership of the Ulster Unionist Party will have to resolve.

Decommissioning is intimately connected to the issue of policing. Calls have been made for a civilian, unarmed police force. Certainly that is an aspiration of many. But can there be such a police force while vast arsenals of weapons of destruction — weapons that have been used to murder over 2,000 of the 3,000-plus people who have been killed in these troubles — are still in the hands of those who carried out those executions? Since the alleged ceasefire, these people have continued to commit acts of murder. They are attempting to murder people like Martin McGartland, and they murdered Charles Bennett and Mr Kearney. They are beating, intimidating and murdering — and we talk about recruitment.

In its comments on the Patten proposals the Police Authority for Northern Ireland, which is composed of Catholics and Protestants and has a Catholic Chairman, made it absolutely clear that, in its view, the change of name would make virtually no difference to recruitment.

Everyone knows the reason for the low percentage of Roman Catholics in both the RUC and the UDR. Roman Catholics who joined were put in danger of death, and those in the Nationalist communities who talked about joining were intimidated and threatened, and this extended not just to those people themselves but to their families who were boycotted and sent to Coventry.

*The debate was suspended.*

*The sitting was, by leave, suspended at 2.00 pm.*

*On resuming —*

## Oral Answers to Questions

2.30 pm

**Mr Speaker:** Following last week's Question Time one of the Ministers wrote to me to say that he was not always able to hear the supplementary questions clearly. Therefore I ask Members to be as clear in their diction as they undoubtedly will be in their wording.

### OFFICE OF FIRST MINISTER AND DEPUTY FIRST MINISTER

#### Victims of Violence

**1.Ms McWilliams** asked the First Minister and the Deputy First Minister to outline how they are co-ordinating their work in regard to victims with similar responsibilities held by the Northern Ireland Office. (AQO 76/99)

**The First Minister (Mr Trimble):** The Office of the First Minister and the Deputy First Minister will adopt a central co-ordinating role in relation to services for victims provided by the Northern Ireland Departments and will promote greater awareness of their needs in all parts of the devolved Administration. The Northern Ireland Office retains important functions in relation to victims, including criminal justice and compensation responsibilities. Ministers and officials in the Office of the First Minister and the Deputy First Minister will liaise regularly with the Northern Ireland Office on matters of joint interest relating to victims to ensure that their respective policies are complementary.

**Ms McWilliams:** Does the First Minister agree that given the current confusion in the sectors in terms of the various responsibilities it might be useful for the Office of the Centre to publish its own particular remit and responsibilities and, indeed, at some stage, consider a strategy for Northern Ireland victims?

**The First Minister:** I take the Member's point. We are in the course of establishing a unit within the Office of the First Minister and the Deputy First Minister to co-ordinate the new devolved Administration's response to the needs of victims. The new unit, obviously, will build on existing work and co-operate closely with the Victims Liaison Unit, but I take on board the points that the Member has raised.

**Mr Benson:** Does the First Minister agree that the Patten Report's scant reference to the sacrifice of the

302 RUC officers who were murdered and to the thousands who were maimed by terrorist violence was a disgraceful and insulting oversight and an example of the report's inadequacies? Will he also continue to lobby the Secretary of State to ensure that generous compensation is awarded to the victims of Chris Patten, namely, those officers who will lose their jobs and their livelihoods? Thought should be given to the erection of a public memorial to all the police officers who lost their lives in the service of the community.

**The First Minister:** I agree with the Member's assessment of Patten and congratulate him on his contribution to this morning's debate. We will, of course, continue to lobby the Secretary of State to ensure that the Government are generous to those who lose their jobs as a result of the downsizing of the force. I had a meeting with the Police Federation last Thursday, and I will remain in close contact with them. I believe that serious thought is being given by the police to the erection of a permanent memorial to the RUC officers who were killed in the service of the community. I would welcome views on that matter too.

**Mr A Maginness:** In the light of what has been said, can the First Minister outline funding plans for the Victims Unit and for victims groups throughout Northern Ireland? Will that funding come exclusively from the Office of the Centre?

**The First Minister:** The Northern Ireland Office allocated special funds totalling some £6.25 million following the Bloomfield report. I understand that this has been allocated by way of a global grant of £3 million to the Northern Ireland Voluntary Trust to assist victims groups and £2 million towards the establishment of a memorial fund. In addition, there is an educational bursary scheme, and the Northern Ireland Family Trauma Centre has also been established.

With regard to the funding which might come from the Office of the First Minister and the Deputy First Minister, I believe that that is something which we should consider in the context of evolving the programme of government.

**Mrs E Bell:** Following on from Prof McWilliams's question, I would like some reassurance about real and practical co-ordination between the Northern Ireland Office, the Victims Liaison Unit and the Committee of the Centre, particularly with regard to funding.

We have had party meetings with Minister Ingram, and I would like to know if these will be a feature of the new Committee.

**The First Minister:** The hon Member raises an important point. When responsibilities are divided between the Northern Ireland Office and various Northern Ireland Departments, there is the danger of a

lack of co-ordination. We have had meetings with Mr Ingram and his staff at official level and are hoping to have a meeting at ministerial level in the near future. As I said earlier, we are establishing a unit within the Office of the First Minister and the Deputy First Minister to deal specifically with this issue.

### TSN Action plans

2. **Mr McGrady** asked the First Minister and the Deputy First Minister what efforts will be made to ensure that the new TSN action plans address inequality and deprivation and if they will make a statement.

(AQO 75/99)

**The Deputy First Minister (Mr Mallon):** The new TSN, as developed by the direct-rule Administration, aims to tackle social need and social exclusion. Draft plans were developed to address inequality and deprivation by refocussing resources within existing programmes towards those with the greatest social needs. The poorest people, groups and areas are identified using objective measures of need such as benefit dependency or area-based measures of deprivation.

Following the current consultation on these draft plans, Ministers will consider them and the consultation responses. The Executive Committee will then consider the new TSN policy, including the implementation and monitoring of the action plans.

**Mr McGrady:** I thank my ministerial Friend for his answer. Will he take into consideration the fact that the new targeting social needs document does not contain plans that are any different from those which existed to address social deprivation in isolated wards in particular council areas?

Will the Minister undertake a review of that situation? Under the Robson indicators, the continuation of that policy will simply mean, for instance, that enhanced financial facilities for inward investors will not be available in those socially deprived areas.

**The Deputy First Minister:** I thank the Member for his question. As he knows, the draft plans are out for consultation. All views received during the consultation period will be considered carefully and analysed, and they will include the concerns he has expressed.

The Robson indicators were developed to identify areas which are subject to multiple deprivation. They take into account pockets of deprivation, and they are more sensitive to local factors than some of the previous indicators.

I readily accept that the Robson indicators are based on figures from the 1991 census. However, statisticians have identified ways in which they can be used in conjunction with other measures to take account of the changes since then. Also, consideration has already



been given to future measures of multiple deprivation based on the 2001 census data.

Increasing use has also been made of administrative data in particular fields which can provide highly accurate local information.

**Mr Beggs:** Further to what Mr McGrady has said, does the Deputy First Minister agree that TSN areas should be defined to ensure that pockets of deprivation within otherwise affluent wards should not be disadvantaged in the review?

**The Deputy First Minister:** I agree absolutely. I believe that this is one of the problems of the very nature of TSN. It is a matter with which we have to grapple, but we must ensure that whatever measures we use, they will be adequate to identify specific areas of need in areas that are generally more affluent.

It is there that the effects of targeting social need are most beneficial and, indeed, most needed.

**Mr Poots:** I had some difficulty hearing the Deputy First Minister's reply to Mr McGrady. I had intended to pursue the question of the Robson indices further. If one must wait until the year 2001 for the census, one needs some system to analyse deprivation now as opposed to waiting until then to draw up plans on the basis of the census figures, since current figures are already obsolete.

**The Deputy First Minister:** It is obvious that we must wait until 2001 for the new census and those figures. However, I feel that there are sufficient indicators from the previous census, from other sources of statistical information and, indeed, from the experiences of the various Government Departments. The Departments have put forward their proposals in the draft action plans. They are based on experience as well as statistical information. The combination of the three — the present method, the method which will be in use after 2001 and, indeed, the good sense and judgement of each Department — when taken together, will contribute to addressing the problems in this area properly.

**Mr Armstrong:** I have heard that in the allocation of additional milk quota, preference will be given to TSN areas, many of which are in upland regions unsuitable for efficient dairy farming. Does the Deputy First Minister agree that this would be foolish?

**The Deputy First Minister:** I did not fully hear the question. I am faced with a similar problem. It is not my desire to stray into matters agricultural, as it is not my brief. However, if I have misunderstood the thrust of the Member's question, he may correct me. It seems to be that simply because of the predominance of disadvantage in urban areas, we sometimes forget that there is also substantial disadvantage in rural areas. As someone from a rural area, I will certainly not succumb to the

temptation to ignore areas of deprivation in rural areas, irrespective of what height they are above sea level.

**Mr Speaker:** I would like to repeat my plea that Members make their supplementary questions audible. This is particularly apposite in the case of the next speaker, Mr Paisley Jnr.

### Interest Relief Loan Scheme

3. **Mr Paisley Jnr** asked the First Minister and the Deputy First Minister whether the First Minister briefed the Minister of Agriculture and Rural Development about the interest relief loan scheme proposal. (AQO 54/99)

**The First Minister:** I asked my party's spokesman on agricultural matters, Mr George Savage, to brief the Minister of Agriculture and Rural Development on his proposals for an interest relief loan scheme for farmers. I can confirm that Mr Savage had a brief telephone conversation with the Minister on Wednesday 12 January, meeting Ms Rodgers on Friday 14 January.

**Mr Paisley Jnr:** The First Minister must be aware that, in a written answer dated Friday 21 January, the Minister of Agriculture and Rural Development stated that her office has still not formally received proposals for such an agricultural relief scheme. Will the First Minister now publicly take this opportunity to apologise to the Minister of Agriculture and Rural Development for the embarrassing actions of his office? Will he stop playing party politics with the lives and activities of farmers? Will he explain to this House just what sort of half-baked organisation he is in charge of?

**The First Minister:** It is perfectly clear that if anyone is playing party politics it is Mr Paisley Jnr. He knows that this is far too serious an issue to be dealt with in this way. He would do much better were he to concentrate on the substance of the matter.

**Mr Leslie:** In view of the fact that farm debt levels are currently estimated at around £500 million — a sum almost impossible to service, given current levels of farm income — it seems to me that Mr Savage's proposal merits serious consideration. Can the Deputy First Minister confirm that the forthcoming visit by officials from the European Investment Bank would be a suitable opportunity to look at means of financing this loan proposal?

2.45 pm

**The First Minister:** I agree with the Member's first point that this is an issue of considerable magnitude and urgency. With regard to the visit of officials from the European Investment Bank, I hope that it may be possible to act on it.

**Mr Ford:** Last week the Minister of Agriculture and Rural Development told the Committee that there was a

major shortfall in core funding for her Department. In the light of his new concerns for farmers, will the First Minister give a commitment to find additional funding for agri-environmental schemes from resources at the disposal of the Executive?

**The First Minister:** It is obvious that no such commitment can be given at this stage.

**Rev Dr Ian Paisley:** Does the First Minister not realise that the proposal that was brought out of the cupboard by his party had already been submitted by a joint party of MPs at Westminster? Mr Brown said that he would not put that proposal forward in Europe or pursue it at all at Westminster.

**The First Minister:** I would have thought that the Member would still be anxious to see that the problem was addressed notwithstanding an earlier refusal by a Minister. Even if it is exactly the same scheme, surely we should have a little more persistence than that.

### National Fiscal Policies

4. **Mr Close** asked the First Minister and the Deputy First Minister what representation they intend to make to the Chancellor of the Exchequer with regard to the potentially adverse impact of national fiscal policies on the Northern Ireland economy. (AQO 84/99)

**The Deputy First Minister:** The question of the adverse impact of national fiscal policies on fuel excise duty on the Northern Ireland economy was raised with the Prime Minister at the British-Irish Intergovernmental Conference on 17 December 1999. As the difficulty stems from differences between fiscal policies in Britain and Ireland, the matter is now on the work plan of the British-Irish Intergovernmental Conference. Separately, representations have been made to the Treasury on a number of occasions about fiscal policy, and a meeting involving the First Minister and the Deputy First Minister has been sought.

**Mr Close:** The Deputy First Minister referred to one of the areas that gives me great concern, but there are a number of other areas — for example, the proposed tax on aggregates, the climate change levy and air passenger duty. Our peripheral location leaves us in a disadvantaged position. If we are seriously to adopt a system of joined-up government, it is important that the Office of the First Minister and the Deputy First Minister take these issues seriously, and go directly to the Treasury and attempt to get some form of abatement for the people of Northern Ireland.

**The Deputy First Minister:** I fully agree with the Member. It is a matter of how we can do that most effectively. In relation to many of these issues, representation has already been made by at least one Minister of the new Administration. The matter was

raised by the First Minister and the Deputy First Minister at the British-Irish Intergovernmental Conference, and it will be followed up in a meeting that I hope we will have very soon with the Treasury. The Member is quite right to say that it does affect a number of issues, the climate change levy being one of them. Corporation tax is another, and the differential in fuel is something that we in the North of Ireland know is causing great difficulties. These are matters that can only be resolved at Treasury level, and we are making representations in Westminster and Dublin to ensure that people in the North of Ireland are not penalised as a result of policies in either place, or both.

**Mr Byrne:** Does the Minister agree that the border region in particular has suffered adversely as a result of the gross disparity in excise duties, and that it is therefore very important not to introduce the climate levy change to Northern Ireland as it will only add to our difficulties?

**The Deputy First Minister:** I take the Member's point that, though such may not have been intended, there are adverse impacts, which are most acute in the border areas. We referred to them in our report on the British-Irish Intergovernmental Conference. The First Minister and I raised the issue at that meeting, which was attended by the Prime Minister and the Taoiseach, and we will continue to draw it to the attention of the Treasury. The proposed levy could have very serious effects on Northern Ireland. It could increase electricity prices, which are already substantially higher than those in Britain, and this could significantly inhibit our industrial competitiveness.

Furthermore, such an increase could frustrate current efforts to secure private sector investment for the development of the gas infrastructure in the north-west and the south-east, including any discussions between the North of Ireland and the Republic of Ireland on gas interconnection.

**Mr B Bell:** Do the First Minister and the Deputy First Minister agree that the road haulage industry in Northern Ireland is finding it very difficult to compete with its Southern counterpart because of the punitive taxation of diesel fuel in this part of the United Kingdom? What measures have the First Minister and the Deputy First Minister taken to make the Northern Ireland road haulage industry more competitive?

**The Deputy First Minister:** The First Minister and I have met collectively and individually with the Road Haulage Association on this matter. We have had discussions with various people connected with the industry, and two weeks ago there was a meeting on the matter between Members of Parliament from Northern Ireland and the Treasury Minister in Westminster.

I am very aware of the problems facing Northern Ireland retailers as a result of the difference in fuel prices between Northern Ireland and the South. The differential results from the level of fuel excise duty levied in the United Kingdom, which is higher than that in the Republic of Ireland, and also from the strength of sterling against the punt. These matters are outside the control of the Executive Committee and are primarily the responsibility of the Treasury. Nevertheless, as I made clear in a previous answer, the issue has been raised with the Prime Minister, and we will continue to raise the problems that result from this and other matters.

The Northern Ireland Executive Committee continues to explore the options available to mitigate the difficulties faced by Northern Ireland petrol retailers and will continue to keep UK Ministers aware of the problems facing local industry, particularly during the run-up to the next Budget. As someone who lives in a border area, I see the difficulties that the retailers, the haulage industry and many other people who are dependent on them for their livelihood are having daily.

**Mr Gallagher:** My question was raised earlier by my Colleague, and a satisfactory answer was given by the Deputy First Minister.

**Mr Gibson:** I thank the Deputy First Minister for his various answers, which were quite helpful. Is he aware of an essential user's rebate, which is given to organisations such as Ulsterbus? Could a similar rebate be given to the farmers of West Tyrone and those of us who have no other form of transport in rural areas? Is there also a danger that the Exchequer, as has been hinted, will impose an 8% multiplying factor yearly on fuel tax? Is the Minister aware of any change of heart in London?

**The Deputy First Minister:** With reference to the first part of the question, I am aware of such a fund, but I am not aware of its detail. I will make myself aware of its implications and, if at all possible — which I doubt at this stage — I will see if it could be applied not just to West Tyrone but to other rural parts of the North of Ireland.

With respect to the second part of the question, I will write to the Member when I obtain the professional and detailed advice required from the Minister responsible.

### **Assembly Public Accounts Committee (Chairmanship)**

5. **Mr Neeson** asked the First Minister and the Deputy First Minister if it is appropriate for the Chairman of the Public Accounts Committee to come from a party represented on the Executive. (AQO 70/99)

**The Deputy First Minister:** The nomination of the Chairperson to the Public Accounts Committee is

governed by the Standing Orders of the Assembly. The political parties from which the Chairperson and the Deputy Chairperson are nominated are determined in proportion to the number of seats held in the Assembly under the d'Hondt system. The only restriction placed on the political affiliation of the Chairperson of the Public Accounts Committee is under the terms of Standing Order 55. This states

“Neither the Chairperson nor Deputy Chairperson of the Committee shall be a member of the same political party as the Minister of Finance and Personnel or of any junior Minister appointed to the Department of Finance and Personnel.”

The work and programme of the Committee will be assisted by a significant input from the Comptroller and Auditor General. We fully support the need for robust scrutiny of spending programmes and the need for accountability.

**Mr Neeson:** I thank the Deputy First Minister for his answer and assure him that I am well aware of the rules. My question concerned appropriateness. Will he accept that I am not bringing Mr Bell's ability into question? Also, will he accept that when I raised the issue initially in the House, the Minister of Finance agreed that it would be inappropriate to appoint someone from a party that was in Government? Does he agree that, by convention, and not only in Westminster but also in the new Assemblies in Scotland and Wales, the Chairperson of the Public Accounts Committee comes from a party that is not in power? Does he further agree that the Office of the First Minister and the Deputy First Minister is in great danger of creating a system of Government by political patronage?

**The Deputy First Minister:** I refer the Member to the d'Hondt system, which we spent two years deciding upon. We all knew the implications of that system and how they would be applied in this Assembly. The system of government here is therefore quite different from that in Westminster. In Westminster there is single-party government. In Northern Ireland there is a forced coalition involving all the major parties. The use of d'Hondt determines how ministerial posts and Committee chairmanships are decided.

With regard to the second part of the question, the process of the scrutiny of Government expenditure by the Public Accounts Committee in the United Kingdom was established in the nineteenth century — in the time of Gladstone — under UK parliamentary convention and has been followed since then. The main Opposition party has always appointed the Chairperson of the Public Accounts Committee. This custom and practice has no constitutional imperative, but it is perceived in the United Kingdom Parliament as enhancing the integrity and impartiality of the Committee.

There is no Public Accounts Committee in the National Assembly for Wales. There is an Audit



Committee. The rules of that Assembly say that the Chairperson of the Audit Committee should not come from the majority party, but that, it seems, would not preclude the appointment of a Chairperson from a party represented in the Government if it were not the majority party.

The public accounts arrangements in the Scottish Parliament mirror those of the Welsh Assembly. A member of a majority party is precluded from appointment to the chairmanship of the Audit Committee. In Dáil Éireann the main Opposition party holds the chairmanship. At Westminster and in Dáil Éireann the chairmanship of the Public Accounts Committees is drawn from the main Opposition party by convention. In Scotland and Wales, only the members of a majority party are precluded from chairing the Audit Committees.

We must remember the distinction between a majority party in Westminster and a larger party here. That is where the crucial distinction lies.

The final part of the question refers to the First Minister and the Deputy First Minister governing by patronage. We do not govern; we try to serve. What is referred to as patronage is what is contained in the d'Hondt system that we all agreed.

3.00 pm

**Mr Speaker:** I am sure Mr Neeson is glad that he got the supplementary in.

The time for that set of questions is now up.

## REGIONAL DEVELOPMENT

### A29 Road (Moneymore-Desertmartin)

1. **Mr Armstrong** asked the Minister for Regional Development how he intends to improve the A29 road between Moneymore and Desertmartin to make it safer. (AQO 52/99)

7. **Mrs Carson** asked the Minister for Regional Development if he plans to review the development of the A29. (AQO 47/99)

**The Minister for Regional Development (Mr P Robinson):** With permission, Mr Speaker, I shall answer questions 1 and 7 together.

With regard to the section of the A29 between Moneymore and Desertmartin, the Roads Service has recently laid anti-skid surfacing at the Reubens Glen junction. Work to widen a stretch of the road at Hillview farm is due to commence in the next few weeks, and improvements to road signing and lining are planned for the year 2000-01. Subject to the availability of funds, it is proposed to carry out further minor road works to improve this substandard section of the road over the

next five years. The Roads Service has plans to replace Carland Bridge and realign one mile of adjacent carriageway. This scheme is included in the six-to-15-year forward planning schedule.

**Mr Armstrong:** Is the Minister aware that there were five fatal accidents on this part —

**Mr Speaker:** Order. I do not know about the Minister, but I cannot hear the question. Please project your voice more clearly, Mr Armstrong.

**Mr Armstrong:** Is the Minister aware that there have been five fatal accidents on this part of the A29 since 1 April 1999? This road is unsuitable for heavy and fast-moving traffic.

**Mr P Robinson:** I am well aware of the number of serious accidents that have taken place on this stretch of road. My Friend Mr McCrea, the Member for Mid Ulster, has raised the issue with me on several occasions. The House will be aware that, sadly, it was on this section of the road that the niece of the Minister of Finance and Personnel died. Unfortunately, this section of road has a high accident record. During the period 1994-98, 30 injury accidents were recorded, four of them fatal. Unfortunately, there is no distinct pattern to the road accidents or to where they take place. However, these are issues that the Department always keeps under review, and it is in our forward plan for work to be carried out in addition to the immediate work that I have already mentioned.

**Mrs Carson:** I thank the Minister for his reply. My problem relates to the draft strategic document 'Shaping Our Future'. This document ignored the importance to my constituency of the road running from Armagh north to Coleraine. It was not given a high priority in the document. This route carries heavier traffic than the A4 east-west road.

**Mr Speaker:** Order. I must prevail upon the Member to ask the question.

**Mrs Carson:** Can the Minister give us an earlier timetable for improvements to the Carland bypass, the Moy bypass and Dungannon? We need something done sooner than in 15 years' time.

**Mr P Robinson:** I shall take several of the points the hon Lady has made. With regard to the regional strategic framework, we have not got the final framework document. The Member and her Colleagues will no doubt have made the point during the public examination that greater emphasis should be placed on this road. I am concerned to see in my briefing that on one part of the road there is an advisory speed limit of 5 mph. That is hardly what one expects on a significant trunk road.

With regard to the timing of improvements, the Roads Service is happy to make improvements to any road in Northern Ireland that are felt to be desirable,



though we must have the necessary finance. The more the Assembly gives to the Department for Regional Development for its roads budget, the more work I can do, and I am glad to have enlisted the support of the hon Lady in that struggle.

**Dr Hendron:** I know that the Minister is very concerned about the terrible carnage on our roads and, in particular, on the stretch of the A29 between Moneymore and Desertmartin. The Minister has said that his Department may be able to get finance from elsewhere. The Department of Health and Social Services and Public Safety is also very concerned about the carnage on our roads, and I therefore ask the Minister to work with the Minister of Health, whether on finance or on planning, to tackle this terrible problem.

**Mr P Robinson:** One responsibility links the Department for Regional Development and the Department of the Environment: it is the Minister of the Environment who, crucially, is responsible for road safety. There are targets to significantly reduce the carnage on our roads. And this is not a matter simply for Departments or elected representatives; it is for the whole community to take all the necessary steps to ensure safer driving. It is up to the Government to ensure that there are safer roads.

**Mr McHugh:** Does the Minister agree that the document 'Shaping Our Future', in its present draft form, militates against the development of places like Fermanagh and Tyrone? In terms of future investment, will the Minister try to make changes to the document with the aim of promoting more inward investment west of the Bann to make up for the job losses in Unipork in the next couple of months? Will he read the document from a rural perspective and see how it works against us in the long term?

**Mr P Robinson:** I was watching closely, Mr Speaker, to see how flexible your approach to questions was going to be. We were dealing with the A29. I will deal with the regional strategic framework, and it is important to point out that the draft plan was subjected to public examination. In the next few weeks I expect to receive the report from that public examination, and I hope to publish it as soon as possible for further consultation. The Assembly's Regional Development Committee will also want to report on it. It would be premature for me to remark on what the outcome should be before I have seen both the public examination report and heard the views of the Committee.

**Mr Morrow:** Is the Minister aware that land was vested 10 to 15 years ago to improve the Carland Bridge stretch of road? Since he is aware that traffic speed is reduced to five mph, can he assure the Assembly that an attempt will be made to bring forward the plan for

improving that section of road so that we will not have to wait another 15 years?

**Mr P Robinson:** I said that Carland Bridge was on the six-to-15-year forward planning schedule. Perhaps the Member should not be so pessimistic as to assume that it will not happen before year 15. He argues that it should be brought forward. Of course, we have to use some objective criteria to determine priorities, and I will be happy at any stage, as will the Committee, to examine whether these have been properly applied in any case. But the Department is currently working to the six-to-15-year plan, and it will depend largely on resources whether that can be advanced.

### Railway Lines

2. **Mr Ford** asked the Minister for Regional Development what plans he has for the Antrim to Lisburn railway line and the reopening of the Bleach Green railway line. (AQO 48/99)

**Mr P Robinson:** Work to reinstate the railway line between Antrim and Bleach Green commenced in November 1999 and is expected to be completed towards the end of this year or early next year. The railway line between Antrim and Knockmore junction was due to be mothballed, but that decision is being re-examined by Translink and will be reconsidered in the light of the regional strategic framework.

**Mr Ford:** I thank the Minister for what is possibly the first good news that the people of Crumlin, Glenavy and the surrounding areas have heard about that railway line for some time. I am glad that he is building on the work of his predecessor and reinstating the Bleach Green line.

Will the Minister give an assurance that that re-examination by Translink will not merely be a paper exercise? Will his Department ensure that the necessary funds are provided to allow that railway line to play its part in the strategic plans for the future?

**Mr P Robinson:** I can assure the Member that this will be seriously examined by Translink, but it is critical that a business case be made for the retention of that line. I am sure the Member is aware that not many more than 780 passengers use the line each week: about 50 to 60 per day. We need a business case to ensure a larger clientele for that service.

I will be doing everything possible to ensure that increased funds are available, particularly for transport where there has been serious underfunding for a long time, and I hope that the Member will also play his part in this.

**Mr K Robinson:** Will the Minister undertake to ensure that Northern Ireland Railways opens the Bleach Green line and maximises its commuter potential to ease the horrific commuter problems on the northern side of

Belfast? There is the possibility of developing this line, but I am afraid that Northern Ireland Railways will get carried away by the speed at which it would like to travel between Londonderry and Belfast and onward to Dublin and miss the commuter potential which lies there and would give the sort of figures that the Minister needs for the Crumlin to Glenavy line.

**Mr P Robinson:** Yes. I am sure that all those involved will be taking every step to increase the use of our railways. I must point out to the Member that we have had such serious underfunding in transport that, excluding the railway line between Belfast and Dublin, most of the rolling stock is, to say the least, antiquated. It will require substantial investment, and until there is that kind of investment, it will be an uphill struggle to encourage people to use our existing rolling stock. So, once again, we come back to the one issue that is central to roads, water and transport and that is an increase in resources for the Department.

**Mr Berry:** During the past few years Tandragee residents have been seeking to have the fluoride removed from their water supply. The Water Service advised people that this would be done. Will the Minister confirm if this is the case — *[Interruption]*

**Mr Speaker:** Order. I am sure that there is some connection between fluoride and bleach, but there is no connection between the Member's supplementary and the Bleach Green railway line.

### A5 Road (Upgrading)

3. **Mr McMenamin** asked the Minister for Regional Development whether funding to upgrade the A5 from the sale of Belfast port will be given top priority.  
(AQO 31/99).

**Mr P Robinson:** In response to the question from the Member for West Tyrone, the Chancellor of the Exchequer's economic strategy for Northern Ireland provided additional funding for programmes for roads, schools and housing. These additional funds included £70 million from the expected sale of the port of Belfast. If the sale does not proceed, it is likely that this will impact on the Department's roads programme, which includes a number of improvement schemes for the A5.

3.15 pm

In view of the priority the A5 merits, I am happy to announce that a contract will be let shortly for the Leckpatrick scheme.

**Mr McMenamin:** May I remind the Minister that when the Chancellor announced the £12.5 million aid package for the A5, he did not realise that a backlog of work, amounting to £35 million, had built up in the western region. To assist us in the north-west, and particularly in west Tyrone, we must have a proper

infrastructure in place. In west Tyrone we do not have ports or airports so it is vital to have our main trunk road, the A5, which runs through Ballygawley, Omagh and Strabane to Derry, brought up to the necessary standard. Only yesterday one of my constituents, a young woman, was killed on the A5 between Derry and Strabane — my sympathy goes to her family. I ask the Minister to make the A5 his number-one priority.

**Mr P Robinson:** I suspect that the supplementary question was prepared before the answer to the main Question was given to the Assembly. I have indicated that the Department deems the A5 to be such a priority and that we are proceeding with the Leckpatrick element. Effectively, there were four schemes for the A5 in the Chancellor's initiative. Apart from Leckpatrick, there was the Strabane bypass (stage two), the Newtownstewart bypass and the Omagh throughpass (stage three). These schemes are currently being progressed through the various design and public consultation processes, which include the publication of direction orders, environmental statements and vesting orders, all of which require public consultation and may even result in a public inquiry.

The timescale for the implementation of these schemes is dependent on both the successful completion of the necessary statutory procedures and the availability of funds. The Roads Service is, however, pressing ahead with the completion of the statutory procedures for each scheme so that contracts can be awarded as soon as the finance has been confirmed. The direction orders and environmental statements for the Strabane, Newtownstewart and Omagh schemes are expected to be published within the next few weeks, while the Leckpatrick scheme is ready to start.

**Mr B Hutchinson:** If the sale of the port of Belfast goes ahead, will Mr Robinson's Department have some sort of safeguard to stop something similar happening to what occurred when the airport was sold and some people made millions? Will his Department have a golden share and will it stand up?

**Mr P Robinson:** Mr Speaker, I see that you are screwing up your eyes. It is part of the question and comes closer than fluoride to being in order.

The golden share was of course a vital element of the PPP proposal brought forward by the Harbour Commissioners. As far as the Department is concerned, it is also an essential element. Because of the EC's challenge to the British Airport Authority's golden share, clearly we want to be satisfied that any golden share proposal contained in a privatisation package would ensure, in the long term, that the public interest was safeguarded. I can assure the Member for North Belfast that I will not recommend to the Assembly any privatisation of Belfast port unless the public interest is safeguarded. If there were any limitation to that

safeguard by way of a golden share I would wish to have that limitation spelt out.

**Mr Byrne:** I welcome the news that the Minister has given today about the A5 road. Given that this road connects with the N2 in the Republic and with part of the road into Donegal and that 25% of the traffic using it is from the Republic, would it make sense to examine the possibility of looking for a contribution from the Republic towards upgrading it more substantially?

**Mr P Robinson:** This Assembly is responsible for the governance of Northern Ireland. In our budget we will take account of all our roads needs. The Government of the Irish Republic have sufficient roads of their own to pay for. Clearly we want to have a seamless join on any road that crosses the border, and there needs to be some co-ordination. I assure the Member that I appreciate the strategic importance of the A5. That is why we are bringing the Leckpatrick scheme forward now and pursuing as far as possible the other three elements of the Chancellor's initiative package.

**Mr Leslie:** In view of the emphasis placed on the importance of the proceeds of the port sale in the Minister's otherwise welcome announcements about road building, will he advise the House whether he is considering alternative financing should this money not be forthcoming within his timescale? In particular, there are some traffic bottlenecks around the country that might lend themselves to private enterprise and a toll bridge.

**Mr P Robinson:** The Department is currently preparing a 10-year roads and transportation strategy. This document will recognise the unlikelihood of any substantial increase in the block grant paid to the Assembly by the Chancellor, Mr Gordon Brown. It is also unlikely that there will be any substantial increase in the allocation to the Department for Regional Development, whether I put my arms around the Minister of Finance or not. Given that situation, I have to look at ways of increasing the funding either from within my Department or from other sources.

We are looking at a number of possibilities such as those considered by the United Kingdom Transport Minister, Mr John Prescott, which include congestion charges and tolling. We are also looking at other possibilities such as planning impact charges for developers who increase the burden on our infrastructure. We are looking at whether private utilities like Phoenix Natural Gas and British Telecom should be able to dig up our roads and devalue our assets without making some kind of contribution. We are looking at a wide range of possibilities, including partnerships with the private sector, and we hope to bring our views to the Regional Development Committee in due course.

**Mr C Murphy:** A Chathaoirigh, does the Minister agree that it is premature to count on the sale of Belfast port and link it to road improvements thereafter? Is it not surprising that the Member has chosen to frame his question in this way when his party Colleague is chairing the Committee which is examining the arguments in this issue? Does the Minister agree that this gives us some indication of the Member's party's policy on privatisation?

**Mr P Robinson:** I am sure that the Regional Development Committee will look closely not only at the way in which the Port of Belfast may want to proceed with privatisation, but also at whether it wants to pursue a private-sector option at all. I wish to assist the Committee and make sure that the Assembly has a meaningful role in considering the future of the Belfast port, rather than the statutory role which simply gives it the right to accept or reject a confirmation order brought to it by me.

Within the next few weeks, I hope to provide the Assembly, and the Regional Development Committee in particular, with an options paper which will look at a number of alternatives. Of course, one significant alternative is for the port to remain in the public sector. There are private sector options as well. I will be interested to hear the views of the Committee on those options and, indeed, the views of Assembly Members as well.

### **Rural Roads (Western Areas): Gritting**

4. **Mr Gallagher** asked the Minister for Regional Development if he will introduce criteria to ensure that rural roads west of the Bann are treated during winter months. (AQO 59/00)

6. **Mr Gibson** asked the Minister for Regional Development what the criteria are for determining which roads should be gritted in the West Tyrone constituency. (AQO 63/99)

**Mr P Robinson:** Mr Speaker, with your permission I will take these two questions together.

The current criteria for salting roads in West Tyrone are those which are applied consistently across Northern Ireland. They provide that main through routes carrying 1500 vehicles or more per day are salted during wintry conditions.

In addition, some routes that carry more than 1,000 vehicles per day are salted provided that there are special circumstances, such as sharp bends or gradients. I appreciate the concerns about this matter. Gritting costs approximately £4.5 million each year and deals with the roads that carry 80% of all traffic. Any significant increase in gritting could only be achieved by diverting resources from elsewhere in the roads' budget. I will, therefore, be consulting the Regional



Development Committee about the priority which this aspect of roads expenditure should have and in particular, about the weighting to be given to rural areas.

**Mr Gallagher:** I thank the Minister for his response. As he has outlined, the setting of the criteria is a complicated matter. I would draw the Minister's attention to the Comptroller and Auditor General's report a few months ago, which indicated that a mere 20% of roads in rural areas in the west of the Province were included in the gritting programme. That is a significantly lower percentage than applies to other areas in the North of Ireland.

Will the Minister accept — and I speak as a member of the Health, Social Services and Public Safety Committee — that a great deal can be done to improve safety at very little cost? As he has referred to costs several times I suspect that his advisers are still in direct-rule mode — concentrating on costs above everything else. In the new situation, does the Minister agree that Roads Service policy needs to move from “savings first” to “safety first”?

**Mr P Robinson:** The Member would be entirely wrong to direct that criticism at my officials. There is an assumption underlying his question that the gritting of roads is a safety matter and that other areas of expenditure by the Department are not safety related. Many of those matters are safety related, and difficult choices have to be made.

I am aware of the issue, particularly in Fermanagh. I visited the council there, and it was brought to my attention. I made it clear to the council that I would look specifically at whether some weighting should be attached to rural and remote areas when deciding whether roads should be gritted.

I ask Assembly Members to recognise that £22 provides one tonne of asphalt, which lasts for 20 years. It also provides one tonne of salt, which can be washed away in 20 minutes.

**Mr Gibson:** With respect to the Minister's last remark, is he aware that in much of rural West Tyrone many of the minor roads are awash with water because of the flow of surface water from adjoining lands? Department of Environment roads and drainage officials tell me that it is a common problem. Ground drainage, which is essential, was carried out 15 to 20 years ago under grant schemes, but much of the pipe work is silted, and the culvert apertures may be inadequate. Therefore, much of the salt, at £22 a tonne, does not even last 22 minutes on some of the roads. Will the Minister take this concern up with other Ministers to stop the roads of West Tyrone from becoming burns and sheughs?

**Mr P Robinson:** I am glad to hear Ulster-Scots being used. I say to my hon Friend that there are drainage-related problems, and the possibility of salt being washed off the road is one of them. It is also frustrating for officials that when salt is put down, rain washes it away. There is more than one way of having salt washed off a road, with the consequent waste. I have asked officials to place a very useful leaflet that has been prepared by the Department and gives an explanation of a number of gritting problems in Members' pigeonholes.

3.30 pm

Members will recognise that gritting is a major problem that needs to be dealt with. However, if we could deal with 90% of the roads and have them salted, as opposed to 80%, the additional 10% would actually double the cost to road users.

## THE ENVIRONMENT

### Duncrue Incinerator

1. **Ms Lewsley** asked the Minister of the Environment if he will explore the potential expansion of the use of the existing incinerator at Duncrue, Belfast, to include the disposal of meat, bonemeal and tallow either separately or mixed with sewage sludge. (AQO 80/99)

#### The Minister of the Environment (Mr Foster):

The incinerator at Duncrue Street, Belfast, is operated by the Water Service of the Department for Regional Development. It is being fully used for sewage sludge and has no spare capacity.

**Ms Lewsley:** As the legislation states there has to be one type of incinerator to deal with the disposal of meat, bonemeal and tallow, will the Minister say whether there are any planning applications with his Department for such incinerators and, if there are, will he inform me of the areas involved? If any incinerators are to be sited in a residential area, will there be widespread consultation with the residents?

**Mr Foster:** I am not aware of any immediate plans. The Water Service commissioned a new sewage sludge incinerator when sludge disposal at sea was prohibited. As I have said, the incinerator is fully utilised and has no spare capacity. However, I will ask the Minister for Regional Development to encourage the Water Service to examine the co-disposal of sludge with other wastes such as meat, bonemeal and tallow as it considers its future disposal needs.

Anyone who wishes to operate such an incinerator will require a pollution-control authorisation from my Department's Chief Industrial Pollution Inspector. He will have to be satisfied that the most appropriate techniques for pollution control are being used and that the environmental impact will be acceptable. There will have to be an environmental impact assessment.



**Rev Dr Ian Paisley:** Is the Minister aware that the future of such waste disposal lies with the incinerator and that Europe is moving towards that position? Will he tell us what applications the local offices have for incinerators across the Province? If permission is granted, will the Minister assure us that the incinerators will be up to the only standard that is permitted in Europe so that the stench that comes from them will not be evident to the people in the surrounding areas?

**Mr Foster:** I cannot give wholesale assurances.

When the incinerators are being assessed every consideration that the Member has referred to will be taken into account. We are subject to EU standards, and we will comply with them. If we do not comply we will be subject to infraction from Europe.

District councils should investigate any foul smells from rendering plants as they could represent a public-health nuisance. I am aware of the stench that comes from some plants in the Province, and I am concerned about that. We will endeavour to dispose of the foul smells that affect the countryside.

**Mr Molloy:** Is the Minister aware of the present situation with regard to clinical waste? Are any of the present incinerators being used for clinical waste disposal, and are they up to European standards?

**Mr Foster:** I am not aware of any, but I will provide a written reply.

### Area Plans

2. **Mr Wells** asked the Minister of the Environment how he proposes to deal with the backlog in the preparation of area plans in order to achieve the target of having all plans updated and published by 2008.

(AQO 73/99)

**Mr Foster:** The Department is currently looking at ways of streamlining the development plan process. I will consider if additional resources can be allocated to enable an acceleration of the programme. However, the Planning Service faces an increasing workload on development control, and much will depend on the overall budget available.

**Mr Wells:** There was considerable interest in the Department in what my supplementary would be. Does the Minister accept that there is a great deal of concern over the fact that many of the area plans are well behind schedule? When the regional strategic framework eventually comes into force, the local plans, which are meant to dovetail into that strategy, will not be in place. Surely he must consider bringing in outside consultants to deal with these area plans, which will cover areas such as County Down where there is not one current local area plan in operation.

**Mr Foster:** The area plan programme is set out in the Planning Service's current corporate and business plans. Several area plans are past or are nearing their end date, and there is a backlog in the up-to-date plans to be prepared to ensure that Northern Ireland is completely covered. The area plan process is long-drawn-out and, as set down in statute, requires extensive consultation. It is a time-consuming process and demanding on staff time. Consultants have been appointed to undertake a review of the process, and when it is finished, the Department will consider ways in which it could be streamlined. I am aware that the Member has a particular interest in the combined Banbridge and Newry and Mourne area plan, and I assure him that work is to commence on that plan in February.

**Mrs I Robinson:** Can the Minister confirm that 16 major planning applications are currently with the Department for development within the green belt and that they would have a particular impact on the North Down and Strangford constituencies? Does he appreciate that the backlog of uncompleted urban area plans is detrimental to good planning policy?

**Mr Foster:** My Department is indeed very much aware of the current backlog. I emphasise that our biggest problem arises from our being a service agency. The departmental running costs are colossal, and we need more money and more personnel to deal with that backlog.

**Mr Dallat:** Will the Minister ensure that future area plans will not prevent rural areas from being involved in regeneration programmes? Can he assure us that his Department will not be in conflict with other Departments that are trying hard to regenerate local communities, keep rural schools open and keep communities together?

**Mr Foster:** My Department would never try to stifle any development plan or move from industry to stimulate the economy. Each plan, each area and each application is considered on its merits. Each is professionally assessed before the Department takes its decision.

**Rev Dr William McCrea:** In answer to questions in the Environment Committee, the Minister and his officials said that several area plans would be exhausted by early 2000. Does the Minister agree that it is intolerable and disgraceful that the area plan for Magherafelt has been exhausted since 1996 — not 2000? Development, both private and industrial, is being stifled in the Magherafelt area because there is no appropriate, up-to-date plan. This is totally unacceptable, and I ask the Minister for a proper area plan.

**Mr Foster:** The situation that Dr McCrea outlines was inherited by me in my Department. I am sure he appreciates that all this did not happen yesterday. I

emphasise the need to provide more resources to enable the Planning Service to cope. The work is complex, but the present situation arises not from any want of getting into it and working at it. I assure the House that we shall continue to tackle the problems and try to create further drive to get rid of the backlog.

**Mr J Kelly:** I want to copper-fasten what William McCrea said about the Magherafelt area plan. It is totally unacceptable that this plan has been out of date for so long. As was pointed out earlier, it has stifled development in the area, and it is also stifling urban regeneration and urban renewal. This matter, and particularly where it concerns Magherafelt, should be addressed as a matter of urgency, because we are the “hind teat” in this.

**Mr Foster:** As I have said, we are very aware of this problem and do not wish it to last any longer than necessary.

### Planning Control (Countryside Protection)

3. **Mrs Carson** asked the Minister of the Environment how he plans to co-ordinate planning control with protection of the countryside. (AQO 46/99)

11. **Mr Bradley** asked the Minister of the Environment what his policy is towards rural applicants seeking permission to build a home in the locality where they were born. (AQO 81/99)

**Mr Foster:** With your permission, Mr Speaker, I will take questions 3 and 11 together.

My Department acts within the planning policies set out in the publication ‘A Planning Strategy for Rural Northern Ireland’. In addition, the draft regional strategic framework proposes a range of policies designed to sustain a living and working countryside. The policy and the regional strategic framework are matters on which the Department for Regional Development takes the lead.

There is no specific policy which allows people to build where they were born. However, planning permission may be granted for a house on the farm for a retiring farmer, or for the widow or widower of the farmer, to facilitate the orderly transfer or sale of the farm.

**Mrs Carson:** I thank the Minister for his reply.

I would like to draw the Minister’s attention to the importance of that part of his departmental responsibilities that is to do with protecting the countryside. This is a very broad brief and closely related to planning. In common with many public representatives, I am baffled at times by the logic of planning decisions which do little either to protect the countryside or to enhance it. What can the Department do to protect the countryside, which is one of our

greatest assets, from the indiscriminate expansion of housing developments, and does the Minister support the European concept of developing clusters of dwellings such as hamlets?

**Mr Foster:** Whether or not to allow houses to be built in the countryside is something that causes great difficulty. There are lobbyists to protect the countryside and lobbyists in favour of building houses in it. My Department is not unaware of the difficulties.

Within the overall strategy is a wide range of specific planning policies. These deal with different types of developments: single houses in the open countryside, villages and rural settlements, ribboning, and so on. Overall, cognisance is taken of the need to protect the countryside, but we also have to deal with the present huge demand for houses there.

Mrs Carson has referred to hamlets. We do not oppose them; in fact, we welcome them. There is a hierarchy of settlements — the hamlet, the village, the town, the large town and the city. We seek at all times to provide for a vibrant rural community which will strike a balance between development in and protection of the countryside.

**Mr Bradley:** We used to enjoy challenging a Minister who came here from his 6,000-acre or 7,000-acre holding in England and laid down rural policies for us, but perhaps we will not get the chance to do that now.

We are talking about people versus places. I have talked before about the clearly defined rural applicant — the applicant who wants to live on the farm. Not all farms are 80 or 100 acres.

It could be a 30-acre farm, but if a father or mother wishes to give a site to a son or daughter in a rural area, we have to do something to accommodate them.

We are forcing migration on rural people. I know that the Minister is new to his post and probably has the same problems in Fermanagh that we have in South Down. This problem must be dealt with. Perhaps this is an opportune time, now that the Newry area plan, in my case, is coming into being. I will be making the strongest representations in that regard and seeking the Minister’s support for rural applicants.

3.45 pm

**Mr Foster:** What the Member has said has not gone unnoticed. I am very much aware of this problem through my own experiences of building homes in the countryside in Fermanagh and understand what the Member has said. It can be a difficult issue, but we attempt to provide for retirement dwellings on farms when asked to do so. Different issues and different exigencies have to be taken into consideration, which can make things quite difficult. When permission to

build is given, that suits the person applying, but not those who object. It is an extremely sticky wicket.

In the last financial year, 3,879 permissions were granted for single houses in the countryside. In the previous five years, a total of 15,533 permissions were granted for such houses. We endeavour to provide where we can, taking into account the issue of what we might term sustainable development. While we think and plan for the present, we must also do that for the future.

**Sir John Gorman:** I have a question about D5 in the plan for the port of Belfast. I gather that a considerable development is planned in D5 between Belfast and Holywood. I have received several representations from my constituents about the possible environmental impact. One group of people was concerned about the impact on bird life. What is the Minister's attitude to that?

**Mr Foster:** With regard to D5, a public inquiry has been held. The jury is out, and we await a report of the investigation. It would be extremely imprudent and entirely wrong for me to comment any further on this issue now.

**Mr McCarthy:** The Minister spoke about ribboning. What constitutes ribboning along a country roadside and how many houses will he permit?

**Mr Foster:** In my humble experience, as a district councillor in Fermanagh, ribboning has been an issue for a long time. People differ over what constitutes ribboning. As I understand it, ribboning starts where there are two houses together along a roadside and potential for a third. Two houses are acceptable, but with three, one is in trouble.

**Mr Hay:** Rural planning varies across the Province, especially in policy and direction. Has the Minister any plans to give local authorities more planning powers, and especially rural planning powers? Does he intend to present proposals to look generally at planning throughout Northern Ireland?

**Mr Foster:** These are early days. There is much talk of reorganising local government and quangos of what powers might be given to local government if that reorganisation occurs. That issue must be dealt with under the overall umbrella of the governance of Northern Ireland. As far as I am concerned, no decision has yet been made or mooted.

**Mr J Kelly:** I know that these are early days, but perhaps the Minister can say whether he has given any consideration to the spreading of slurry and its effect on the countryside? Farmers have to get rid of slurry, but, particularly in built-up areas, it can cause distress for older people, especially those with respiratory problems. There is also the vexed question—

**Mr Speaker:** Order. It is not clear to me that the spreading of slurry is a planning problem.

**Mr J Kelly:** It is an environmental problem.

**Mr Speaker:** It is an environmental problem, and I appeal to Members to ask questions that are supplementary to the question that is down. A very broad question on policy in the widest sense was asked, and that is not appropriate. I am not sure that this is to do with planning, but I will ask the Minister to respond if he wishes.

**Mr J Kelly:** May I finish by asking about the pollution of waterways as a result of slurry spreading, which is also very detrimental to the environment.

**Mr Foster:** Slurry-spreading has been a problem for a long time. The odour can be very offensive, and every precaution is taken to stifle this. We watch the pollution of waterways very closely. It is not acceptable to us. Some people, through a degree of irresponsibility, foul the waters in our areas, but we watch that very closely, and it does not go unnoticed.

### Whitemountain Quarries

4. **Mr Attwood** asked the Minister of the Environment to confirm, on the basis of current production, the number of years quarrying will continue at the Whitemountain Quarries at Black Mountain quarry, Hannahstown, Belfast. (AQO 82/99)

**Mr Foster:** The Department understands from the quarry operator that at the present rates of extraction the company has sufficient reserves to carry operations forward for 20 years at least.

**Mr Attwood:** I thank the Minister for that unsurprising answer. Given that he is now a more regular visitor to Belfast, he will be aware that one of our great natural assets are the hills around the city. East Belfast has the Castlereagh hills; north Belfast has Cave Hill; and in west Belfast there is Black Mountain. About 10 years ago Richard Needham, the then Minister responsible for the environment, conducted a review of quarrying on Black Mountain. This was, on one hand, to minimise the environmental damage being caused by the quarry and, on the other, to consider whether the quarry should be closed owing to its adverse environmental impact.

The Minister will be advised by his civil servants not to conduct any further review on planning, historical and financial grounds and certainly not to countenance the closure of the quarry. I am asking the Minister to consider whether it might now be appropriate, given the past 10 years and the probability of at least 20 more years of quarrying on the mountain, to carry out a review aimed at minimising the environmental damage that continues to be caused to this natural asset of the city or even to close the quarry.



**Mr Foster:** I am aware that for a long time local politicians have been critical of the quarry because of the loss of visual amenity and its impact on the environment. As I said earlier, its life expectancy is another 20 years. It has been inspected by my officials. We understand that it operates with valid planning permission and that there is nothing to justify closing it at this stage. The Department monitors the site from time to time to ensure that it complies with planning conditions, and I want to emphasise that there are no planning grounds on which to revoke its existing planning permission.

**Mr Shannon:** Is the Minister aware that the backlog is not specific to the area plans and that some 8,500 planning applications are outstanding?

**Mr Speaker:** Order. That relates to a previous question. We are now on the question about Whitemountain Quarries.

**Mr Shannon:** The question has not been answered.

**Mr Speaker:** That is because it was not asked at the right time.

**Mr Shannon:** We have a written question to him.

**Mr Maskey:** A Chathairligh. Given the likelihood of a further 20 years' quarrying at that site, will the Minister say if the Department proposes to look at options such as a buy-out to stop the quarrying or if there is some kind of proposal to return the mountain to its former state?

**Mr Foster:** There are no plans at present to do what the Member asks.

**Dr Hendron:** The mountain takes in not just west Belfast but north Belfast also. There is no reason why that whole area could not be a magnificent amenity for the people of Belfast, particularly west and north Belfast. There was speculation within the Department when Richard Needham was Minister that it might be possible to buy the mountain. I appreciate that the present owners want to continue, but they would consider selling it. I would like to ask the Minister whether, over the next couple of years, his Department could look at this issue again. As I have said, this could be a magnificent amenity for west and north Belfast. With the help of private finance a buy-out from the present owners could happen.

**Mr Foster:** I take the point that the hon Member has made. I sympathise with a number of the remarks that have been made this afternoon. Mr Needham has been quoted as saying that no further extensions to the quarry would be granted. In future, under the law, any new planning application would have to be considered on its own merits. With regard to its being an amenity area, I do not know what might happen. One cannot be absolute about anything in the future. I do not know what

recommendations or suggestions might be made under the Belfast metropolitan plan. There could be a change of thought.

**Ms Morrice:** With regard to this and other planning applications and development plans, does the Minister agree that there is not nearly enough consultation with neighbours and communities, and will he take more account of that in future?

**Mr Speaker:** Order. I have already given a ruling that we cannot move from the particular to the general. This is a very particular question. One might raise the issue of quarrying, but the general issue of neighbourhood notification is not one that I can accept.

**Ms Morrice:** On a point of order, Mr Speaker. May I suggest that on this issue of the quarry, consultation with the neighbours might be valuable.

**Mr Speaker:** Indeed.

**Mr B Hutchinson:** Is the Minister aware of the allegations that this company sponsored a golf tournament for the Department of the Environment. If so, what is he going to do about it?

**Mr Foster:** I am not aware of any such action.

### **Dangerous Animals: Legislation**

5. **Mr Beggs** asked the Minister of the Environment if he has any plans to introduce legislation equivalent to the Dangerous Wild Animals Act 1976. (AQO 50/99)

10. **Mr Gibson** asked the Minister of the Environment what plans are in place to introduce legislation on the keeping of dangerous animals. (AQO 58/99)

**Mr Foster:** With your permission, Mr Speaker, I will take questions 5 and 10 together.

I intend to bring a Bill before the Assembly as soon as possible, after consultation with the Environment Committee. This will, of course, be subject to the Executive Committee's prioritisation of legislative proposals from all Departments and to the availability of legislative time in the Assembly.

**Mr Beggs:** Is the Minister aware that the general public and livestock have been endangered by inadequately controlled wolves in my constituency of East Antrim and by big cats in other parts of Northern Ireland?

**Mr Foster:** I sympathise fully with the owner of the sheep recently attacked by timber wolves in the Larne area, which is in Mr Beggs's constituency. I am also aware of the concerns of local people about the keeping of big cats in the Seskinore area, which is in Mr Gibson's constituency. I am pleased that the animals in question are being cared for by the USPCA at its compound at Benwarden.



At present my Department has no real power to stop people from keeping such animals, and so I call on owners to act responsibly. In Great Britain the keeping of dangerous wild animals by private individuals is controlled under the Dangerous Wild Animals Act 1976. We have no such legislation.

**Mr Speaker:** Order. I have to bring the response to a close as the time for questions is up.

4.00 pm

**Rev Dr Ian Paisley:** Mr Speaker, you remind us of examples from another place, but today at Question Time most of the supplementary questions were read. Secondly, with regard to supplementary questions, statements were made prior to questions being asked. We only got to number 6 on the last page. If Members have urgent questions we are not going to reach them. Do you rule against the reading of supplementary questions?

It was interesting that some Ministers were reading replies to supplementaries, which they were supposed to have just heard. One Minister's private secretary was going around those asking questions and saying "Please tell me your supplementary". That is not good parliamentary procedure. If it continues, these Question Times will not give Members the information they need.

**Mr Speaker:** The Member raises a number of important questions. For me and, I suspect, for Members and Ministers, there is an element of learning. We will take our time to get into the way of it.

Members at least ought not to have to read supplementaries. In other places even reading speeches is not the thing to do. But Members ought at least to be able to memorise supplementary questions.

With reference to the making of statements, it is not unreasonable that the preface — and by that I mean the first part of a sentence — might make a statement that places the question in context, but Members should move on quickly to the question. That question ought to be a question, and not something with two or three parts. The asking of the centipede questions that one sometimes gets, with hundreds of legs, is not the proper way to go about things.

In the House of Commons this past week one Minister took 11 minutes to respond to a question. Madam Speaker made her displeasure known, not only to the Minister and to the House but also to the Members whose questions were neither clear nor to the point.

Everyone here is learning, and we do not get it right immediately. We try to keep to a limited number of questions, and the shorter the questions and the responses, the more questions Members may ask. Then we may get beyond question 4 or 5 or 6, which we have been unable to do until now. I value the Member's intervention. We will all keep it in mind.

## POLICE: PATTEN COMMISSION REPORT

### *Debate resumed on amendment to motion:*

This House rejects the Patten Commission's report and calls upon the Secretary of State to reject proposals which would reward and elevate terrorists while demoralising and destroying the Royal Ulster Constabulary, whose members, both full-time and part-time, have diligently and with great distinction served the whole community. — [Mr Dodds]

*Which amendment was:* Delete all after "This" and add

"Assembly believes that while the Patten Report causes pain to many, it can provide a new beginning for policing in Northern Ireland, responsive to and representative of the entire community.

This Assembly urges leaders from all sections of the community to give full support to the proposed reformed police service and to encourage people to join." — [Mr Neeson]

**Mr Speaker:** I remind Members that there is a limit to the length of the debate, which must end at 6.00 pm. The winding-up speeches for the amendment and motion have to be completed before that. Then there is the vote — and I expect that there will be one. I asked the leave of the House in the later part of this morning to put a time limit of five minutes on all speeches to try to get through as many as possible. Members from all parties will have a chance to speak at some length.

**A Member:** No.

**Mr Speaker:** The House gave leave when the matter was put before lunch.

**Sir John Gorman:** During last week's discussion, I was struck by the words of Bishop Mehaffey, the Church of Ireland Bishop of Derry. I agree with him that many elements in the Nationalist tradition have failed to appreciate the sense of hurt and loss felt in Unionist circles over the Government's decision to implement, almost in full, the Patten Report. Nor do they understand the Protestant — and I use the word advisedly — sense of policing which differs from the concept of policing held by most Nationalists.

The first duty of the police is to uphold law and order; its purpose is not to be owned by any section of the community — by the Unionist tradition any more than by the Nationalist tradition.

When I spoke in the Ulster Hall in support of the RUC, I made the point that the name of the force was hated by those who had reason to fear retribution for their murderous activities. It would be a shame if the SDLP were to find common cause with them today — I hope this does not occur.

Since that rally, there has been a new factor in the equation. The most cherished award for civilian bravery — the George Cross — has been awarded to the Royal Ulster Constabulary. The designation "Royal" was also vouchsafed by the sovereign. Neither award can be removed by political sleight of hand. Would it be right

for the RUC to be treated in the same fashion as the traitor Anthony Blunt? The presentation of the George Cross will be an extraordinary occasion.

But will the present plan proceed? Even in its attenuated state, the Lords threw out the jury Bill last week. I know that some will say that Blair has a 170-seat majority, but if the Lords show the same virility over Patten's plan and reject its worst features, will the Government want yet another battle with them? We shall have to wait and see.

Surely even Patten's power, which we have already seen has had the effect of reprieving his dogs Whiskey and Soda from quarantine, must not be invulnerable to the persuasive power of those who see the injustice and obeisance to hatred which the name change represents.

The two DUP Ministers have been calling on the UUP to withdraw from the Executive. If they feel so strongly about this and believe it will do any good, why do they not have the courage of their convictions and take the lead?

**Mr Paisley Jnr:** Will the Member give way?

**Sir John Gorman:** No; I have only two minutes left.

They insist this battle be fought not here but at Westminster. Has no one in the "No surrender" party learned the lessons for Unionism of repeated boycotts? If anyone in the DUP dares to suggest that the UUP is not prepared to fight on this issue, he will have me to deal with — *[Interruption]*

**Several Members:** Face the Chair.

**Sir John Gorman:** I will face wherever I want.

**Mr Speaker:** Order.

**Sir John Gorman:** I challenge anyone on their Benches to match my credentials on this issue.

While I support the spirit of today's motion, we must understand what it represents is an attempt to rend asunder the middle ground in this Assembly, to create a split between the UUP and the SDLP and to undermine confidence in the new arrangements. I urge the SDLP not to fall into that trap but instead to heed the advice of the Catholic bishops and show some generosity of spirit. It can best do this by addressing Msgr Faul's suggestion of a dual name — a name that both traditions can feel comfortable with and identify with. Any lack of confidence in the police on the part of Nationalists should not be replaced by a lack of confidence in another section of the community.

As it stands, the Patten Report in its entirety has not received cross-community approval. That should be no less of a concern than if the situation were reversed. It would be folly for constitutional Nationalists to forget that the agreement talks of a police service acceptable to

all — Unionists as well as Nationalists. We on these Benches have taken on board the need for police reform and a changed security environment.

**Mr Speaker:** Order. I must ask you to bring your remarks to a close.

**Sir John Gorman:** It is time for those on the Benches opposite to take seriously what the Unionist Party is saying.

**Mr A Maginness:** I assure Sir John Gorman that the SDLP has never had common cause with paramilitaries of any kind, nor will it in the future.

The debate has been disappointing. I was dismayed by some of the remarks by Unionist Members, particularly among the DUP. Perhaps that is not surprising. The reality is that there seems to be a blind failure by the DUP and the general body of Unionism to realise that police reform is essential to our future. The DUP made no attempt to admit that there was something wrong with the way in which the RUC was constituted, that it was not representative and that it was far from being an effective policing service.

The criticisms of the SDLP and, indeed, of Seamus Mallon who acted for many years as our justice spokesman, were unwarranted. The SDLP has given consistent leadership on the policing debate. It has consistently criticised the RUC and policing in Northern Ireland. It has highlighted the inadequacy of the RUC as a policing service and its failure to provide effective and representative policing in Northern Ireland. That case has been consistently put over the past 25 years. The Patten Report vindicated our position because it recognised the inadequacy of the RUC.

Our position has nothing to do with Sinn Féin, which has adopted an unrealistic stance in calling for the disbandment of the RUC. We want to see a transformation of policing in Northern Ireland through the implementation of the radical policing reforms which Patten represents. Patten provides an opportunity and a challenge for all Members. Our reputations as politicians could be determined by how we respond to this issue.

Naturally, we are divided in the Assembly and have different political points of view. But I suspect that we are united by a common vision of creating a police service that would naturally attract and enjoy, rather than command, the loyalty and support of the widest possible spectrum of our society.

Much has been said today about the gardaí. It is useful to look at the history of the gardaí which was formed in the midst of a civil war in the Irish Free State. It managed successfully to establish itself as a legitimate police service despite the political turmoil of the early 1920s. Part of its success was due to the decision to

abandon guns for normal duties and to create a truly civilian police service for the whole community. As Commissioner Staines, the first Commissioner of the gardaí, said

“The civic guard will succeed not by force of arms, or numbers, but on their moral authority as servants of the people.”

I hope that the new policing service will learn that lesson and create a moral authority as servants of all the people of Northern Ireland, irrespective of their political viewpoints.

4.15 pm

There is little doubt that throughout its history the RUC was not acceptable to the Nationalist community, and the Hunt report illustrated that. At its highest, Catholic membership of the RUC was at 11%, very little different from the level during the course of the troubles.

May I end by saying that an American police expert who visited me recently was of the opinion that Patten was a blueprint for the policing of any society in today's world. That is a great tribute to Commissioner Patten and his esteemed colleagues such as Senator Maurice Hayes, Miss Kathleen O'Toole and Mr Peter Smith QC. These are men and women of learning and wisdom to whom we owe a great debt of gratitude.

**Rev Dr William McCrea:** The 19 January 2000 was a dark day for the people of Ulster. On that day the gravy train of concessions to the IRA continued firmly on the Belfast Agreement track, and the gallant members of the RUC and the RUCR were bundled together to be led as lambs to the slaughter. The Secretary of State had the audacity to tell the House of Commons

“In the last 30 years, the Royal Ulster Constabulary has faced demands completely unlike those faced by any other force in the United Kingdom or, indeed, elsewhere in the developed world. I would like to place on record the Government's deep admiration for the courage, resilience and professionalism with which the RUC has met these challenges. The accounts that I have heard of personal tragedy, pain and loss in the RUC family are profoundly moving and humbling. Three hundred and two officers have been killed, and many thousands injured. We all owe the RUC a huge debt of gratitude.”

This all sounds wonderful, and with such a recommendation one would have expected a different announcement from the one that followed that statement by the Secretary of State. He said that, in spite of its professionalism, courage and resilience, it had to go. And not only did it have to go, but every vestige of it had to go too — the badge and every other recognisable RUC symbol.

One must ask this question: how did we ever get ourselves into this mess? The answer lies with those yes-men of the Belfast Agreement. Mr Ken Maginnis claimed that he had achieved an outstanding success in getting the police issue on to the agenda — it was not there, but he got it on. Now, having got it on and having

read the Patten Report, he tells us that he is totally dismayed because the RUC has been degraded, demeaned and denigrated by the Secretary of State.

That is interesting. Did the Secretary of State not say in the House of Commons that the security spokesman for the UUP was using rhetoric in the House and that his remarks were more hostile in public than those he made in private. In other words, he says one thing in public and another thing in private. That was an interesting confession by the Secretary of State.

Then Mr Trimble was asked about the RUC. He referred to the police controversy as

“a very difficult issue that is bound to cause problems.”

He said

“Many people feel — and I share the feelings myself — that we did not get the mixture just right yesterday.”

What is he talking about? Whom does he think he is talking about? They “did not get the mixture just right”. But he says that he will continue to work at it — put a little more salt into the wounds of those who are already hurting. Concerning the “mixture” that Mr Trimble says “we did not get just right yesterday”, an RUC member whose legs were blown off in a booby-trap bomb said

“The dirty tramps. They paid no heed to our feelings, but then I always suspected they would get their way. It has been concession after concession after concession. It seems that the bomb and the bullet win every time.”

We call this a peace process, but in reality what is it? It is a piece-by-piece process on the road to Dublin, a process that will destroy not only the United Kingdom but everything that is recognised as being good and decent in our society, such as the RUC and the RUCR.

We should not be surprised when Sir John Gorman tells us that the Ulster Unionists are going to take a stand for the RUC. That will be interesting. What about the stand they took for the Ulster Special Constabulary? What about the stand they took for the Ulster Defence Regiment? Is this the type of stand that is going to be taken for the RUC?

I heard others talking pious words today. It was interesting to hear Sinn Féin talking —indeed, the Member for Foyle spoke. What she did not tell us, when she said that the RUC must go, was that her son was sentenced to imprisonment for trying to murder an RUC man. The gun did not fire. Also, she did not say that her husband was a member of the UDR. We ought to be proud of the RUC. It is time for Ministers to do the decent thing and resign. The First Minister should give the lead — his resignation would really mean something.

**Mr G Kelly:** A Chathaoirigh, I see they are calling for resignations again.

It is no surprise that the DUP is defending the RUC — it is a Unionist force and has been since partition. It



was put in as an armed political force to represent Unionism and to be used against Nationalists and Republicans. There is a myth — and the DUP and other Unionists are in denial of this — that the RUC served the whole community in the North. I would like to know where that myth came from. From the inception of partition the make-up has been 90% Protestant.

There is another myth which says that Catholics were intimidated out of the RUC, or were intimidated from joining it. Again, I refer to the statistics. Well before the last 30 years that people keep referring to, the figures were very consistent. From the inception of this statelet the make-up of the RUC has been 90% Protestant.

It used emergency laws during the whole of that time. Incidentally, one of the South African Presidents, before the end of apartheid, said that he would give up all of his past laws, and emergency law, for one clause in the Northern Ireland Emergency Provisions Act. That is the type of emergency law and paramilitary policing that we have been faced with over the past 80 years.

The DUP and the Ulster Unionists deny this. They have never even admitted doing anything wrong politically, never mind the RUC. They have come through a series of organisations including the RUC Reserve and the UDR, all of which were sectarian in their make-up. They were looked upon by Nationalists — and there is a lot of evidence to support this view — as a very political police force over that time. The DUP and Ulster Unionists are in denial because they do not think that anything ever went wrong here, so why should they want the RUC done away with?

The RUC has been criticised and condemned by many reputable human rights groups, and we cannot ignore that. Whatever I may say about it, why ignore those groups? They are the European Court of Human Rights, the United Nations Human Rights Committee, the United Nations Committee on Torture, the United Nations Special Rapporteur, the European Parliament's International Relations Committee, the International Relations Committee of the US Congress and Amnesty International, among others.

There is a strong desire, as shown by the Good Friday Agreement, for a real policing service that will serve the whole community. That desire — and I have listened to the DUP — is greater in the Nationalist heartland because they are the people who have suffered its lack. The desire for a policing service is very genuine and important. It was an essential part of the Good Friday Agreement that we all signed up to — except the DUP, of course. The litmus test for any police service that may emerge lies not with me or with anybody sitting on these Benches. The litmus test is whether young people in Ardoyne, or Ballymurphy, or the Bogside, or South Armagh believe that this is a policing service that they can join.

Why did Catholic youth not join the RUC? Because the combined force of the RUC and the British Army has been directly involved in 360 deaths, half of them civilians. No member of the RUC has ever been convicted of murder in all that time.

There is evidence of collusion between the RUC and Loyalist death squads, and the sheer volume of personal details that have been released can only be guessed at. We have documentation that proves collusion through a number of informers and agents such as Brian Nelson, who is probably the best-known of them. The Pat Finucane killing; the Robert Hamill killing; and the Rosemary Nelson killing all show the depth and extent of the collusion. The famous wall of silence within the RUC in the face of belated inquiries shows again what type of organisation it has been and why Catholics do not join it.

There are all sorts of reasons why the RUC is not acceptable and why Nationalists should not join it. Through the Stalker and Sampson inquiries we learned that the RUC was trained by the SAS.

**Mr Speaker:** Please bring your remarks to a close.

**Mr G Kelly:** I will come to my conclusion very quickly. I am opposing the motion, not because I support the Patten Report, which falls short of what is needed —

**Several Members:** Time, time.

**Mr Speaker:** Order.

**Mr G Kelly:** Sinn Féin will wait for the legislation. Let me finally say this. The policing service is not a concession to anyone. Either we need a policing service or we do not. Let us have a proper policing service.

**Mr Speaker:** All Members need to hold to time, otherwise they just call back and forwards to each other across the Chamber. Particularly during a debate about law and order outside the Chamber, Members should remember to preserve law and order inside.

**Dr Birnie:** Many of the original 175 Patten Report proposals make sense. That is not surprising, since roughly 160 of them were anticipated by previous studies, such as the RUC's own fundamental review. However, there are two basic flaws in both the Patten Report and the Secretary of State's recent statement.

First, there is the assertion that the proposals follow on from the terms of the Belfast Agreement. Secondly, there is the idea that the changes now proposed are either necessary or sufficient to engineer the wider community acceptance of policing that all of us here wish for.

I will deal initially with the relationship between the Belfast Agreement and the Patten Report. It has been asserted that there is a strong link between the two, but



the Belfast Agreement simply laid down the terms of reference for the Commission. The final recommendations do not follow inexorably or necessarily from the agreement.

In this debate we have witnessed an unholy alliance between Chris Patten — who has argued that the Belfast Agreement is the cover, as it were, for his recommendations — and those people who represent the “No” side of Unionism and who will use the Patten and Mandelson reforms as further ammunition to hurl against the structure of the Belfast Agreement. All this is rank hypocrisy from members of a party who have often hurled verbal abuse, or worse, against the same RUC whose best defenders they now claim to be. I noted earlier the strong rhetoric from the Minister for Social Development, among others, but if the DUP really felt so strongly about the Mandelson statement, why were its MPs not present in the Commons when he made it? The image of the DUP as the guardian of the future of the RUC brings to mind the idea of Charles Manson endorsing Barnardo’s.

4.30 pm

Secondly, on the acceptability of the police, my argument is that the proposals from Patten and the statement by the Secretary of State are not logical, given the evidence in the Patten Commission’s report. I quote from paragraph 3·14. In a random sample survey

“77% of Protestants and 69% of Catholics expressed overall satisfaction with the way they had been treated”

by the police.

Paragraph 3.11 states that 70% of Catholics in the same survey

“cited intimidation ... as the main reason why Catholics were deterred from entering the police”.

Sadly, that spirit of intimidation still stalks the land, as in Carrickmore. I would argue, in the light of such evidence coming directly from Patten, that it is misguided to make suggestions about a change of name and badge. The Mandelson changes will, if implemented, massively alienate the Unionist section of the population, yet they will never be enough to win over those who have the Republicans’ objection to the police. For such persons the real objection to the RUC is not its name, oath, or human rights record —

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

**Dr Birnie:** Sorry, I am running out of time.

The fundamental objection is that the RUC is involved in policing United Kingdom law within a part of the United Kingdom. The Belfast Agreement has confirmed Northern Ireland’s position as part of the United Kingdom, subject to the consent principle. Given this, the Patten/Mandelsonian tinkering with the

RUC is worse than gratuitous appeasement — it is futile appeasement.

Let us imagine that the name “Royal” really is the problem. In due course will there be campaigns against the Royal Victoria Hospital, the Royal Mail, Royal & Sun Alliance, the Royal National Institute for the Blind, the Royal Society for the Protection of Birds and the five Royal schools in the Province?

**Mr Speaker:** Order. The Member has now had his five minutes.

**Dr Birnie:** I support the motion.

**Mr Dallat:** When a political party puts down a motion for debate it is assumed that all of its members feel sincerely about it. It was interesting to note that for most of the morning there were no more than three members of the DUP present in the Chamber. Once again it could be claimed that the RUC is being used and abused for political purposes. But what is new? Reference was made to the fact that the first policeman to die in the present troubles was murdered by Loyalists. In the days before his death, the Paisley bandwagon was screaming “sell-out” following the publication of the Hunt report, which the Rev Dr William McCrea referred to earlier. That policeman died in a riot that followed a rally organised by that same party. It made the balls, and when its members went home safely to their homes the police were left to take the brunt as the balls were thrown at them.

The gardaí were criticised this morning, and that merits comment. May I remind the same politicians that while they were safely in their beds and protected by the RUC in the North, members of the gardaí were manning police stations along the border and protecting people on both sides of it.

Many of them were far away from their families for long periods, working in conditions that were far from favourable. Indeed, the Republic spent more per head of population on border security than the British. Surely Peter Robinson must bear testament to that tight security, given his little sortie to Clontibret.

Thirty years later and things have not changed much. In the last few years people have still been be wound up to hate by the same people who were responsible for the death of the first policeman.

In the absence of agreed political institutions it is impossible to have a police service which is broadly based. That is not just a Northern Ireland experience; it is the experience of countries in many parts of the world. It is therefore very worrying that people like John Taylor talk about a return to direct rule. That would be a disaster for the future of policing in the North — a disaster for the North.

Never again must the police service be dependent on people who pretend that they support it and then say the most outrageous things about it when it does not follow their narrow, bigoted, sectarian views.

After the signing of the Anglo-Irish Agreement there was the usual cry of “Sell-out” by the DUP. And just as in the 1969 case, to which I referred earlier, the paramilitaries responded with a drilling session on a beach in Portrush. The reaction of the DUP leader was interesting. Did he send for the RUC? Certainly not. He went to the beach and had his photograph taken with the paramilitaries. He predicted more deaths, and he called the RUC prostitutes, claiming that its members were now being paid in punts. His predictions about the deaths were deadly accurate — Castlerock, Greysteel and Loughinisland pay tribute to this. No police force should have to rely on that type of support.

At a recent rally in Coleraine, organised by the DUP, 350 chairs were put out to enable people to hear how Dr Paisley and Mr Robinson were going to save the force. People will be relieved to know that most of the seats remained empty, for there is a maturity in Northern Ireland that understands that the police service cannot be the property of any political party and, most certainly, not the property of those parties that are extreme.

For the first time we have an opportunity to take policing out of the political arena where its friends were highly unreliable and unrepresentative of the whole community. The new police service must not be vulnerable to extreme elements, irrespective of where they come from. We should never again have rotten apples in the service, who, by their actions, or lack of actions, bring disgrace to it, and the new political structure will prevent that from happening.

The Patten Report’s recommendations point the way forward. For the sake of the men and women who serve in the police and for the sake of the community who will depend on them, I hope that we can move swiftly to a new era. I hope that no more people will have to die either in uniform or out of uniform.

Policing was sadly abused in the past, and there are still people who care nothing for the harm and hurt caused, not only to the people in the police, but also to the people in the two communities whom they were charged to serve. Now is the time to move on. The Patten Report is not perfect. It can be improved upon, but that can only be possible when each individual sees the police, not as my police or your police, but as our police.

**Mr Gibson:** I have listened with interest to the speeches. My party has been accused of being negative, but I have never heard anything more negative or condemnatory than what has come from the SDLP

Benches. I have referred to the SDLP as the Fairy Liquid party — it is green, slippery and soapy, but the scum has gone down the sink. However, by its association with and support for those who have murdered and created anarchy, it has got itself to the point where it can no longer differentiate between right and wrong. Its members are unable to condemn or distance themselves from the Provos; rather, they have piggybacked on their success. I have seen this night after night in various council chambers.

A section of this community declared from the word go that it would not accept Northern Ireland, that it would not accept anything that pertained to keeping Northern Ireland British. Yesterday Gerry Adams reminded us very forcibly of this stance in his speech at Milltown when he said that the Republican agenda or focus remains the same. Its aims and determinations have not altered one whit. People talk about this wonderful agreement and this great shrine of peace, but Sinn Féin has never been party to it. It has deliberately pretended to support it, but peace is just another conveyor belt towards Republican goals. To be fair to Sinn Féin, it has been more honest about its intentions than its political neighbours in the SDLP.

There is much hypocrisy about not accepting the police, but let me give one example. In Pomeroy, which is in the constituency next to mine, there was a large anti-RUC meeting, and on the way home from it, two of its very staunch supporters had an accident on the Inishative Road. They could not agree on who was right and who was wrong. How did they settle it? They sent for the RUC. So much for those who do not accept the RUC.

We hear a great deal of hypocrisy from members of the SDLP, some of whom sit on the Police Liaison Committee. They would be the first to say “No, I am not here” or “I am wearing another cap”, but they are back-door SDLP members of the Police Liaison Committee. The truth will come out.

Take the example of the foot soldiers who are not content just to wait for the peace process to deliver the goods. There is an idea around that these foot soldiers can walk on a headmaster’s lawn and tell him that he cannot have a guest in his school, or that they can walk into a meeting and threaten and intimidate. Let us look at the civil rights issue here. There is no right to free association.

Then take the case of the parents of the policeman in Melmount in Strabane who had to be moved out on Friday night because of threats and intimidation.

When I look around the countryside in my constituency, I see 97 tombstones, put there by people whose business was anarchy and murder, people who, in their hearts and minds, were always determined to bring

anarchy to this country. There was only one line of defence, and that was the RUC. The RUC defended the majority of people — both the Catholic and the Protestant communities — and we have a responsibility to defend those who defended us.

**Mr Armstrong:** As some Members know, I served as a part-time reserve constable in the Royal Ulster Constabulary for 14 years, and I was proud to do so. Those of us who served in the Royal Ulster Constabulary did so to the best of our ability, no matter what our politics, religion or views, because it was an honour to serve the community.

I have a piece of information for Gerry Kelly. While patrolling in Stewartstown, Coagh, Ardboe and Coalisland in the '70s and '80s, I found that Nationalists, Unionists, Loyalists and even Republicans were very willing to avail of the RUC's services. Even though we were shot at and bombed, we tried to help, no matter how trivial the problem, and we did so in an impartial and fair way.

I listened to comments from Sinn Féin Members today — they made much of the RUC's failings. No one pretends that any police force is perfect, but let us not forget the reality. Sinn Féin's sister organisation — the IRA — is responsible for 40 times the deaths that the RUC is responsible for, and every one of those RUC killings has been subject to proper investigation. Most were of terrorists on active service. What investigations have there been of IRA killings? The Republican movement demands change and wants to move the process forward, but it has not changed.

Does the Sinn Féin Member for Foyle not think that she should temper her comments about the 51 deaths that the RUC has been responsible for, bearing in mind that the IRA has killed more than 275 RUC men and women over the last 30 years? Is it not time that the Republican movement addressed not only the complete immorality of its campaign, but also its unbalanced nature? How can this overkill be justified, let alone the taking of one human life?

4.45 pm

I would like to believe that Sinn Féin is coming into line and will support law and order in Northern Ireland. However, having listened to remarks from its Members today, I can only conclude that they seek not so much a police force as a weakened security apparatus, which will be vulnerable to some future Republican terrorist campaign when their campaign for a united Ireland fails.

That is my analysis, so I was totally disgusted with the UK Government when, having acknowledged the excellent achievements of the RUC with the award of the George Cross, they proceeded to dishonour the members of the RUC, including those thousands of

injured members and, most of all, the widows and widowers of those who were killed. Instead of supporting the RUC, the Government are going so far as to remove the name of this fine force and the badge which so well represents the two traditions. It looks as though the RUC is going the same way as the Ulster Special Constabulary and the UDR.

Change is inevitable in view of a changing and peaceful Northern Ireland, but this change must take place naturally and in a way which takes into account the evolving security situation. Instead of this, the Government have dishonoured themselves by continuing along the road of appeasement. They have bowed down to the threat from terrorists who may in future emerge from the Republican movement, and it is a shame and a disgrace that the Nationalist SDLP has chosen to support this Republican position.

I support the motion.

**Mr A Doherty:** The Government's response to the Patten Report on policing is welcomed as one essential element of the complex series of processes which must be implemented together if we are to achieve the peaceful and just society which all but the most perverted long for.

Good policing and the proper administration of justice are most important in any society. How much more important are they then in a society with a sorry history of division, sectarianism and violence? It is because of that history that change is imperative and urgent. It is inevitable that it will give rise to strong emotions, and it is irresponsible and dangerous to heighten or play on those emotions either to oppose change or to demand the impossible or the unattainable.

It is not surprising that so much opposition and so many demands relate to symbols and titles and an ethos that inevitably reflect the values of those who held power in Northern Ireland from its inception. They were people whose values found expression in the slogans "A Protestant Government for a Protestant people" and "Not an inch.". They needed institutions of government — a police force in particular — to help them sustain that power. The cost was the alienation of a high proportion of the population and the creation of a gulf between the police and many of those whom they were meant to serve.

A police force of necessity reflects the ethos of those who control the Government. This was as true with Nazi Germany's Gestapo and Stalin's KGB as it is in more enlightened and humane times, and even the most enlightened Administration, such as the one we are trying to create, must work diligently to ensure that its police service is such that it will

"enjoy widespread support from, and is seen to be an integral part of, the community as a whole".



In a statement on 19 January 2000 the Taoiseach said

“It is in the interests of everyone in Northern Ireland that the police service be able to function fully and freely in all areas and across all communities”.

People from both traditions want to be able to give their unqualified support to a police service which is unequivocally of and for the whole community. They want the law to be upheld in an atmosphere of normality and security, and policemen and policewomen to be made welcome in every home. Furthermore, a career in policing should be fully open to talented and committed people, irrespective of their political beliefs and identities.

It is a sad reflection on our society that, because those words were spoken by the Taoiseach of the Irish Republic, they will be belittled and rejected by some people of influence in our community. It is even sadder that, had they been spoken by our own First Minister, those same people would call him a traitor and demand his resignation. However, do those words not describe something worth working and making sacrifices for? The SDLP believes that all reasonable people wish to live, and see their children grow up, in a community with such a police service.

**Mr Shannon:** We live today in the twilight of law and order in Northern Ireland. The publication of Patten’s opinions on the future of policing here have confirmed the very worst of which we had warned Official Unionism. We can now read in black and white the sordid intentions of the so-called independent commission to exterminate the RUC. We all know where John Taylor stood on these issues. He was the yes-no-yes-man. He was the man who made the 40-foot bargepole disappear in seconds. He is also one of those responsible for the Patten Commission’s being here today. He is one of those who voted for the agreement and gave it his endorsement.

Two things must be said about Patten’s opinions. First, the RUC, as it stands, commands respect and support from the overwhelming majority of people in Northern Ireland — and that is cross-community support — and with no significant change in the terrorist threat it should not be reformed.

Secondly, as spawn of the Good Friday Agreement, Patten propagates its message, sacrificing the very principles of democratic society purely to appease the gunmen. When Patten seeks to create a police force which satisfies everyone, that includes the terrorists and the law-breakers. One need hardly be a brain surgeon to figure out that a force which satisfies the law-breakers would be anything but a force able to maintain the rule of law. The Patten Report is sodden with proposals which would neutralise the police’s efficiency, integrity, identity and ability to tackle violent terrorism effectively. From the very outset, it is quite clear that the

basis upon which these proposals were made was not that of operational requirement or necessity. Rather, the basis was the need to make concessions to satisfy the desires of IRA/Sinn Féin and the wider pan-Nationalist agenda.

Patten’s report is founded upon the corruption of what is possibly one of the most respected and effective anti-terrorist police forces in the world. At this stage in the overall implementation of the Belfast Agreement, we have seen practically all IRA/Sinn Féin prisoners released from jail. The Maze prison should be resounding to the noise of incarcerated murderers and thugs. Instead, it lies empty. Its staff, who have seen the unrepentant spokesmen for fully armed terrorism walk unhindered into the Government of this country, their hands still dripping with the blood of 30 years of carnage, are redundant. We have a commitment to corrupt the judicial system.

An unprecedented level of cultural apartheid now exists, where the flag of this country, and all signs of British identity — and we saw this in Down Council last week — are being systematically removed and defiled while we have the violence continuing and the IRA rearming. When IRA members go to Florida it is not to visit Disneyworld or get a suntan but to buy guns. At the same time we see security bases closing constantly and troop levels decreasing. We are now witnessing the decommissioning of weapons belonging to the legitimate forces of law and order without any similar commitment from IRA/Sinn Féin.

The RUC has been most successful in strangling IRA activity in Northern Ireland, and consequently has acted as both first and last lines of defence for the UK mainland against Republican atrocities. Many of us were annoyed to see on television yesterday the large rally in West Belfast to commemorate a murderer who killed a Roman Catholic policeman a number of years ago. This flies in the face of many of the Province’s law-abiding people.

It is absolute madness in effect to disband the force which has protected this community over the past 30 years, preventing the expansion of the Republican control base and, ultimately, preventing the organisation from functioning successfully in Northern Ireland. This madness is illustrated by the fact that IRA/Sinn Féin continues to rearm, retrain and recruit, refusing to give any commitment to peaceful means or to constitutional and democratic principles. Should Patten be implemented, society will pay the price, and all those who supported the agreement and voted “Yes” to it will have to admit their responsibility.

Blair’s Administration and the NIO are quite prepared to sacrifice democracy and the rule of law in Northern Ireland to keep the bombs out of London. They are prepared not only to ignore and disregard the



lives of those brave officers who have been brutally murdered and maimed while trying to maintain law and order but to insult their memory by paving the way for their murderers to become part of the new force. They have stated that police reforms are an essential part of the new democratic society in Northern Ireland, and under the Belfast Agreement they are not wrong. The agreement, as everyone knows, is a list of concessions aimed at silencing the Republican movement's bombs in London. The findings of Patten's Commission are an integral part of the agreement and could not be anything but pro-Republican.

**Mr Speaker:** Please bring your remarks to a close.

**Mr Shannon:** Patten completely ignored the police officers who were murdered during the previous 30 years and the fact that the organisations which caused the mayhem are still active —

**Mr Speaker:** Order. I call Mr David Ford.

**Mr Ford:** I support the amendment proposed by my party Colleagues which acknowledges the degree of hurt among police officers and their families over the Patten reforms. Unionist spokesmen have reflected that hurt today, perhaps with a greater or lesser degree of genuine apprehension.

With regard to one of the more than 170 recommendations of Patten, I agree with Mr Dodds on the opposition to proposed recruitment quotas. However, it is not so much a case of my agreeing with Mr Dodds as of Mr Dodds's agreeing with me, since the initial response from the DUP and other Unionists seems to be almost totally based on the issues of symbolism — the badge and the name. For Alliance, the focus of our consideration of Patten has always been on the need for an effective police service for all the people of Northern Ireland in a new and peaceful society.

In this respect it is regrettable that leaders of Nationalism have said nothing on the issue of quotas. I was disappointed to hear this morning that the Catholic bishops had issued a statement calling for what one might term accelerated Catholic recruitment into the new police service. If that means that they are encouraging members of their flock to join the police service it is welcome, but to suggest that we could achieve a 30% Catholic balance in three to five years seems to me to require direct discrimination, and that would risk losing the experience and expertise in ordinary policing within the RUC.

I want to see a fully representative police service, inclusive of every section of this society — every geographical section, both genders and all ethnic groups, and not just the two main religions. I want to see a professional police service in which every member is appointed on merit and not through some form of quota. That is the only way to ensure that people gain

respect for being professional police officers rather than Catholic or Protestant policemen or — and this is another minority — policewomen.

It has already been said that quotas are illegal under fair employment law in Northern Ireland, the rest of the UK and the EU. That is one reason to oppose them. It is also quite clear that quotas are ineffective. They are intended by Patten to apply at the final appointment stage, but it has never been a problem to draw 50:50 from a pool of qualified applicants. The problem is to attract a balance in the applicants in the first place. That is another reason to oppose quotas.

If the reform is out to succeed, there is no need for quotas. A career in the police service should be an attractive option to well-qualified young men and women, whatever their community background. If that happens, there will be balance in applications because the population proportions in the age group from which recruits are largely drawn are almost even between Protestants and Catholics. And 10% decline such categorisation.

Quotas would create major problems for the officers of the service and under employment law. The Government must think again. The concerns about quotas and local policing boards which Sean Neeson mentioned are not a reason for rejecting Patten overall, but they do give us a reason for seeking amendments to his proposals.

There is a real need for policing to be transformed in style from the armed force that has been necessary for 30 years to a first-class community police service. Patten has set out how that can and should be done, building on the existing force. The police and the Police Authority are already implementing many of Patten's proposals.

Fundamentally, what we should all be concerned about is the ethos, and Patten envisages a single unified police service for the whole of Northern Ireland. This is not about Catholics policing Catholics or Protestants policing Protestants. It is not even about a two-tier service or a regional force arrangement, which would amount to the same thing.

We must seek to produce the kind of unified service which will meet the needs of all of us in the future. Patten also stresses the need for a strong human rights ethos to be prominent in future policing. That contrasts with the minimal role that human rights have in police training at present. That is essential for this society and for the service itself. It would also be a defence against some of the more ludicrous allegations about paramilitary involvement in the police in the future.

There is every reason for welcoming this emphasis on human rights in training, in staff appraisal and in the monitoring role of the new policing board. Although the

Alliance Party will wish to see amendments to some of the proposals which are being made, the report does provide an opportunity for new beginnings in policing, and there is every reason for giving the proposals broad support in the community and in the Assembly.

5.00 pm

**Mr Boyd:** I support the motion in the names of Mr Peter Robinson and Mr Nigel Dodds. We have the most professional police force in the world, and it is widely recognised as such. I would remind John Dallat of the SDLP, who mocked the supposedly small attendance at the rally, that over 400,000 signatures opposing the destruction of the RUC were handed into 10 Downing Street.

The reward for the more than 300 RUC officers, who made the supreme sacrifice and laid down their lives to save others, is the destruction of the RUC. Over 9,000 RUC officers have been injured and maimed at the hands of those whom the Government are now going to untold lengths to appease. It is appalling that representatives of fully armed terrorist organisations will be in control of policing through the new policing board.

The proposal to abandon the proud name and insignia of the RUC is grossly insulting to most people in Northern Ireland. It dishonours those who have served and died so bravely over the years, bearing that name and wearing that insignia. Yet it is clear that such changes will have very little bearing on the attitude of the minority community to the police.

Roman Catholics have not joined the RUC in greater numbers because of intimidation by the IRA. Patten's ban on the flying of the national flag on police buildings is disgraceful. The proposal that recruitment should be based, not on the "merit" principle, but on the filling of sectarian quotas, runs counter to current fair employment legislation. The abolition of the full-time Reserve is totally misconceived.

Most people in Northern Ireland are deeply angered by proposals to emasculate and destroy the RUC when terrorist organisations remain intact and fully armed.

Furthermore, at a time when the Chief Constable is warning of the seriousness of the terrorist threat, it is madness to be considering a reduction in the capabilities and resources of the RUC. The thoughts and sympathy of my party and myself are with the families of the RUC officers who, in defence of law and order, were murdered and maimed by terrorists. The Patten Report is a gratuitous insult to the professional integrity and operational efficiency of the RUC in its defence of the citizens of Northern Ireland over the years of terrorism. The Patten Report, if implemented, would achieve in a matter of months what Sinn Féin/IRA failed to achieve in 30 years — the destruction of the RUC. If the RUC

means anything to the Ulster Unionist Party its leadership should resign from the Executive in protest at the actions of the Secretary of State.

The ultimate responsibility for the report rests with Mr Trimble who negotiated the terms of reference for the Patten Commission which determined the outcome of the report. The line being put out that plans were being made before the agreement was made will not wash. The finger of blame is pointed at the Ulster Unionist Party, and hundreds are phoning Glengall Street on a daily basis.

I have from its website today the Ulster Unionist Party's security policy:

"The Ulster Unionist Party has a greater degree of experience and understanding of policing in Northern Ireland than any other United Kingdom party.

While it continues to be our primary responsibility to ensure that Government remains vigilant and ready to deal with all residual terrorism, it is equally important to guarantee the integrity of the Royal Ulster Constabulary during the period which will, we hope, bring our society along the road to peace."

The Ulster Unionist Party has failed. I quote from its referendum leaflet of May 1998:

"The RUC Has Been Saved.

Thanks to the UUP the section of the agreement was rewritten with recognition now given to the RUC with authority delegated as the Chief Constable should decide within a unitary structure. The RUC's position has not been negotiated in the Talks and the Commission in the Agreement looks towards the adjustments which would naturally arise if terrorism ends".

I challenge anybody in the Ulster Unionist Party to say to me how — to use their words — "the RUC has been saved".

The Ulster Unionist Party has failed the Unionist people miserably. The empty words of condemnation of the report from Mr Trimble will ring hollow in the ears of the law-abiding citizens of Northern Ireland unless they are matched by his immediate withdrawal of support for the Belfast Agreement. The implementation of the agreement, in combination with the Patten Report, puts Sinn Féin/IRA in government without IRA decommissioning and places Sinn Féin/IRA at the centre of policing in Northern Ireland.

Let us look at the Alliance Party's amendment. It is typical Alliance waffle — all things to all people. The party's ink is on the destruction of the RUC. That cannot be denied. Sean Neeson talks of the pain and the hurt, yet his party on Belfast City Council refused last September to allow the mother of Const David Johnston, murdered by the IRA in 1997, to lay a wreath on behalf of her murdered son and all the others who made the supreme sacrifice.

I support the motion.

**Mr Douglas:** I support the motion. If implemented, the recommendations outlined by the Secretary of State last week will not only make justice in this Province a mere semblance of law and order but will render worthless the supreme sacrifice made by those members of the Royal Ulster Constabulary who gave their lives to defend law-abiding people against IRA and Loyalist terror. It stands to reason that the RUC and its Reserve, prime targets of terrorists during the so-called war, would remain so during the farcical peace process.

The RUC is internationally renowned for its intelligence service and has successfully defended this Province against terrorism and, in effect, Fascism for many years. The terrorist organisations found it impossible to defeat the RUC by butchery, torture and the most callous murders and intimidation. The Government, through Patten, have delivered the victory to them by concession and appeasement. Those on the other side of the House should remember that they did not earn the victory or defeat the RUC — they have gained that victory through a pay-off.

The RUC, in defence of democracy, has borne the brunt of those who would eradicate democracy, yet how ironic it is that it should be democracy that has signed, sealed and delivered its fate. Those Unionists who voted “Yes” would not be told or warned. They bolstered each other and convinced themselves that they could not be out-manoeuvred, that the Government would not let them down by dismantling or reforming the RUC too much. Indeed, they even boasted of being the saviours of the police. They should take to heart this harsh lesson, instead of trusting terrorists and those who seek to appease Republicanism. They should stand firm on Unionism and defend their Unionist principles, or at least those precious few that they still have left, and not put their country and its laws up for negotiation.

We will never know the true extent of lives saved by the RUC, either here or on the mainland. We must not forget the courage and bravery of its members, who every day face the prospect of death and whose families have long lived in fear of the unthinkable happening. We must never gloss over the pain suffered by those to whom the unthinkable did happen or ignore the traumas endured by those who witnessed the carnage — scenes that will remain forever in their memories.

So how are these brave officers honoured and thanked by society and the Government whom they have protected? They are insulted by the changing of the cherished and respected name of their force. They look on powerless as those they locked up are released and laugh in their faces. As the officers become further demoralised, in spite of reassurances to the contrary, they will indeed be forced to co-operate and work with those they suppose to be actively linked to terrorist organisations, since not all terrorists have been

convicted. They — a legitimate force — lose their weapons and protection while the caches of illegal arms are enlarged by airmail. Worst of all, the RUC will be forced to answer to those who have murdered and maimed them and their colleagues and who have waged a relentless propaganda campaign of scurrilous lies aimed at discrediting the moral integrity of and slurring the name of a much respected constabulary.

It appears that this weak and spineless British Government is incapable of distinguishing between the two. It is time to desist from the serious folly of appeasing apologists for terror — those who pocket concession after concession and have no intention of giving anything in return. It is time to stop supporting everything which gives credence to this pathetic farce of a peace process, that has let law and order degenerate into a nonsensical game of defending murder.

It is time to recognise the real reasons for Roman Catholics’ reluctance to enlist in the RUC rather than change the RUC to allow unconvicted criminals to join and police Northern Ireland in the way they know best. Our community has been threatened enough. It does not deserve to have terrorists being legitimised and policing it.

**Mr Speaker:** Order. Your time is up.

**Mr Leslie:** I rise to support the motion. My Colleagues have outlined most of the flaws in the course of action that the Secretary of State proposes to take. My remarks are directed to the Secretary of State, and I trust that he will read a transcript of the debate. He might get a better feeling for the views of the people in Northern Ireland from that than from what he gets from officials in the Northern Ireland Office.

In his lengthy peroration Mr Dodds failed to address the most fundamental point that Westminster is sovereign. Was that because he is still in the time warp of the referendum campaign when the DUP assured us that the repeal of section 75 of the Government of Ireland Act would mean that Westminster was not sovereign? Westminster would not be able to reform the police force, contrary to the wishes of the majority of the population, if it were not a sovereign Parliament. Nobody knows this better than Mr Dodds and his Colleague Mr S Wilson, who told us this again and again in a debate in the Chamber on 9 November 1998, with a note of triumph in his voice.

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

**Mr Leslie:** No. This side of the House did not give way to my party, and in the short time available I will not be doing so.

It is both to the benefit and burden of Unionism that Westminster is sovereign. The Secretary of State needs to take into account that we will not know for some time whether the reformed police force he envisages, at some



cost, will be as effective in upholding the law. It is therefore essential in framing the legislation that provision is made to regularly review the progress of the reform to see if the police are able to uphold the law satisfactorily.

Mr Neeson made a highly relevant point about the need to link the pace of police reform to the creation of a peaceful society. This was not evident in the Secretary of State's statement last week. I hope he will review the matter. It is not just that this society needs to be free from actual violence; it needs to be free from the threat of violence.

If the Secretary of State wants to emphasise that the police are in charge of upholding the law, perhaps he would like to address himself to the law itself. It would send the right signal if Westminster — as criminal law in Northern Ireland is a reserved matter — were to introduce a mandatory 25-year jail sentence without remission for the possession of arms and explosives. That might provide an incentive for the move towards decommissioning.

5.15 pm

In looking at the amendment, which has received very little attention in this debate, I welcome the fact that the SDLP is going to support it and that it will be giving its full support to the proposed reformed police service and will be encouraging people to join it. I hope the SDLP will take its views to the Roman Catholic clergy, who seem to have a rather more equivocal view on the matter.

We welcome any Roman Catholic recruits to the RUC. We look forward to their coming forward and trust that they will pass the selection procedures and go through training. However, it needs to be borne in mind that it takes time to train a police officer, and it takes time for a police officer to acquire the experience to make him effective. It is simply not practical to turn over a great number of personnel in a very short period.

In conclusion, Mrs Nelis suggested that the nightmare of the RUC must be a thing of the past. For nearly all of the people of Northern Ireland, except perhaps for those who support her party and the terrorist IRA, the nightmare we want to see ending is the nightmare of the 30 years of terrorism. I support the motion.

**Mr O'Neill:** I am glad to have the opportunity to take part in the debate, although perhaps "debate" is too generous a word. As I listened to it, here and in my office, I got the distinct impression that very few people are really listening to what others are saying. Maybe that is because it is a debate about what is really going on between two brands of Unionism rather than about the Patten Report or policing. Therefore we get this internecine squabble instead of a debate.

However, there are points to be made. Some of these have been covered by my Colleagues earlier, but it does not do any harm to repeat some of them. I would like to emphasise one or two things, because it is an opportunity for the SDLP to show quite clearly that we have been in the forefront of arguing for fair, neutral and available services to all. We have argued for a form of government that is open to all and for a form of policing that goes along with it. We have been arguing for those things for many years, and eventually we are beginning to get that argument across to those who count. For so long there has been a lack of identification with the police force. No one in the Chamber can honestly say that this is not true. If Members do, they are missing the reality of the situation, which has been there for a long time.

We want to create a policing service that is wholeheartedly supported by all sections of the community. We see that as one of the most essential and valuable goals of the whole political process because the policing problem is a deep-seated political one which goes to the very heart of the political entity that is Northern Ireland. Our analysis has shown that this issue is very deep and fundamental to the whole political approach. Political and policing problems in Northern Ireland are intertwined and interlocked. One cannot be solved without the other. If we fail to solve one, it is our fear that the other will be incapable of resolution.

We are conscious of the need to create a system of policing which commands the support of Unionist and Nationalist communities for the first time. To be meaningful, that support must be more than the verbal declarations that often pass for policing reform. Support implies people from Nationalist and Unionist areas joining a police service with a sense of pride, not guilt, and without censure from a community. It means serving and protecting the community as an indigenous part of it and, in turn, being protected by the community.

It means that Nationalists as well as Unionists will be involved in policing in a way which has not been possible since Northern Ireland was created. For Nationalists it will, for the first time, be the granting of allegiance to a system of policing with which they can identify politically and ideologically. That is an important point. That will be a quantum leap for Nationalists, and I recognise that. That is why we support the Patten Report. We believe that the Patten Report provides that opportunity, and for that reason, we welcome Peter Mandelson's recent statement.

As a result of the agreement, there is great expectancy amongst people that we will get a peaceful, acceptable and agreeable form of government. In tandem with that, there is a great expectancy that we will have whole systems to which we can give our allegiance, including



the police service. If we are not able to deliver that, then I fear for the consequences with regard to getting all our political views and all our political processes together.

**Mr Speaker:** After four and a half hours of debate I still have a very substantial list of Members from a number of parties who wish to make contributions. Clearly, that is not possible. We also have to have the vote, and I have to assume that there will be a vote on the amendment as well as a vote on the substantive motion before 6.00 pm. The winding-up speeches for the amendment and the substantive motion also have to take place, and those who are winding up have to respond to some four and a half hours of debate. I therefore intend to call the Members who will be winding up on the amendment and on the substantive motion, with the intention of moving to the votes at 5.40 pm. This will give us approximately 10 minutes for each of the votes. This, I fear, will be very tight, so I must ask for your co-operation.

**Mr Close:** The one thing that has become clear from today's debate is that there has been, and still is, a great deal of pain throughout society. The other thing that is equally clear and obvious is that no one section of the community has a monopoly on that hurt and pain. If we all recognise those facts, then this debate will have served a useful purpose.

Another word which came through from a number of Members was the word "anger". I feel that the anger is often more painful than the injury that caused it in the first place, and I ask Members to take account of this fact.

It has to be recognised that the Patten Report has caused, in some of its recommendations, a degree of pain and hurt throughout society. However, it equally has to be recognised that there is a Patten Report because of this society's past failures in finding an acceptable and democratic method by which to govern Northern Ireland. The point must be made that the old mentality of "Not an inch" or "No change" is exactly what got us into the mess in which we found ourselves.

Policing has been contentious, by and large, because the whole essence of politics in Northern Ireland has been contentious.

The consent principle, which is surely the effective cornerstone for policing in any democracy, has been absent. The Patten Report says that in contested space the role of those charged with keeping the peace has itself been contested.

Having listened to what has been said, I have no doubt that the areas that have caused the greatest hurt and pain, tugging hard at the heartstrings and at the emotions, are those that deal with the name and the badge. I can empathise with those who have lost

relatives or friends because they were members of the Royal Ulster Constabulary. I can understand the feelings of almost betrayal felt by those who have lost limbs or whose senses have suffered some terrible injury because they wore the badge and the uniform. Yes, there has been a feeling of hurt and, yes, there are memories. People can take anything else away, but they can never take away those memories. I believe that those memories, those sacrifices can be enriched and enhanced.

That would happen if all the leaders in this society did their utmost to ensure that the pain was not in vain, that the pain of some could be translated into gain for the entire community. The gain to which I refer would be a police service that has the consent of the entire community, where the police and the public work in partnership. Why? Because policing, in my opinion, is too important a job to be left to the police alone.

This can and will be achieved, not by quotas but by leadership, not by the hypocritical rantings of politicians who jump to the defence of the badge and the name of the RUC because they consider it politically expedient. Leaders who in the past, by their words and actions, physically and verbally abused the person, the individual, the man or woman who was wearing that badge and uniform simply because those individuals did not comply with their political or other agenda.

There is hurt and there is pain, but there is also the stench of hypocrisy from what I would refer to as the whited sepulchres masquerading as defenders of the police. There is also the stench of hypocrisy from those who condemn the police for, for example, alleged brutality. Leadership today is the vital catalyst that will change the pain into gain. That leadership must come from right across the entire spectrum of the community, but in a particular way. It must be seen to come from those who are regarded as the leaders and as the opinion-formers in the Catholic, Nationalist and Republican sections of the community.

The composition of the police force has been disproportionately Protestant and Unionist. This imbalance, for which there are many reasons, can only be addressed by more recruits from what is euphemistically referred to as "the other side". The type of leadership that I am calling for today can only enhance the chances of that happening, and happening quickly. Those who have been in the vanguard in calling for change have now got to put up or shut up. It is not good enough to advocate a wait-and-see policy. It is time for active, not passive, leadership.

The GAA, for example, should come off the fence and encourage its supporters and activists to enlist now. It can do that by changing rule 21. It can call a special meeting of its organisation, if necessary, to enable that to happen quickly. Republicans, who could show

Oliver Twist a thing or two about asking for more, should embrace the sentiments in the motto of the city of Belfast — “Pro tanto quid retribuamus” — and ask “For so much, what return can we make to this society?”

5.30 pm

They should stop their begrudging, stop their whingeing. It is time for generosity of spirit. It is time for give and take, not just take. It is time for the entire community to help the police emerge from their metamorphosis strengthened and improved, having the support not just of part of this community, but rather the confidence and support of the entire community. I call on the House to take the first step now.

There are two certainties. One is that the police are not going to be disbanded; the other is that the Patten Report is not going to be scrapped. Let us deal with the realities. Let us support this amendment and send out a message of hope rather than the negative messages of “No movement” and “Not an inch” that are the essence of the motion. I appeal in particular to the Ulster Unionists, who have sat here this afternoon and had the stick dragged across their backs by the Democratic Unionists, to support the amendment. The changes they want can be brought about by changes in legislation. Do not throw the baby out with the bathwater.

**Mr P Robinson:** I will not be deflected by the pious preaching of the holier-than-thou, whiter-than-white Alliance Party. It is sufficient to leave on record its view that a motion to safeguard and retain the Royal Ulster Constabulary is a negative motion. We will see what its electorate has to say about its judgement on that issue.

It was wise of my Colleague Mr Dodds, when he was asked to move the motion last week, to withdraw it in favour of a fuller debate. The House has benefited from that. On top of that, of course, the recent announcement by the Secretary of State has made this issue all the more urgent and topical. If the House had not addressed the issue at a time when everyone outside was addressing it, we would have looked very foolish indeed.

This is a deep wound for the pro-British, law-abiding community in Northern Ireland. It is a self-inflicted wound. Its derivation is very clear. It comes directly and unmistakably from the Belfast Agreement. That is unquestionable. Is it any wonder that Chris Patten should cry out in exasperation “What did they expect?”? When one looks at the section of the Belfast Agreement dealing with policing, and in particular at the terms of reference for the Patten Commission, what else could one have expected?

The terms of reference are clearly defined. Let anybody who suggests that the change of the RUC’s name and badge came as a bolt out of the blue tell me what was meant by the agreement that was signed. It

stated that a new police force should be designed. It dealt with issues such as policing arrangements including composition, recruitment, training, culture, ethos and symbols. What else could have been expected? Chris Patten went on to say

“I don’t say this provocatively, but it really does seem to me that we were given a very clear agenda, and I’m surprised that those who gave us that agenda did not understand what the consequences would be.”

I take issue with him on only one aspect of his statement. They could not but have understood. They were told over and over and over again. They were told by all of my colleagues who were opposed to the Belfast Agreement, and this was one of the four key areas that we highlighted during the referendum campaign.

We told people very clearly that this would lead to the destruction of the Royal Ulster Constabulary. Many people may well ask themselves “What advice did our politicians give us during that campaign? We did not know that this was going to happen.” The advice of the Ulster Unionist Party was that it would not happen. It wrongly analysed the issue, or else it sought to deceive the people. But then deceiving the people is an interesting phenomenon. I notice that the Secretary of State had something to say about that in the House of Commons to the Member of Parliament for Fermanagh and South Tyrone, Mr Maginnis. He said

“I am surprised that he chooses to say something different in public from what he has said to me in private.”

The people of Fermanagh and South Tyrone — indeed, the people of Northern Ireland and, more particularly, the Royal Ulster Constabulary, whom he is paid to represent — have a right to know what he was saying in private that is so different from what he is saying publicly.

The next day in ‘The Times’, Mathew Parris perhaps hit the nail on the head when he said

“You could feel Mr Mandelson’s anger rise. ‘I’m surprised he chooses to say these things’ he observed with cold fury. The punch which followed was hardly pulled, the implication inescapable: that behind closed doors together, Mr Maginnis had offered support to Mr Mandelson’s hopes for the RUC, but here, perhaps for show at home, he was making a display of opposition, speaking ‘differently in public from what he says in private’.”

Mr Parris then observed

“Mr Maginnis looked gobsmacked, did not come back for more, and stayed gobsmacked for the rest of the session”.

The people of Northern Ireland deserve an answer. What was the distinction between the private messages that the Ulster Unionist Party was giving to the Secretary of State about the acceptability of these proposals and what it was saying in public? And the synthetic anger of the leader of the Ulster Unionist Party in Westminster fools no one. He could not have been

surprised. He is at least an intelligent man. He must therefore have understood what he was signing up to, and he must have understood that this was the outworking of the agreement that he had reached.

With regard to the name of the Royal Ulster Constabulary, I note also the basic principle enshrined in the Government's argument that this will be a factor in encouraging the Catholic and Nationalist community to join the new force. Not so, according to the Police Authority, and I put on record its views from its statement on this issue:

"Our view remains that the name is arguably one of the least significant factors deterring Catholics from joining the RUC. There is no reliable evidence to show that changing the name would produce any significant increase in recruits from the Catholic community and in the absence of this we have a real fear that the proposal will alienate a large section of the community without having any appreciable impact on the problem it is designed to solve".

I ask for support for this motion. It is of critical importance not just to the Royal Ulster Constabulary but also to this Province. My Colleague, in opening this debate, challenged the House with a question. He asked if anybody conceivably thought that if all of Nationalism was united against a proposal being considered by the Government, that the Government would proceed. Everyone knows the answer. However, during the debate Nationalists have not been prepared to face up to that question.

The reality is that if Nationalists had been opposed to it — and opposed as vociferously and strongly and passionately as Unionists are — it would never have seen the light of day. The Secretary of State would never have stood up in the House of Commons to advance it. Everyone knows that that is the case.

But it is the Unionists who are against it. Have we less right to be heard and to be taken into account than Nationalists? The Assembly by its vote today can give a clear message to the Secretary of State and to the Prime Minister. If every Unionist in the Chamber votes in favour of the motion, we are putting to the Government that they do not have the support of at least this section of the Unionist community. If the Belfast Agreement meant anything when it said that widespread support was required and that there had to be greater support for the new structure than the old, the Secretary of State and the Prime Minister could not conceivably proceed with this proposal.

The Royal Ulster Constabulary has a proud record which deservedly won for the force the George Cross. No police force, especially not one serving in the circumstances that apply in Northern Ireland, could be stainless. No political party, no Church, no organisation anywhere in this Province can say that it has never made a mistake. Certainly no politician could say that. On balance, the role performed by the Royal Ulster

Constabulary outshines many organisations and certainly outshines its detractors.

We must take into account not only the role that the force has performed under difficult circumstances but also its gallantry. We must remember the sacrifice by so many of its members — 302 of whom were killed defending our streets and our homes. Some 9,000 members of the RUC were maimed or mutilated. More than 400,000 people signed a petition to the Secretary of State in support of the Royal Ulster Constabulary. In UK terms that represents between 15 million and 20 million people. In those circumstances would the Secretary of State have proceeded?

Let us make the vote a clear message from the Unionist Benches and let us see whether Tony Blair and Peter Mandelson are prepared to listen to the Unionist community's — I hope — united voice.

5.45 pm

*Question put* That the amendment be made.

*The Assembly divided: Ayes 28; Noes 65.*

#### AYES

*Alex Attwood, Eileen Bell, P J Bradley, Joe Byrne, Seamus Close, John Dallat, Arthur Doherty, Mark Durkan, Sean Farren, John Fee, David Ford, Tommy Gallagher, Carmel Hanna, Denis Haughey, Joe Hendron, Patricia Lewsley, Alban Maginness, Seamus Mallon, Kieran McCarthy, Donovan McClelland, Alasdair McDonnell, Eddie McGrady, Eugene McMenamin, Monica McWilliams, Sean Neeson, Danny O'Connor, Eamonn O'Neill, John Tierney.*

#### NOES

*Ian Adamson, Fraser Agnew, Billy Armstrong, Roy Beggs, Billy Bell, Tom Benson, Paul Berry, Esmond Birnie, Norman Boyd, Gregory Campbell, Mervyn Carrick, Joan Carson, Wilson Clyde, Fred Cobain, Robert Coulter, Duncan Shipley Dalton, Ivan Davis, Bairbre de Brún, Nigel Dodds, Pat Doherty, Boyd Douglas, Reg Empey, Sam Foster, Oliver Gibson, John Gorman, William Hay, David Hilditch, Derek Hussey, Gardiner Kane, Gerry Kelly, John Kelly, Danny Kennedy, James Leslie, Alex Maskey, Robert McCartney, David McClarty, William McCrea, Barry McElduff, Alan McFarland, Martin McGuinness, Gerry McHugh, Mitchel McLaughlin, Francie Molloy, Maurice Morrow, Conor Murphy, Mick Murphy, Mary Nelis, Dermot Nesbitt, Ian Paisley Jnr, Ian R K Paisley, Edwin Poots, Sue Ramsey, Iris Robinson, Ken Robinson, Mark Robinson, Peter Robinson, Patrick Roche, George Savage, Jim Shannon, Denis Watson, Peter Weir, Jim Wells, Cedric Wilson, Jim Wilson, Sammy Wilson.*

*Question accordingly negatived.*

*Main Question put.*

*The Assembly divided: Ayes 50; Noes 42.*

*AYES*

*Ian Adamson, Fraser Agnew, Billy Armstrong, Roy Beggs, Billy Bell, Tom Benson, Paul Berry, Esmond Birnie, Norman Boyd, Gregory Campbell, Mervyn Carrick, Joan Carson, Wilson Clyde, Fred Cobain, Robert Coulter, Duncan Shipley Dalton, Ivan Davis, Nigel Dodds, Boyd Douglas, Sam Foster, Oliver Gibson, John Gorman, William Hay, David Hilditch, Derek Hussey, Gardiner Kane, Danny Kennedy, James Leslie, Robert McCartney, David McClarty, William McCrea, Alan McFarland, Maurice Morrow, Dermot Nesbitt, Ian Paisley Jnr, Ian R K Paisley, Edwin Poots, Iris Robinson, Ken Robinson, Mark Robinson, Peter Robinson, Patrick Roche, George Savage, Jim Shannon, Denis Watson, Peter Weir, Jim Wells, Cedric Wilson, Jim Wilson, Sammy Wilson.*

*NOES*

*Alex Attwood, Eileen Bell, P J Bradley, Joe Byrne, Seamus Close, John Dallat, Bairbre de Brún, Arthur*

*Doherty, Pat Doherty, Mark Durkan, Sean Farren, John Fee, David Ford, Tommy Gallagher, Carmel Hanna, Denis Haughey, Joe Hendron, Gerry Kelly, John Kelly, Patricia Lewsley, Alban Maginness, Seamus Mallon, Alex Maskey, Kieran McCarthy, Donovan McClelland, Alasdair McDonnell, Barry McElduff, Eddie McGrady, Martin McGuinness, Gerry McHugh, Mitchel McLaughlin, Eugene McMenamin, Monica McWilliams, Francie Molloy, Conor Murphy, Mick Murphy, Sean Neeson, Mary Nelis, Danny O'Connor, Eamonn O'Neill, Sue Ramsey, John Tierney.*

*Question accordingly agreed to.*

*Resolved:*

This House rejects the Patten Commission's report and calls upon the Secretary of State to reject proposals which would reward and elevate terrorists while demoralising and destroying the Royal Ulster Constabulary, whose members, both full-time and part-time, have diligently and with great distinction served the whole community.

*The sitting was suspended at 6.10 pm.*



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# NORTHERN IRELAND ASSEMBLY

Tuesday 25 January 2000

*The sitting begun and suspended on Monday  
24 January 2000 was resumed at 2.00 pm.*

## FINANCIAL ASSISTANCE FOR POLITICAL PARTIES BILL

### Consideration Stage

#### *Motion made*

That Clauses 1 to 4 stand part of the Bill. — *[Mr Fee]*

**Mr Molloy:** On a point of order, Mr Speaker. May I, as Chairman of the Finance and Personnel Committee, ask whether it is the case that at the Consideration Stage there is no provision for Members to debate issues dealt with in the legislation other than by way of amendments moved in the House or suggested by the Committee? Having considered this Bill and heard views on various aspects of it, we decided not to recommend any amendments.

It would facilitate debate if you, Mr Speaker, were to give the House some guidance on the procedure for amendments.

**Mr Speaker:** The Member makes a helpful point. It is true that a Committee's report on a Bill does not itself trigger a debate at Consideration Stage, but an amendment suggested by the Committee or moved on Consideration does provide such an opportunity.

Thus Committee Chairmen may table amendments with no intention of pressing them to a decision but simply to elicit a response. Probing amendments are frequently moved and then withdrawn.

Appreciating that the Finance and Personnel Committee, and other Members, may not be familiar with these matters, I have requested that this advice be circulated to all Committee Clerks, who can remind their Chairmen of a course that they might take.

*Question put and agreed to.*

*Clauses 1 to 4 accordingly ordered to stand part of the Bill.*

*Long title agreed to.*

**Mr Speaker:** The Bill now proceeds to the Final Stage.

As the Adjournment debate is not scheduled to begin until 3.00 pm, the sitting will be suspended until then.

*The sitting was suspended at 2.04 pm.*

*On resuming —*

*Motion made*

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

## PRE-SCHOOL NURSERY PROVISION

3.00 pm

**Mr Poots:** I wish to talk about pre-school education, which is vital to many since almost 100,000 children are under the age of four.

Education begins in the home, and in a child's early days he or she has a keen ability to absorb material, to learn and to become educated. It has been proved in scientific tests that children whose parents stay at home do better in later years. It is believed that children whose parents stayed at home during their early years can do 10% better in their O-level and A-level examinations. However, many people now go out to work, and a significant number of them are single parents.

In Northern Ireland there are 310,000 women in the workplace, of whom 155,000 have children. The number of women working is expected to increase by 24,000 by 2006. Fifty-six per cent of children under four have mothers who work. There is also a large number of single parents, many of whom are also out working, so their children do not have even one parent at home on a regular basis.

Pre-school education should not be regarded by parents merely as a child minding provision; it should be for the benefit of the children themselves. Pre-school education helps children to develop their social skills and interact with others. It provides them with an early opportunity to mix with others in their peer group. Children who have not had the opportunity to mix with other children often have social problems and problems with mixing. Parents can have severe problems when there is only one child in the family, but when that child starts school he can be much easier to handle and control. If children mix with their peers at an early age, they gain important social skills.

Structured play is very educational, and we should be reviewing the age at which children start their education. In Scandinavian countries children do not start school until they are six or seven. This is a big and emotive issue. I do not have any hard or fast opinions on it, but it is thought that by the time those children are 10 or 11 they are more advanced educationally than the ones who start school at four or five. We need to look at the age at which children should start school and at whether it is beneficial for it to be four or five rather than to have nursery education

for a longer period, during which there is provision for structured play.

We must also look at the current conditions in pre-school playgroups. Many of these groups that give a great service to the community operate in facilities which are not good enough. Many of them work in church halls, parochial halls or Orange halls, and they were not built with children in mind. They do not have proper facilities or heating systems, and, with the best will in the world, they never will have.

However, they have been there for the pre-school playgroups, who provide this vital service, but it would be better if we could provide nursery education for the children.

We also have to consider the qualifications of those who are working with them. Many playgroup staff do not have proper qualifications. Only half the staff in a group must have the necessary qualifications. Obviously everyone should be adequately qualified. That would be to the children's benefit.

The United Kingdom has the ninth-lowest number of children in playgroups in the European Union. In Northern Ireland last year we had, pro rata, half the number of nursery places available in England. That is how, up to last year, we compared with France, Belgium and Denmark.

The Government recognised the need for nursery places as far back as 1977 when Lord Melchett, under the then Labour Administration, sought for us parity with the rest of the United Kingdom, and 22 years later the issue is still not being adequately addressed.

**Mr Weir:** Is the hon Member aware that Lord Melchett also gave a pledge to provide one year's nursery education for the children of every parent who wanted it? That pledge too is still unfulfilled, in spite of the passage of more than 20 years.

**Mr Poots:** I understand that Lord Melchett was concerned at the low level of pre-school provision and announced the setting-up of an interdepartmental group to examine the matter. By 1999 his plans had obviously not come to fruition. However, by 1994 we had moved on from the days of Lord Melchett, and a policy of early-years provision for Northern Ireland was introduced. At that time the aim of the policy was to provide one year's nursery education for all those under compulsory school age whose parents wanted them to have it.

There were serious difficulties with making progress on that under the Conservative Administration. We were promised a pre-school voucher scheme in Northern Ireland, but it was withdrawn at the last minute by the then Secretary of State, Sir Patrick Mayhew. It would not have been ideal anyway, and it was not going to be particularly

beneficial to Northern Ireland. However, under the Labour Government, we have seen substantial improvement. While I do not agree with most things that the Labour Government have done, including the introduction of tuition fees for tertiary education, I do have to give them credit for improving the provision of nursery places.

By this year, it is expected, 75% of children will be in nursery places in Northern Ireland as a result of the introduction of the Children First Programme by John McFall in February 1999. John McFall announced the spending of £51 million over three years: £27.4 million for a pre-school expansion programme; £10 million for the new-opportunities fund for out-of-school childcare projects; £9 million for the Training and Employment Agency; and £5 million for the childhood fund. The new Minister of Education recently announced a spending sum of £38 million, but we need some clarification on how much of this was the money that John McFall had already announced in February 1999.

We also need to look at the 25% of children who do not get places, and I raised this matter yesterday with the Deputy First Minister, Seamus Mallon. The Robson indices can lead to discrimination against areas where deprivation is not recognised on a ward-to-ward basis and where pockets of deprivation are not recognised.

Tonagh Primary School, in my constituency of Lagan Valley, sought a nursery unit. Some 34% of the children at that school receive free school meals. Its single-parent families are believed to be of the order of 30%, and unemployment is at about 25%. A case was made to the South Eastern Education and Library Board. In the first year the primary school was told that only a 52-place unit was available and that as Tonagh required just a 26-place unit, it would not be granted one. Apparently 52 places were available in the Tonagh area, but in the maintained sector. Tonagh primary school is in the controlled sector, and the parents did not want to send their children to the maintained-sector school.

Parents who want to send their children to the maintained sector cannot do so because on the ward-by-ward basis, the places are not available. This means that the 52 places that are available in the area are being filled not only by people in the area but by people outside it. This issue must be examined.

We must also examine the role of the Pre-school Education Advisory Group (PEAG) and its accountability in issues such as this. Until last year, people on the South Eastern Education and Library Board were told officially that the group was not accountable to them. They were informed recently that the minutes are available for ratification and not just

there to be noted. The confusion over the role of the PEAG and to whom it is accountable must be cleared up.

The lower provision of nursery places in rural areas must also be looked at. A substantial number of places is available for children in reception classes in small country schools, but nursery places are not available. Apparently it is Government policy to discontinue reception classes, so what is to be done for the children in rural areas?

Under the INTERREG scheme six areas were allowed to have special access arrangements for children in rural areas on a trial basis. What was the outcome of that? If the trial was successful, will it be made available to other areas? Obviously, the problems that prevail in the hills of Dromara are much the same as those in the border areas where this INTERREG scheme was introduced, and the ability of parents to take children to nursery schools is much the same.

Some questions need to be answered on plans for the year 2000-01, when, it is claimed, 75% of nursery places will be available. Will the schools that have the opportunity to provide nursery places be able to fulfil their obligations and have those places ready, particularly in areas where capital projects have to be undertaken? Will there be enough trained staff? What are the proposals for the 25% of children for whom pre-school nursery places will not be available?

It must be remembered that under targeting social needs, many people have been left out. In my area there are people who cannot afford to pay for private nursery provision, yet they do not live in large, deprived estates. There has been a tendency to direct money towards the large estates, and that is detrimental to other areas.

A family in which both parents work may have approximately £1,600 per month after tax. These people could be described as being well off.

However, when their mortgage is paid they are left with £1,200. Taking into account the costs associated with running a car, that figure reduces to £800. Once they have paid their rates and telephone and electricity bills they are left with £650. When they pay £450 for food and clothing they are left with £200 per month. That is the amount of money those people are left with in a month. Are they then supposed to pay for nursery education and leave nothing for themselves? That sort of situation must be addressed. We need to see a fulfilment of the policy proposed in 1994 that pre-school nursery places be available to all who wish to take them.

3.15 pm

**Mr Benson:** I appreciate the opportunity to speak on this important subject. Nursery education for all four-year-olds is not a luxury but a necessity. The

Labour Government have made it a target, and I am sure that the parties here today unanimously support the objective of nursery education for all. Educationalists and parents vouch for the benefits of a preparatory pre-school year. That is the year during which children begin to practise the important habits of relating to their peers, listening with attention and gaining a measure of independence.

The Government have gone some way towards honouring their election promise with an injection of capital to provide more nursery-school places. However, many parents face disappointment when trying to enrol their children for full-time places, and nursery schools are forced by this shortage to create artificial and sometimes unfair criteria which rule out the hard-working, tax-paying families who are the backbone of society.

The Labour Government's idea that nursery-school places must be reserved for children from so-called socially deprived backgrounds is discriminatory. Surely, in this day of equality, the children of parents who work must have the same opportunity to get nursery-school places as everyone else. The Government's new guidelines force the governors of nursery schools to favour children as young as two years and three months from socially deprived backgrounds, children who may still be in nappies, rather than the four-year olds who would benefit from pre-school education.

Do the Government want to turn our specialist nursery schools into glorified day-care centres? This policy is obviously a sop for those on the left of the Labour Party, and its implications cannot have been properly considered. Why do they not ask the opinions of principals and teachers and listen to the voices of experience and good sense? There is no fair answer to the question of apportioning a limited number of places. The Government must make nursery-school education a statutory provision for all four-year-olds.

All primary schools with a roll of at least 200 pupils and with an annual intake of at least 28 should be given a nursery unit within, or attached to, the school, according to need. Each unit should be capable of providing full-time places for all children. At the moment, most children are only present for two and a half hours each day, and that does not allow a mother to take up a part-time job. So much for the Labour Party's commitment to encouraging mothers back into employment.

Completion of the long-term goal of free full-time nursery education for all four-year-olds will involve considerable expense. All new schools or schools being refurbished will have to have a nursery department provided. There will also be a need for new purpose-built nursery units in existing primary schools. In the short term we can make savings and take practical steps towards achieving our goals. A number

of existing schools, which have stabilised their rolls at less than full capacity, have spare classroom accommodation, which could easily be adapted for nursery provision.

I was glad to see recently in the press that the Minister has pledged £38 million to fund early-years education. Is this new money? If so, I take it to be the first step towards achieving our goal of full-time nursery education for all four-year-olds.

**Ms Lewsley:** I welcome the Minister's decision to expand the pre-school education programme to cover three out of every four children. But what happens to the one in four who will not be covered? Every child should have the right to pre-school education if his parents wish him to have it.

Mr Benson talked about the entry criteria that are laid down at nursery level. The practice at present is that parents who are on benefits get priority over working parents. This raises two issues. First, parents on benefits feel that they are being stigmatised in some way, and at the same time it is implied that their children are less intelligent than those whose parents are working.

The second issue is that of discrimination against single parents who work part-time and claim family credit, which still exists as a benefit, or, in the future, the working tax credit, let alone the discrimination against single parents who are working.

Serious thought needs to be given to the implementation of this programme. There is concern in the voluntary and independent sector that some providers who have striven to maintain a high-quality pre-school service will be displaced by capital investment in the statutory sector. This would create a two-tier system within the pre-school expansion programme. The Minister has stated that the voluntary sector can apply for capital funding and that more than half the places secured will be in the voluntary sector, but one of his advisers has told me that many of these groups are within the trust, board and private sectors.

The funding of renovations, new buildings and extensions in the statutory sector by the Department of Education raises the possibility of the displacement of smaller groups which are accredited by the Northern Ireland Pre-school Playgroup Association (NIPPA) — for instance, the Broughshane and district pre-school group, which has provided an excellent service to the community for 26 years. The Gracehill and Galgorm pre-school group also stands to be displaced by statutory nurseries. These are cross-community groups which have provided excellent services for some time.

Furthermore, I am concerned that if nursery or pre-school groups are mainly situated within primary schools, they will be identified with the particular



community served by each school and lose their cross-community aspect.

It is important to consider funding the specialist support that NIPPA provides in the same way that the Curriculum Advice Support Service is funded for the statutory sector. The pre-school expansion programme has had a dramatic impact on NIPPA staff, and this has had a negative effect as NIPPA advisers no longer have time to meet the needs of their members who are not within the PEAG. NIPPA advisers were previously able to provide a comprehensive service to their members, but the five hours early-years specialist requirement services to other members has now had to be restricted.

The impact of the programme is particularly evident in rural areas where NIPPA advisers, some of whom work only part-time, have been put under pressure by an increasing workload. In some cases, a single adviser is responsible for up to 30 groups within the pre-school expansion programme. There is a danger that as well as having a two-tier system for the statutory and voluntary sectors, there will be a two-tier system for rural and urban areas. I call for an interim review to consider pre-school provision in rural areas. NIPPA will not be able to continue without funding. It has identified a need for an additional five early-years specialists to relieve the pressure, one in each of the education and library board areas.

While, as I have said, I welcome the increase in the number of places in pre-school education and appreciate the recognition of its value, I respectfully ask the Minister to consider carefully the role of voluntary groups in this field and to ensure that the pre-school expansion programme is inclusive and not exclusive.

**Ms Ramsey:** Go raibh maith agat. I welcome the fact that one of the first Adjournment debates of the new millennium is focusing on children and children's issues. Like Ms Lewsley, I give a guarded welcome to the Minister's announcement last week of £38 million for the pre-school education expansion programme. This programme is designed to ensure that three out of every four children under the age of five will have a place in pre-school education if their parents so wish.

The reason that I give this guarded welcome to the announcement is that I believe that all children should have a place in pre-school education as of right. The funding also sends out a clear message to all, whether in the voluntary, community or statutory sectors that pre-school education is the way forward. There is much research and documentation to show that these programmes are a valuable stepping stone to the formal education system. One of the reasons for this is the flexibility of the pre-school system, which enables

children to learn through the medium of play at a time when a child is more open to learning.

Pre-school education also responds to the needs of the community, and particularly to those with special needs or from disadvantaged areas. It has been shown that children who have had pre-school education are better prepared for school life and less likely to develop emotional or behavioural problems later on, which also has a knock-on effect.

Pre-school education also helps mothers who want to return to work or to the education system, and problems with this were mentioned earlier. The integrated approach of some groups, offering crèche and day-care facilities and, in some cases, after-school provision, plays an important part in this.

One of the problems associated with pre-school education in the community sector is the uncertainty of long-term funding. For a long time the North has had the worst record in western Europe for childcare provision and pre-school education, and such money can be a first step towards addressing this need.

Sinn Féin supports the funding of pre-school education, which targets areas of social need and ensures that children in the most disadvantaged areas can benefit from a positive start in life. The 1998 SACHR report recommended that there should be free nursery education for all three-to-four-year-olds. I am glad that the Minister of Education is present. I would be interested to hear what plans he and his Department have to expand the pre-school education expansion programme further. Go raibh maith agat.

**Mrs E Bell:** Like other Members, I am very glad to have this opportunity to discuss this very important part of life. Other Members have given an historical analysis and mentioned figures and problems, but I would like to make a few general remarks on the subject and underline why it must be given priority.

I too welcome the Minister's announcement last week of £38 million for the pre-school sector. This injection of cash will mean that three out of four children will be able to enjoy schooling in a nursery-school environment. However, as others have said, we should work towards getting provision for four out of four.

The advantages of pre-school education are obvious — happy, confident and considerate children, who, it is to be hoped, will develop the good habits learnt in nursery school during the rest of their time in education and end up mature, conscientious and tolerant adults. The Alliance Party has campaigned on this subject for a long time, and I have seen at first hand the good results of pre-school experience, especially in areas of disadvantage and deprivation.

As Ms Ramsey has said, various projects here and in England have shown that if young people are introduced to schooling early, it provides them with the basis for educational training and with an introduction to social skills, such building on relationships and working together with other children in a congenial atmosphere.

3.30 pm

Literacy and numeracy are taught in an informal way at this stage. This inspires confidence in the children and gives them a basic knowledge and appreciation of their environment. They can deal with issues such as litter control in a friendly way. Play and all the other things that children do are included in the programme.

I know that, as Mr Benson said, there are problems with baseline assessment and curriculum guidance, but the children are introduced to everyday items such as pencils, pens and drawing equipment, and they are taught how to use them properly. They are even taught about furniture and the different types of chairs that are available. This type of education can be very helpful if the children do not get it at home.

Pre-school education also enhances children's personal, social and emotional development, and when they go to primary school they are already confident about building relationships with teachers and fellow pupils. They have an idea too about discipline, as it is part of the daily programme, and they will have developed some idea of what is acceptable behaviour in class. This all helps to give a constructive foundation for life, and it should be accessible to and possible for all children. It should not be looked on as a means of supervising children while their parents are at work; rather, it should be regarded as an integral part of their development and lifelong learning.

For far too long Northern Ireland has been at the bottom of the pre-school provision league, and we must improve that situation radically. The Department of Education and the education boards must provide sufficient places in the primary-school reception classes, mothers-and-toddlers groups, voluntary groups and cross-community groups that exist. The Department should also help to set up such groups in areas where they do not exist and provide the necessary expertise to enable them to continue.

It is a child's right, as other Members have said, to have an education system that will help him realise his potential. Pre-school education provides the best possible start, and it should be open to all children, whatever their background.

We must ensure that we have the necessary funding to enable us to implement and maintain what is required by law, to provide proper facilities, equipment

and trained staff. I concur with the views expressed by Ms Lewsley about the lack of teaching staff — one could have the children and the places but not the staff. This problem must be looked at.

We must not continue to be dependent on European funding. The Minister said that pre-school education provides the foundation for later achievement. That is vital in the drive to raise educational standards. We should encourage parents to make use of the additional places available this year, and I hope that those places will also be available in future years. I hope too that the Minister will continue to support and finance this important vehicle for our children's future.

**Mr Roche:** I would like to highlight the complicated mosaic that exists in terms of provision of and access to pre-school education.

We have nursery schools, nursery units within primary schools, playgroups and day nurseries. Education and library boards fund the first two, while the other two are funded partly privately and partly by the Government.

On top of this is a complicated mosaic of access. With regard to places, first preference is given to children from socially disadvantaged backgrounds who are four years of age in the July or August of their pre-school year; second preference is given to all other socially disadvantaged children; third preference is given to all other children with July and August birthdays in their pre-school year; and, finally, all other children in their pre-school year are considered.

I stress the complicated combination of provision and access because it seems to give rise to two crucial problems. First, there is the problem of equality of access: a child of four, in his pre-school year, whose birthday is not in July or August may get no pre-school education at all.

Pre-school education is of value in providing a child with intellectual stimulus and social skills. For instance, it teaches a child how to take his coat off and hang it up, and so on. Children are taught a whole range of things that may sound trivial but are very important for preparing them for primary school and for enabling them to be intellectually and socially equipped to meet and get on with other children. If pre-school education is important, it is important that we have equality of access to it and that children are not excluded from it merely because of when their birthday happens to fall.

Secondly, as has been mentioned, this access provision now discriminates against parents who are not considered to be socially deprived. That is not acceptable.

The implication of these two considerations — that a child may be excluded because of when his birthday

falls or because of the social or economic status of his parents — combined with real value of pre-school education, makes it logical for us to drive towards making pre-school education available free to all.

Another problem that arises out of the complicated mosaic of provision and access is unequal provision. We cannot argue that there is equality of provision. I make the point because of the different educational qualifications that are required for these different types of provision. For example, the nursery schools and nursery units must be staffed by qualified teachers and assistants who have the equivalent of an NVQ level 3, whereas playgroup or day-nursery assistants do not have to have any specific qualifications at all.

Now, if qualifications are important — and of course they are important — and if there is a significant difference in the qualifications required, one cannot argue that the quality of the output is the same. We need to standardise the qualifications required and we need to ensure that there is no discrimination in access to this important dimension of education.

This debate is categorised by a combination of normality and a civilised concern for the educational well-being of children. But above that façade of normality and civilised concern a dark cloud is hovering: the position of the Minister of Education. The last time I saw him interviewed on television he was openly talking — in fact, boasting — what he called his “years on the run”. Now, in all the standard histories of the IRA — and there have been some very significant ones recently — those years that Mr McGuinness referred to are categorised as involving the leadership of the Provisional IRA in Londonderry.

**Mr Speaker:** Order. This is very wide of the mark, given the subject of the Adjournment debate. The Member mentioned the civilised way in which the debate was being conducted. I trust that he will not find himself being the one who changes that.

**Mr Roche:** I take your point, Mr Speaker.

It is important to be concerned about equality of provision because we want to ensure that we get equality of output. And here we have to consider the qualifications of those who teach. However, the situation to which I referred is a matter of extreme concern to a vast number of decent, civilised and law-abiding citizens in Northern Ireland.

**Ms Morrice:** In spite of some of the comments made by the last Member who spoke, all Members are agreed on this issue. I trust that the press will take note of this rarity: we are all agreed that this provision should be available to all children.

I also wish to welcome support from wherever it comes, whether from the Labour Government or from the new Minister of Education. Support is very valuable, whether new or old.

I want to acknowledge Northern Ireland's absolutely disgraceful track record on state-aided childcare. There is no doubt that the United Kingdom lags behind the remainder of the European Union on childcare and that Northern Ireland lags behind all other regions of the United Kingdom. It is reasonable to conclude, therefore, that Northern Ireland has had the worst pre-school provision for children.

I am the mother of an eight-year-old child, and I have been through the system. The greatest investment that we can make is in our children's education, most particularly in those early years.

As a member of the Enterprise, Trade and Investment Committee, I recognise the value of this investment. We can speak of American investment coming in and going to industry, but until we get to grips with the value of investing in our children we will have our priorities wrong. Children's education is most important.

It has been said that research proves that nursery education gives children not only a better start in life but a better life in general. It has also been proved that a child who has had a nursery education will face fewer criminal charges in later life. He or she will also have fewer social problems, such as teenage pregnancy, and be less welfare-dependent. Investment in the early years pays off in later life.

I agree with Mr Roche's reference to a “complicated mosaic”. I call it a plethora. The major problem is that there are so many different types of provision, from day-care centres to nursery schools and other facilities. There is a possible lack of understanding and awareness of the system and, perhaps as a result, a lack of access to existing provision. There is a need for parents to have a better understanding of how the system works — from crèches to day-care centres, to playgroups, to the nursery schools and to school classrooms themselves. This might be achieved through streamlining or integration of the existing provision, as was mentioned earlier by Sue Ramsey.

With regard to the plethora, I welcome the targeting social needs (TSN) initiative which will aim to help children in the most disadvantaged areas before dealing with all children. I do not think that this has been mentioned today. Another very important point which must not be overlooked is the involvement of parents. Parents need to be taught how to teach their children. A good example of this is the greater Shankill Partnership early-years project and its home visiting



scheme, which is used to teach parents how to help children to play.

3.45 pm

I remember telling European civil servants in Brussels about the situation in some areas of Northern Ireland when I was involved in the task force that set up the European special support programme for peace and reconciliation. Some children in deprived areas were attending their first day at school still in nappies. I do not know how surprising that is to Members. However, the explanation was that their mothers were working and their fathers unemployed and the fathers had not got to grips with the nappy-changing regime. Thus the children were going to school in nappies. The education of the parents of young children is just as important as the education of the children themselves.

There is a second aspect that is extremely important. While we welcome this approach and the increased funding, which must be available for all children, we must be careful not to dilute, destabilise or ultimately destroy this provision. There has been talk of the importance of qualifications and the problems of day-care groups and playgroups. Mr Poots mentioned the lack of qualifications, as did others. This is an extremely important point. Nursery-school education must be looked at specifically because that is where there are trained teachers. One would never put a less well-trained doctor in charge of a child in hospital than the doctor who looks after an older person. People dealing with children need proper qualifications.

Mr Poots and Mr Benson mentioned the importance of children being able to mix with peers, which leads to better social skills and fewer social problems. However, there is another very important issue that has not yet been raised — the integrated education system. When we talk about children mixing with their peers we must address the matter of Catholic and Protestant children being educated together. In the past nursery schools were not attached to primary schools, and we had stand-alone nursery schools which both Catholic and Protestant children attended. Now we are moving into a situation — and the Minister should look seriously at this — where nursery schools are being attached. Mr Benson talked about every primary school having a nursery school. However, that would only provide for either Catholics or Protestants and thus encourage separation. We must consider stand-alone nurseries to promote reconciliation. The Good Friday Agreement says

“An essential aspect of the reconciliation process is the promotion of a culture of tolerance at every level of society, including initiatives to facilitate and encourage integrated education and mixed housing.”

This I know well, for we were involved in putting it into the Good Friday Agreement, and it was definitely meant to include pre-school education. The lack of mixed housing is the problem. There are large estates with 90% to 100% of one religion or the other, and those estates need schools. Much more should be done to promote mixed housing.

**Mr Speaker:** May I draw the Member's attention to the fact that she has now been on her feet for almost twice as long as any other Member, apart from the Member who moved the motion. I ask her to draw her remarks to a close.

**Ms Morrice:** I will. I consider this an important issue, which is why I have taken so long.

My final point concerns career development for women head teachers. If one bolts nursery schools on to primary schools, there will be fewer opportunities for career development, since many women become head teachers of nursery schools.

I am surprised and delighted that we are all in agreement. Let us not have 75%; let us not have 95% — let us have 100% nursery-school provision.

**Mrs Carson:** Some people do not know what a nursery school, or a play school or a childcare facility is, and that needs to be dealt with, but it is not what I am going to speak about today. I am a nursery-school trained teacher and an ex-primary school principal. I have some background information, and I found nothing to bar a nursery-school teacher from going into primary education. I am also a governor of a nursery school.

I welcome the Labour Party's initiative to provide pre-school education for four-year-olds, including children in Northern Ireland. The programme has been targeted at socially disadvantaged children, but I hope that good pre-school education will be provided for all children whose parents want it. There was general euphoria, as I would describe it, following the Minister's announcement last Thursday of what appeared to be a new initiative to establish 9,000 new pre-school places and provide an additional £38 million. However, it was not obvious to some that the Department of Education has been funding this very initiative since September 1998. After two years, approximately 4,000 of these places have already been filled.

I welcome this ongoing initiative and look forward to the Department, in partnership with the education boards, delivering the target of 9,000 places by September 2001. I welcome the fact that it is anticipated that, from September this year, free school places will be available to some 75% of those eligible.

Historically there has been good cross-community enrolment in nursery schools and units, though mainly in the controlled sector, and this should be encouraged.



Given the falling birth rate, any existing resources, such as accommodation, should be fully utilised before new capital funding is considered.

Concerns have been raised about places being found for children with special educational needs. I note the admissions criteria set out in the Statutory Instrument No 29 of 1999. They allow each school the option of giving children with special educational needs in their final pre-school year priority over any other child who is not from socially disadvantaged circumstances and who does not have a July or August birthday.

The Department for Education accepts that children with statemented, special educational needs can be admitted over and above the enrolment numbers. I hope that that information will go some way towards satisfying those who are concerned about priority being given to children from socially disadvantaged circumstances.

The initiative to increase pre-school places should not be seen as the state's taking on a parental or childminding role. The parents and the home have priority, and parents must accept that they play the major role in their children's development and education. We have nursery schools, but we must remember that home is the priority.

I expect the Department of Education to monitor standards and give priority to ensuring that the professional teaching staff have adequate support staff with relevant childcare training. I am in favour of good practice in all establishments — and I mean all establishments — and of providing facilities that ensure the educational advancement of our children. I hope that the Department of Education ensure that the provision of these pre-school places meets the needs of all sections of our community.

**Mr O'Neill:** I thank Mrs Carson for clarifying the different elements involved in this matter. It was badly needed. I also welcome the Minister's recent announcement promising funding for pre-school children.

The value and benefits of pre-school education and childcare are well recognised and provide a good foundation for subsequent educational success. Some research indicates that most people learn the bulk of whatever they are going to learn by the time they are four years old. In the 1960s one enthusiastic philosopher indicated that you might learn as much as 80% of all you are going to learn by the time you are four. If one considers the mechanics of walking, talking, listening, tasting, differentiating size, shapes and colours, one begins to appreciate the enormity of the learning that goes on in those formative years.

However, that information and research such as this was available to the Department of Education in the 1960s, yet only now, as we move into the year 2000,

are we getting some kind of positive response to it. Free places for 75% of children are certainly very welcome. Of course, we all look forward to the time when there are free places for 100%.

I suppose we must welcome the indication from the Department. Perhaps, now we will be able to get movement, particularly on accessibility to and the quality of childcare and education and development of the service in general.

I do not subscribe to Mr Benson's view that social disadvantage is not an acceptable criterion. All modern educational research identifies social disadvantage as a major reason for many children having learning difficulties. Of course, things get more difficult when social disadvantage is used in the wrong way. We have come across examples of this in the allocation of nursery-school places, when very young children "hop over" others who would be more suitable for pre-school education because of the social-disadvantage clause. The solution is, as Mr Benson and everyone else have said, that we facilitate access for all children.

This matter is very important, not only for the educational development of children, but for the personal development opportunities of women, the economic welfare of many households and the economic development of a region. They all interlock. As some Members have already said, women may take 70% of new jobs over the next six years. The Strategy 2010 steering group emphasised the need to develop specific measures to encourage the full participation of women. The draft proposals co-ordinated by the Department of Finance and Personnel for the next round of European Union structural funding specifically identify support for pre-school education as a part of gender equality in employment.

The goal of improving access to childcare and education for pre-school children also means that there will be a need for more well-qualified and experienced workers.

*4.00 pm*

Quality among those workers is patchy. Recent audits by health and social services boards estimate that as many as 50% of current workers have no relevant qualifications. The Training and Employment Agency is committed to achieving up to 1,500 training places under the New Deal. The recent formation of a working committee on planning review and training provision is taking forward the development of a training strategy with the aim, according to the childcare strategy, of providing the skills that are going to be needed by the existing and future day-care workforce in Northern Ireland.

The intention of improving the pool of quality workers raises a question about trainees. For trainees to achieve a suitable standard, facilities to enable them to get plenty of childcare experience must be open to them.

The capacity issue is significant, given the relatively small travel-to-work distances in rural areas.

There must be consistent local training capacity across rural communities to ensure that quality staff are available. That is a big issue, but how can such capacity be achieved when current regulations stipulate that only one trainee can be taken on per 20 children? That creates all types of problems, and I have referred examples to the Minister. The regulations that are currently imposed on some centres should be relaxed. At present in my trust area two fully qualified workers, the cost of whom is likely to put small nurseries out of business, must attend each room. The alternative is to force day-care centres to increase the size of rooms to take more children, and that would not be conducive to good education or to the quality of care that is necessary for pre-school education.

In rural areas a building is often used, particularly in the voluntary and private sectors, for pre-school nursery education. One argument is that the smaller the room, the better the teaching and learning. However, two people are required for each room although only one trainee is allowed per 20 children. Consequently everyone is put in a big room with the required number of staff, or people less qualified than even a trainee are employed. There are arguments for encouraging an increase in the number of trainees or for relaxing the regulations in a sensible and reasonable way.

**Mr S Wilson:** I welcome the opportunity that Edwin Poots has provided for a debate on this important issue. The debate is timely, and the response shows that the matter is important to the people we represent. In his recent statement the Minister of Education outlined his spending plans for pre-school education for the next four years.

One of the Assembly's roles is to give Members an opportunity to get behind the gloss of departmental statements and the spin which the Minister and the Department are trying to put on them. We must ask some hard questions about the policies and about the content of the Minister's statement.

I want to ask a number of questions, which, I hope, will be addressed later. The first is to do with the £38 million that the Minister has announced for the next four years. This time last year, the Minister announced £24.4 million for three years. The impression that was given in that statement was that this was brand new money, additional funding for pre-school education in the Province. That, of course, is typical New Labour spin. It announces spending programmes in different

places five or six times over, and it looks as though a lot is happening.

Sinn Féin has adopted many of New Labour's characteristics. Its desire for control is well-known, as Mr McElduff can tell us from his police liaison experience in his constituency.

Perhaps the Minister can tell us why eight special advisers have been appointed, some of them with no experience in their appointed fields. Is this yet another example of the New Labour tendencies emanating from the Department of Education? I would be interested to know how much of this is new money that is being injected into the system.

Secondly, on the detail of the scheme itself, one of the statements in the document on which much of the present policy is based is that children who have good pre-school education, and particularly those from disadvantaged backgrounds or with special needs, are prepared for school and learn more quickly.

Some Members have already taken up the issue of disadvantaged backgrounds. We had a debate in the Assembly some time ago on the criterion which was used to deem whether people came from a disadvantaged background. The current criterion severely disadvantages and discriminates against parents in low-paid employment who do not live in areas where there is a cluster of wards which meet the normal deprivation indices. Nevertheless, their youngsters could benefit from pre-school education.

I hope that this will be sorted out as the number of places expands. However, I still believe that that criterion is faulty, because it means that many youngsters who should benefit from pre-school education are unable to gain access to it. That can put their parents' jobs in jeopardy, and if they are unable to work, they will not be able to pay for a place for their child.

I hope that the targeting of new places will help to address that problem. I would be interested to know how many of these additional places will be available to the other category of people mentioned in the Government's document — those with special needs. Again there is no indication of that in the statement. It is a point of detail, but something on which I would like more information.

The third issue that I wish to address concerns the targeting of these places. As has already been stated, the provision of nursery places across the Province is not even — in some areas it is as low as 50%. In some areas parents queued outside schools all night to get places for their children because the number of places was so low. According to the plan which has been drawn up, there should be an indication, on a year-to-year basis, of where these places are to be

provided in each education and library board area. We have the figures for 1998-99, and I hope that we will soon have the figures for the period covered by the money which has been announced by the Minister.

Finally, I wish to mention the criteria under which new nursery places are going to be provided. I do not want to highlight any particular constituency problem — I shall do that with the Department. However, there appears to be an inconsistency. An East Belfast school, which applied for a nursery unit as part of its new development scheme, was turned down on the basis that urban areas must be able to provide or have a demand for 52 places. The Minister has confirmed that, but it was pointed out to him that some new schools have been built that provide only 26 nursery places. The answer was that this is only in rural areas.

I am sure that the Member for Londonderry will be surprised to know that Oakwood Integrated Primary School is in a rural area. This year it has been given funds to build a nursery unit with 26 places only while a controlled primary school in Belfast has been turned down because, in an urban area, the minimum number of places is 52.

I do not know whether Omagh is regarded as rural, semi-rural or urban, but in Omagh, an integrated primary school is getting funds for 26 places this year. The Minister must justify the funding of new nursery units for 26 youngsters in one sector while he imposes a limit of 52 places in another sector. He knows full well that a small estate school could never provide, and will never have a demand for, 52 places. In effect, in certain areas of the Province, the controlled sector is being discriminated against.

These are some of my questions on the Minister's statement on pre-school education, and I trust that we will get some answers before the end of the debate.

**Mr McElduff:** A Chathaoirligh. Cuirim fáilte roimh an Aire go dtí an díospóireacht seo. Is maith an rud é go n-aithnítear chomh tábhachtach agus atá an réamhscolaíocht sa lá atá inniu ann.

I welcome the Minister to this important debate, and I welcome the relative unanimity and consensus among the Members who have spoken. So far the debate has been mostly positive and substantial in tone and content. I also wish to commend the initiative taken by Mr Poots, who tabled the motion.

The value of pre-school and nursery education should be placed in the context of children's rights. The well-being of children requires political action at the highest level. Sinn Féin is determined to take that action, and it makes a solemn commitment to give high priority to the rights of children, as did 71 heads of state at a world summit for children in New York,

which approved the United Nations Convention on the Rights of the Child.

4.15 pm

“Educaré” means to cherish the growth of the young, or in Irish *oideachas* which means to foster parenting, nurturing what is natural. *Mol an óige agus tiocfaidh sí*: praise the youth and it will develop. Those philosophies or maxims point the way for us all in this debate. The rights and concerns of children are crucial. They have particular needs, which require special measures, and they must be respected. Children need to be heard for their self-esteem to be fostered and for them to develop.

As Members have said, it is universally acknowledged — and this is supported by research — that there is real value in pre-school education. A safe, secure, happy and stimulating environment is crucial and conducive to a child's personal development. Social interaction, learning social and motor skills through free and structured play, and showing consideration for others are important at an age when young minds have a huge capacity for learning — young minds that are exploding with ideas at an age of curiosity and discovery. Perhaps what one wants to say is decided in childhood, and the rest of one's life is spent trying to say it. That is the philosophy that guides the need to nurture young people in pre-school education.

Ms Morrice commended the integrated sector. I support that, and I commend the virtues and benefits that accrue from the bilingual approach and *naíscoileanna*. It has a proven advantage, and it is a growing sector. Bilingualism, as is evident in Wales, is very positive. The Good Friday Agreement is the context in which we should view our presence here today. It contains specific commitments to Irish-medium education at pre-school and other levels.

I welcome the Minister's announcement of the £38 million pre-school expansion programme which will be effective from September. All sectors, including controlled, maintained, integrated and Irish-medium will benefit. This is an enlightened and positive announcement, and it is qualified by a determination on the part of Sinn Féin to accelerate towards universal availability of free nursery or play-group places in a range of settings — private, voluntary and statutory. That is contained in our party's 'Programme for Government', our *Clár Rialtais*.

From September, the programme will apply to three out of four pre-school children — 75%. Questions are being asked about how we will get to total emancipation, but this is an improvement on the situation in February of last year, when there was 60% availability, and on the situation three years ago, when the figure was 45%.



Some Members spoke about the wise investment that it represents in our children and in society as a whole. It is wise even from an economic prospective, although that is not how I would choose to look at it.

On children from disadvantaged backgrounds, I support Mr O'Neill's point that the criteria are a useful indicator. Until there is universal access, parents on income support should enjoy some priority. I have visited a number of naíscóileanna and English-medium nursery units in west Tyrone, and I pay tribute to the staff who are trying to ensure the best possible start for all our children. They show great enthusiasm, dedication and hard work. As a parent, I can testify to that.

Some Members identified issues such as qualifications and training and a curriculum that can foster respect for diversity and other cultures. The unmet need has been quantified at 25% from September. A timetable and targets should be established to ensure universal availability and access for all. That will require more funding, but it would be entirely merited. Go raibh maith agat, a Chathaoirliagh.

**Mr B Bell:** I am grateful to Mr Poots for the chance to address this issue. I have no educational background, but I am a parent and a grandparent, and in my capacity as a public representative I have served on boards of governors and the like. I want to make some random points on what I have gathered from the debate.

All children should have the chance of pre-school education, and that applies equally to the children of single parents and to those whose parents Mr Benson described as "the backbone of this society". Children are children, and they should all have the same opportunities.

The Government have introduced this scheme, and it has been referred to throughout the debate as "new Labour policy". They seem to have started by targeting areas of social need. I have no objection to this, as long as that is only the start. Like Tom Benson, I believe that the children of the "backbone" people should have the same opportunities as the children of others.

I welcome the announcement of 75% provision. This is something that we should all aim to raise, but I am glad that we have it. The thing that worries me about targeting social need is the criterion by which the Government measure it: the ward system. Mr Poots referred to this, and it is an unsatisfactory system. This Assembly, the Department of Education and the Minister should all look at it very carefully.

Take Seymour Hill. There is a school there which needs 26 places. Under no circumstances, thus far, will the Department look at that. Yet Seymour Hill is in Derriaghy ward, which has pockets of 67% unemployment. Quite clearly this criterion is wrong.

Lisburn and Lagan Valley do not have too many wards that could be described as deprived, but within almost all of them there are areas that fall into that category. I would like the Assembly, the Minister and the Education Committee to look at this very closely.

Today we have listened to several Members discussing the policies of the Labour Party. These no longer apply. This is the Northern Ireland Assembly. We should be creating our own policies and doing things our way. Let us make our own policies for 100% provision over the next three or four years.

**Dr Hendron:** I too congratulate Mr Poots for bringing this important subject before the Assembly. I am pleased that the Minister of Education is present.

Most Members will understand and appreciate that when a child starts school at the age of five it may be advantaged, or if it comes from a certain area, or a certain environment, it may be disadvantaged.

A child is born with a certain intelligence quotient. Its intelligence depends mainly on genetic factors, but environment also affects how the child's intelligence develops. It is therefore very important that, from the moment babies are born, they all have, at the very least, a suitable and positive environment to help their intelligence develop.

It is not just a question of a child being very bright or stupid at birth. Although it is mainly influenced by genetic and environmental factors, other factors come into play. When the Department of Health and Social Services published its document 'Well into 2000' in December 1997 it focused on children's early years. We were told that the Government — I will not say new Labour — were committed to developing a national childcare strategy which would include pre-school nursery provision. They emphasised that Northern Ireland would be fully included in that strategy. The interdepartmental committee on early years was set up to oversee the development and implementation of a strategy for Northern Ireland, and that programme is on course.

In September 1999 the 'Children First' document, the Northern Ireland childcare strategy, was printed. Three main problems in relation to childcare, including pre-school nursing, were highlighted. One was that the quality was variable, and the speeches this afternoon have borne that out. The second was cost, which was out of reach for many parents. The third was that there were not enough childcare places, especially in certain areas.

The Executive and the Assembly must ensure that good quality childcare and nursery provision are available in every community to allow parents to choose childcare which meets their needs. Far more places need to be provided.



The sure-start programme was mentioned. I have some experience of that programme on the Shankill Road, and I pay tribute to all who are involved in it. It must be continually adapted, as necessary, to Northern Ireland's particular priorities and circumstances. The programme aims to work with parents who have children under the age of four in areas of social disadvantage to promote the physical, intellectual and social development of pre-school children. That is relevant to the comments I made earlier about the ongoing development of a child's personality and intelligence. We need to ensure that children have the best possible start in life.

Family centres, which I think were mentioned earlier, are very important. Children and parents can go to them for advice or to participate in social and recreational activities. I welcome the increase in the number of pre-school nursery places, and I welcome the Minister's recent statement.

In many areas of Northern Ireland there are massive problems in terms of numeracy and literacy. However, we need to look after young children, particularly those under the age of five. Mr O'Neill, the Member for South Down, made the point that a child's maximum potential for learning — I have forgotten the exact percentage — was achieved by the age of four. That is a very important point in relation to the future of our children.

I would prefer access for all, and I know that Members agree. However, children with learning difficulties, as Mrs Carson said, must be given priority, although I also believe, like Mr O'Neill, that children from disadvantaged areas should be given priority as well. I accept the point made by Mr S Wilson, I think, on how disadvantage is defined. That in itself could be a subject for massive debate, and I do not wish to embark upon it now.

I am delighted by the unanimity in the Chamber on this topic. I believe that in the future the Assembly and the Executive will put our children first — especially the younger children.

4.30 pm

**Mr Shannon:** Pre-school nursery provision is an issue that affects most of us, and our constituents frequently raise the matter. For the modern family, with both parents working — not by choice, but through necessity — pre-school nursery provision is very important. Parents have their careers, and they are entitled to pursue them. Pre-school nursery provision ensures that, as their lives and careers continue, their children are looked after during working hours.

Nursery-school provision is an important issue in my constituency of Strangford. Many new groups have started in the area, and not always with the necessary

financial provision. There is a group in Portavogie, and other groups are starting in other villages in the Ards Peninsula. There is remarkable need for pre-school nursery provision in Newtownards. There is some provision already, but, with the growth of the town, demand is now outstripping supply. This demand must be met.

There are three issues that we must address. Changes to the legislation with regard to full-time nursery-school provision should be made sooner rather than later. It is important for children to have five hours nursery-school provision rather than the two and a half hours that are available now. This is accepted by parents. The teachers' union would also prefer a five-hour day, as it would benefit both the children and their parents.

Full-time places would fit in well with the Government's back-to-work policy. They would also enable a better core education, and this is what both teachers and parents want to see. The longer period is more appealing. Indeed, the push for part-time places is open to criticism. The figures used for the various views are a statistician's dream. The figures can be made to show that the Government have succeeded or that the Department has succeeded. As we all know, we have lies and damned lies, and then we have statistics. We must ensure that the Government's or the Department's statistics are appropriate, applicable and not misleading.

The Government should not force — or push — schools to change their emphasis towards part-time places. We need full-time places for all. Full-time places for everyone — that is the thrust of the message that we are being given. The need is there; and the need has to be met.

It is a fact of life that most parents work because they need the money. For that reason pre-school nursery provision is important to the parents, but it is also essential for the children. My two smallest boys went to a pre-school nursery. Wee boys can be shy, but it certainly helped mine to develop. They have no difficulty communicating, and their personalities have also developed. The youngest boy went from being a wee fellow who said nothing to a boy who now never keeps quiet — my wife would say that it is hard on her eardrums. This is proof that pre-school nursery provision can help the wee children develop. It improves their communication skills and develops their personalities.

We do not know how the seeds sown by nursery-school provision will benefit our children in later years.

There are also children with special needs who need particular help. The experts say that those who look after pre-school nursery children can take at least

two special-needs children in a group of 26 children. That is something that should be looked into. We want to see opportunities for all children, including those with special needs. Undoubtedly, such opportunities will help them develop, and society as a whole will benefit.

The enrolment procedure needs to be better advertised. It has been advertised in the past through newspapers and advertisements, but that method was not really satisfactory. We have asked for consideration to be given to a television or media blitz. Every home has a television, and it is a focal point in the everyday life of the family. So let us have the enrolment better advertised through television, and in a sensible and positive way. The advertisement should highlight the admissions criteria so that people will understand them, and it should be simple, acceptable and easily understood.

There are three aspects in the criteria that perhaps we could look at again. First, it should be open to all in their final pre-school year. Secondly, the available vacant places should be re-advertised. And, thirdly, any remaining places should be filled by two-year-olds. By so doing, the three-year-olds would be considered before the two-year-olds.

It is important that the Department should also implement an annual review to iron out any problems that may arise in the process. It could address the problems and, thereby, make the system more effective as the years go on.

I congratulate the Member who brought this matter forward. It may be the first time in this Chamber that we have had unanimous agreement. On this issue we are all together.

**Mr McHugh:** A Chathaoirligh. I would also like to commend the Member who raised this matter and gave everyone the opportunity to speak in this debate. The education of very young children is a most important matter.

I refer to Mr Wilson's comments about experience. Experience is not everything in education. Every person has his own experience of education, and one does not necessarily have to be a teacher to be able to teach children, to have a good grasp of what is needed in the learning industry and to know what is best for young children. In fact, if some people were to look in on some of the debates in this House, they would wonder what sort of learning experience some of the DUP Members had in the past and what they would offer our children by way of education.

I welcome the fact that this has been a cross-party debate with most people in agreement about what is needed for the young. We hope that the £38 million given to pre-school education, some of which is not new, will be directed to where it is needed most.

However, there are gaps, and parents are not happy about where moneys have been directed.

An important matter is equality. I agree with the points made by Mr O'Neill about social disadvantage and the importance of allowing the children in deprived families early access to education without having to pay, which is often a great deterrent to those on very low incomes. There are areas of deprivation where people have been stigmatised, and stigmatisation carries through for a very long time. There are many other areas concerning money, which have had to be put right — that is a different argument — but children from those areas need to understand that they are just as important as any other children in the country. Therefore the stigmatisation of areas should not be allowed to continue.

The issue of starting age has been raised, and I was intrigued by the debate about whether children should start education at four or six years of age. Some research is required, and this is a debate which will continue, but it is something we must get right. There has to be a correct age, and statistics must be able to prove what that age is. Members have mentioned that 80% of a child's learning is achieved by the age of four, so there is much to be considered.

Access to education is very important. When the thrust of Pre-school Education Advisory Group plans for pre-school places was known, there was much soul-searching and many arguments. Many felt disgruntled. They were being forced to accept facilities they did not want and which were outside their area. People felt an attachment to their local area because the facilities in those areas were provided by local community effort. They felt that their feelings were being disregarded, that they were being forced to use a school in another area where 52 places existed and that they had no choice in the matter. There was insufficient consultation on this issue, and it is one which continues to influence people's level of satisfaction.

In relation to the issue of dividing communities, access is a very important matter. Some local communities could have been pulled together better if a more neutral area had been chosen.

The location of facilities is more important in rural areas than in city or urban areas because of the cost of travel. Some mothers might have to use taxis to pick up children at different times of the day, at great expense. The need to travel five miles to the nearest town where a facility is located is a great deterrent for people, especially those with children between two years of age and school-starting age. We do not want a situation whereby some children are losing out because of the placing of these facilities.

Care also needs to be taken by all of those involved to ensure that they do not make people who receive

benefits feel that they are of lesser consequence than others who are paying or who are less deprived. This has not always been the case, and perhaps this is an area which Departments could examine.

There is the possibility that we will create further division between communities which have been trying to pull together unless we look carefully at the placing of facilities in local areas. Pre-school education is an area where parents of all shades find common ground in working together for the benefit of local children and the local community.

The provision of childcare through crèche facilities at work is an equality issue concerning women's access to work. This is another facility which promotes early learning in children, whether it be located at work or at training centres. It is a great learning experience for children — especially those from small families — to interact with other children of the same age.

This argument has a long way to go. I welcome most of the comments made by Members, even if I could not agree with everything they said.

4.45 pm

**Mr K Robinson:** The House considered this issue last March, and although it was an extremely interesting debate, it was very poorly attended, as Members may remember. I am glad Mr Poots has given us a second opportunity to bring the subject before the House. As several Members have mentioned, this is a core subject.

In March I said that I fully endorsed the Government's long-stated aim of providing high-quality educational places for all children in their pre-school year. Several Members made that point over and over again today. The Government set out with an extremely laudable aim but were blown slightly off course. Perhaps their social conscience got in the way of educational sense. As Mr O'Neill pointed out, the amount of learning a child can acquire by the age of four is stupendous.

If children could get into pre-school provision for that fourth year the benefits would be enormous. However, I am not totally convinced that sending a two-year-old — probably still not properly potty-trained — would be of advantage either to the child or to the person struggling to educate him or her in the ways of the world when there are other children at a more advanced stage to be looked after.

I should like to return to the Minister. On a recent visit to his native Londonderry he said that, owing to a major £38 million programme, there would be free pre-school places for 75% of pre-primary children this year — the largest investment ever made in pre-school provision here. He made the announcement in a local nursery school, where he said that he could see the

delivery of high-quality pre-school education at first hand.

I do not agree with him on the first part of his statement, but I certainly agree with him on the second. Is he perhaps referring to the £38 million mentioned in the press release recently issued by his Department? I have here a letter dated 23 March 1999 from his predecessor, in which he refers to £35 million. A figure of £24 million has also been bandied about. Whether this is the result of spin, faulty arithmetic or a deficiency in numeracy I am not entirely sure, but perhaps the Minister will tell us which is the correct figure. However, I am sure we all welcome the fact that money is being spent in this area.

Pushing the number of places is one thing. We all welcome that, but can the Minister and his Department be absolutely sure that these are quality places? It is quality which counts here. We need places which will give children, especially those from a disadvantaged background, the firm educational foundation they will require if they are to engage in lifelong learning. This is necessary if that lifelong learning is to become a reality rather than a mere cliché, regardless of which party it emerged from. What steps will the Minister's Department be taking to ensure that these additional places are quality places? Quality must be delivered by properly trained staff, and this has been mentioned time and time again.

My Colleague Joan Carson referred to the difference between pre-school provision and nursery education. I know that the nursery sector feels extremely sore about this, but we must have quality education. Every Member wishes to ensure that there is as much quality provision as possible for children, especially those in disadvantaged areas. Will we maximise the potential of training places in colleges such as Stranmillis? That college has a course leading to an early-years qualification. Will the Minister enhance the number of places available on such courses? If he were to we could begin to pour an increased number of children into pre-school education, not to mention properly trained staff. This should also happen in the case of NVQ assistants. We have to ensure that that provision exists, since, to some degree, it is supplementing a deficit in certain areas.

Can we also be assured that, these extra pre-school places having been provided, the standard of provision will be carefully monitored to ensure that there is a high degree of comparability across the Province? The standards that exist in West Tyrone — we hear the words “west of the Bann” bandied around in the House every other day — must equate with the standards east of the Bann, north or south of Lough Neagh or in whichever other geographical area you care to mention. There should be some measure of uniformity



so that all children can gain access to high-quality provision headed up by well-qualified staff.

Can we be sure that the locations in which our children are introduced to life are of good quality? Mr O'Neill mentioned the size of classrooms and the need to ensure that that delivery is in the best possible location.

At the end of the process, can this community be assured that we have provided much more than a childminding service? That is a problem I have. I understand the economic need to get more women out into the workforce, and if ladies want to go out to work, they should be encouraged to do so. However, we have a duty — particularly the Minister and those involved in education — to ensure that it is the educational provision that comes first. If good quality provision helps the childcare facilities on the way, so be it. Let us not get our priorities the wrong way round.

Can we be absolutely sure that if we bring all these bits and pieces together we will put as many of these tiny feet as possible on a secure path for lifelong learning that will serve them well in the future? Someone claimed in the debate that the fact that one did not go to nursery school increased one's chances of going to other more interesting places. Whether that is true, I am not sure. I did not go to nursery school, and I do not know whether I lost something in that process or not. It is a necessity that a caring parent who feels secure in parenting skills should be available to a child, as Dr Hendron said, from a very early age.

Anything we are attempting to do in the pre-school sector should not be a substitute for good parenting skills in a caring home. If that means putting in the kind of early-years support that we have heard about in the Shankill Road and other areas, so be it. I hope the Minister will take all those aspects into account.

I commend Mr Poots for bringing this forward and giving us the opportunity to have a wide-ranging debate on the subject.

**Mr Speaker:** I will call two more Members to speak, and then I will ask the Minister to respond.

**Mr O'Connor:** I would like to thank Mr Ken Robinson, who generously allocated me some of his time when this subject was debated last March.

This is an extremely important issue. It has been said that the most formative years of a child's life are those up to the age of five when he learns approximately three quarters of what he will learn throughout his life. He learns how to speak, how to walk, how to eat and how to go to the toilet. That is very interesting. The current pre-school selection criteria for children of two years of age in their penultimate pre-school year are laid down in Regulation 2:4 of the

Pre-school Education in Schools (Admissions Criteria) Regulations (Northern Ireland) 1998.

What happens when two-year-olds in their penultimate pre-school year go to nursery school? There is no stipulation that these children should have any social training whatsoever. It is important that teachers are there to teach and educate, not to act as nannies. I do not take anything away from those who do act as nannies, but professional teachers need to teach. It is ironic that when these statutory rules were introduced they contravened article 32 of the Education (Northern Ireland) Order 1998, which says

"the Board of Governors of each school shall draw up, and may from time to time amend, the criteria to be applied in selecting children for admission to the school."

In my constituency there are two schools. One school is 25% undersubscribed; the other is heavily oversubscribed.

It used to be the case that the Catholic Maintained School was undersubscribed and it took the overflow from the school that was oversubscribed.

According to these criteria, two-year-olds could end up receiving two years of nursery education while certain three-year-olds may get none. That cannot be right. The applications must be received by the end of April. There is no longer any flexibility which will allow schools to work with each other so as to ensure that there is nursery provision for all children.

Mr Benson and Mr Bell touched on the issue of "provision by ward" as a way of determining social disadvantage. Mr Bell noted that in some areas the rate of unemployment is running at two-thirds. There are some areas within my constituency which have been designated, using the Robson indicators, I believe, as socially disadvantaged areas. There are certain pockets of real social disadvantage in those areas. However, there are also quite affluent areas within those wards. The system needs to be reviewed and refined street by street in order to ensure that the need is properly targeted.

Mr Sammy Wilson raised the issue of integrated education. Two integrated schools in urban areas were given the go-ahead to provide nursery units for 26 pupils, and one in Mr Wilson's constituency was not because of the insistence that the names of 52 pupils be provided. This is something which should be investigated. I feel that this is not in keeping with remit of the Good Friday Agreement. There are double standards and a lack of equality. We cannot talk about equality and only pay lip-service to it whenever it suits us. This is a very real issue for all parents in Northern Ireland and not just those who decide that they will send their children to integrated schools because they will have a better chance of getting them in. That would be fundamentally wrong.



As well as increasing the number of free pre-school places to 75% of primary school children, the Minister's statement said that there was going to be an extra £38 million. Mr Wilson said that about £24 million of that was allocated last year. Mr Robinson mentioned that £35 million is to be allocated in March of this year. We need to find out the true figure and what additional money has been allocated.

Unfortunately there are still a lot of mobile classrooms in our schools. There are schools with spare classrooms, and it may be that, as Mr Benson has suggested, instead of building new schools we could use these classrooms. That may allow more money to be spent on widening the provision further.

I thank Mr Poots for bringing this matter back to the Assembly. We should have as many children as possible in nursery education — as close to 100% as we can possibly get. I urge the Minister to reflect that this idea of social disadvantage — of having parents turn up at a school with a benefit book to show that they are either on income-based jobseeker's allowance or income support — is totally wrong. It creates a stigma and harks back to the days when some people got yellow dinner tickets and some got red dinner tickets, when people thought they were less well off because they got free dinners, and when certain children were stigmatised for being poor. Teachers should not have to make those decisions. The selection process should be suspended, if possible, so that new thought can be given as to how it should be carried out once all these extra free pre-school places are available.

Is this 75% of three-year-olds, 75% of four-year-olds or, bearing in mind the criteria, 75% of two-year-olds? Because two-year-olds have access to nursery education we do not know what the 75% represents, and we need to know that.

5.00 pm

I said earlier that teachers are not nannies. If you bring two-year-old children into a classroom, it is likely that some of them will have accidents. If there is an accident, either the teacher or the classroom assistant will have to tend to that child, leaving only one person to look after 25 or 26 other children.

Most of the equipment in nursery schools is not suitable for children under 36 months. I urge the Minister to look at this aspect of the matter. He needs to concentrate on a better delivery for the three- and four-year-olds rather than on the two-year-olds.

**Mr Beggs:** I welcome the opportunity to speak on this important issue. I also welcome the additional funding which has been announced. The Assembly deserves honesty both from the Minister and from the Department. There is a lot of confusion over the Minister's announcement. It appears that the

£38 million may comprise £12 million that has already been spent and £25.6 million which has been allocated to the next two financial years.

I support the concept of learning through play. It is very important for young children to develop basic social skills in a friendly, learning environment, and by playing they start to learn much more easily. I would like to concentrate on voluntary playgroups. My children have attended such groups over the past four years, and my wife was involved in the running of one.

Voluntary groups operated on a shoestring for many years before they received any funding. They continue to run car boot sales and hold other fund-raising events that the community participates in. There are financial pressures on a number of groups because of cash-flow problems. They have to pay staff weekly, while funding from the Department does not come until six or eight weeks later. This problem needs to be addressed.

We all agree with, and support, a raising of standards. However, we are under pressure to introduce new educational toys, and space has to be found for them to be stored. Many playgroups are in multi-use halls, and this creates the problem of storing toys safely and conveniently so that people do not spend valuable time carrying toys from A to B.

There is also a continuing need for the training and assessment of those who are running the playgroups, and this is very costly. The Department of Education pays for the training of nursery-school teachers, so it should be paying for the training of staff in pre-school playgroups. It is very expensive for a small group to finance this. Therefore it is important that there be continuing funding here. The mushrooming of playgroups has created a demand for those who have the necessary qualifications, and this can put smaller groups at risk.

If there are not enough trained staff in this area, qualified staff will be attracted to another group. If the smaller group is left without staff with recognised qualifications, its funding can be put at risk. The opening of new nursery schools has to be looked at very carefully.

During the past year media reports in England show that new state-funded nursery school places have resulted in the loss of pre-school education places. A nursery unit being opened beside a school resulted in the closure of two voluntary groups nearby which became unviable. Additional state money has resulted in fewer children being educated. The education and library boards, NIPPA and voluntary groups should all be carefully co-ordinated so that such costly loss of skills and educational places does not occur in Northern Ireland.

There have been comments from all sides on the need to change the existing criteria because of inequality. I am sure that all Members will support the preference given to children from disadvantaged backgrounds in their final pre-school year. But surely it is not right for children as young as two to be placed in a nursery unit with four-year-olds. Such inequality is very divisive in local communities. It is essential that inequality is quickly addressed so that in the final pre-school year every child is offered a position. Any additional places should be offered to younger children from a disadvantaged group. Few would disagree with such criteria, and I urge Members to work to achieve them through new regulations. I hope that the Minister and the Department of Education will take that on board.

**Mr Speaker:** Before calling the Minister I should like to make a few comments. The Minister, as a Minister should, has sat patiently through the debate. The Member who initiated the debate has also waited patiently. In a sense I am preaching to the converted. Most Members who are in the Chamber have asked questions and await the Minister's response. However, some of those who asked questions have not returned to the Chamber to hear the Minister. That is not the proper way to treat the House. I ask Members to convey my remarks to absent Colleagues, particularly to those who asked questions but have not returned to hear the Minister's response. I announced that there would be two more contributions and that the Minister would then respond. The purpose was to enable Members to be present.

**The Minister of Education (Mr M McGuinness):** Go raibh maith agat, a Cheann Comhairle. I thank Edwin Poots for initiating this debate. It comes at a fortuitous time for us in the Department because of my trip to Derry last week and because of my attempt to publicise the fact that time was running out for parents to fill in their applications before the closing date of 2 February. I also thank every Member who contributed to such an important debate.

I welcome the opportunity to hear Members' views on pre-school education. The pre-school education expansion programme, which commenced in 1998-99, is the largest ever investment in pre-school education here, with expenditure totalling £38 million and 9,000 new pre-school education places being secure. This is one of the most significant education developments in this area in recent years.

In 1999-00 almost 70% of all eligible children in their immediate pre-school years are in funded pre-school education. In September there will be free pre-school places for 75% of children in the year before they enter P1. This figure has increased from 45% just three years ago — a dramatic increase.

The essential message is, therefore, that the number of free pre-school places available is increasing each year. There are enough places to go around, and parents should be encouraged to apply for a place for their child. The aim of the expansion programme is to achieve at least 85% provision by the year 2001-02. In the context of seeking additional resources, we will want to consider how best to build on that achievement.

The development of pre-school education provision is being taken forward through partnership between the statutory, voluntary and private sectors. Of the 9,000 new places available, approximately 4,200 will be in the statutory nursery sector, and 5,000 will be in the voluntary and private sectors.

I pay tribute to the hard work of all those involved, particularly the members of the pre-school education advisory groups in each education and library board. Their expertise and extensive local knowledge will ensure that the development of pre-school provision is effectively planned. The pre-school education expansion programme is an integral part of the overall drive to raise educational standards and levels of achievement in the long term, bearing in mind that those centres which receive funded places must fulfil certain important quality requirements. I know that this has been a recurring feature of the debate, and it is a very important one.

With regard to raising education standards, places are initially targeted at children from socially disadvantaged circumstances. Research has repeatedly shown that these children fare less well at school and benefit most from pre-school education. They are given first priority under the admissions criteria in cases where a school or other pre-school centre is oversubscribed.

The enrolment criteria do not exclude the children of working parents. Next September, even if all children from socially disadvantaged circumstances apply for and receive a place, there will still be places available for the majority of other children — around 70%. I believe that this position will improve further next year.

There was criticism of the admissions arrangements for nursery schools last year, and the related publicity may have had the unfortunate effect of deterring some parents from applying for places on the programme. This year the admissions arrangements have been revised to reflect the recommendations of a focus group on the open enrolment arrangements in the nursery sector. This group reported to my predecessor, John McFall. It comprised representatives of the nursery-school sector and other key education interests, and its remit was to review the operation of the open enrolment procedures for 1999. It also advised on the

need and scope for improvements to the arrangements for 2000-01.

The key areas examined by the focus group included the definition of “socially disadvantaged”; criteria for priority admission; the admission of two-year-olds to nursery schools; multiple application procedures; children with special needs; and the timetable and publicity for admissions.

I am also grateful to those involved in the work of the focus group and for their recommendations. New legislation will be required to implement some of these recommendations, and I intend to take the first available opportunity to move this forward.

The timetable for applying for nursery places has been brought forward considerably this year in order to streamline the process and is now in line with the primary school admissions process. It has been designed to enable parents to have complete information about the range of pre-school education provision available when making applications, whilst allowing schools more time to process applications and prepare for next year.

In a wider context, the expansion programme is an important element of the Department of Education’s strategy for tackling low achievement and underachievement and of the childcare strategy, ‘Children First’, which aims to secure high-quality, affordable childcare for children up to 14 years of age in every community.

5.15 pm

Arrangements are in place to ensure co-operation between all Departments involved in the development of early years policy, particularly through the inter-departmental group on early years. These important structures enable Departments to work together to promote and develop childcare and pre-school education in accordance with international standards of good practice.

I also want to acknowledge the important contribution made by the European Union special support programme for peace and reconciliation and the MBW and LRI initiatives, through which the further development of pre-school education has been facilitated in recent years.

I will turn now to some of the particular issues raised by Members. Some Members referred to last week’s announcement. I would like to make it clear from the outset that the purpose of my statement was to ensure that parents were made aware of the opportunities being made available under the ongoing expansion scheme and the need to apply by 2 February 2000. It was made very clear that this was a re-announcement of a previous statement by John McFall.

Ms Ramsey asked whether there were plans to expand the pre-school education scheme. The

available resources — £38 million — will provide for places for at least 85% of all children whose parents wish to secure a free place. Further expansion, to provide universal provision, will be dependent on additional resources. Of course, I will be pressing for extra resources. It is also important to point out that not all parents take up the offer of free school education for their children. It is an achievable objective that in the future we will be in a position to offer free school places to the parents of all children. I know that that was a recurring theme of the debate today.

Mr Roche mentioned Lord Melchett’s commitment to providing a place for every child. I remain committed to the long-term objective of ensuring a year of pre-school education for every child.

With regard to the role of the pre-school education advisory groups, (PEAGs), a policy guidance document entitled ‘Investing in Early Learning’, which was issued to all partners in April 1998, made it clear that PEAGs would be established and that the annual pre-school education development plans were subject to local planning and submission to the Department by the education and library boards

Another Member raised the issue of school age and the curriculum. A research project is under way which is looking at the benefits of the provision, standards and curriculum available to children in all types of pre-school provision — nursery, reception, playgroups and private day nurseries — and in the home.

Mr Roche and Mr O'Neill, among others, raised the issue of qualifications. The Department of Education, together with the Department of Health and Social Services and the Training and Employment Agency, arranged a bursary scheme under the EU peace package to assist all funded providers to meet the staff qualification requirements of the expansion programme.

Ms Lewsley mentioned the matter of pre-school playgroups and their difficulties. Several points were raised in the debate on behalf of pre-school providers and of NIPPA, which is an umbrella organisation representing and providing valuable and committed support to many of them. The expansion programme is being taken forward through a partnership approach, with the participation of the statutory, voluntary and private sectors. I pay tribute again to all participants in these very productive arrangements.

It has been suggested that some playgroups are facing closure at a time of expansion. I do not expect this to be widespread. All decisions on the location of new provision are taken through agreement at local level and the voluntary sector is involved in this process. With quality as the key consideration, all PEAGs have agreed to follow a set of principles that aim to keep displacements of existing pre-school



provision to a minimum. My Department is taking these principles into account in responding to the draft plans.

There have been calls for capital funding for the voluntary sector. The capital funding secured for the expansion programme is to allow the statutory education sector to expand and participate in the programme. Without it, all expansion would have to be done through recurrent funding of the voluntary and private sectors. These sectors, on the other hand, have existing premises and equipment, as well as access to a wider range of funding sources than the statutory sector. I am sure that they will actively seek to access funds from other sources. We must give priority, within the resources available, to providing as many children as possible with access to pre-school education.

NIPPA has called for funding for its early-years advisers. I must say that funding is indeed provided for the support which pre-school centres require, as part of the recurrent funding that they receive for each place. In the statutory education sector an element of this is held back by the boards for their own support services. In the voluntary and private sectors it is up to each centre to decide how to secure the support it requires. NIPPA is only one potential source of such support, and to provide it with central funding for this purpose would be unfair to other potential providers of support, such as individual teachers.

The issue of social disadvantage also came up. In 1999-2000, 9,700 children were admitted to nursery schools and classes. Of this number, 3,000 qualified under the social disadvantage admissions criteria. Some 6,300 children were admitted without reference to social disadvantage.

On the subject of two-year-olds, one of the issues examined by the focus group was the admission of two-year-olds to nursery schools. I must stress that children in their final pre-school year — three- and four-year-olds — are always given priority over all other children in admissions to pre-school education. The pre-school curriculum is specifically designed for children of this age group. Children in their penultimate pre-school year can be admitted to nursery schools and classes if there are places remaining after the admission of all children in the final pre-school year whose parents have applied. It is expected that relatively few two-year-olds will be admitted, and that these will be mainly in areas where the population has declined, as new places are being targeted so as to match extra pre-school provision with need.

I recognise that in the few cases where this does occur, the admission of large numbers of two-year-olds could pose practical difficulties for schools. My Department has made resources available to assist the very few schools that are in this position. I will look carefully at the possibility of bringing forward

legislation which would be necessary to restrict the admission of very young children.

Edwin Poots and Billy Bell raised the issue of pre-school provision in Seymour Hill. The development proposal for the establishment of a new nursery unit at Dunmurry Primary School is currently being considered, so it would be inappropriate for me to comment. There is currently no formal proposal in relation to Seymour Hill Primary School. Any such proposal would have to be put forward by the South Eastern Education and Library Board and the pre-school education advisory group.

With regard to the pre-school expansion programme and the phasing out of reception provision, as part of the drive to maintain and develop high-quality pre-school education the Department's policy is to replace reception provision, over time, with alternative nursery or playgroup provision which meets the standards of the expansion programme. The PEAGs have been asked to take this into account in drawing up their plans.

Patricia Lewsley raised the issue of rural areas. Currently we are seeing through the plans drawn up by the PEAGs, which include innovative approaches to meeting the needs of rural areas for example, they propose community nursery units, from which children would transfer to several primary schools. The voluntary and private sectors will clearly continue to play a key role in rural areas. Reception provision will continue to be funded until it can be replaced with alternative, quality provision.

The issue of children with July and August birthdays was also raised. Children with birthdays in those months are four by the beginning of the school year. If they were not part of the initial target group for pre-school education expansion, those who failed to gain a pre-school place would not have any educational experience until after their fifth birthday.

The issue of special educational needs also came up frequently. It is a hugely important educational issue. Statistics in the Department clearly show that some 20% of pupils require different levels of special education. On my recent visit to the United States I asked officials in the Department of Education in Washington about the corresponding figure for the United States of America. They are working to a figure of approximately 11%. That highlights the seriousness of our problem. It also shows the importance of the concept of teaching children from the earliest possible age. It is a huge debate, and I am keenly interested in it.

The responsibility of the Department of Education begins when children are three. Prior to that, children are the responsibility of the Department of Health, Social Services and Public Safety. However, much work can be done. There is also an onus on parents to spot



any difficulties that their children are experiencing at an early age.

The enrolment of some children with special educational needs in nursery schools is an issue that all parties and the Department of Education wish to see continuing. Under current legislation it is not possible to limit the numbers of such pupils who are admitted. My Department has encouraged nursery schools to give priority to children with special needs in the admissions arrangements — after socially disadvantaged children and those with July/August birthdays, and before other children. If a child has a statement of special educational needs which specifies a nursery placement, he or she can be admitted over and above a school's pre-school enrolment figure. In any event, many children with special needs will be admitted into nursery education under the general criteria. The Department is monitoring this position to determine how it operates in practice. Some 270 pupils with special educational needs have been admitted in the current school year.

The matter of cross-community provision was raised. I know that the PEAGs' plans have taken seriously the need to examine the scope for developing provision on neutral sites, and through partnerships, to secure places which can be attended by children from all religious backgrounds. I pay tribute to those who have worked hard to achieve this wherever possible.

With regard to the effect of the pre-school education expansion programme on existing provision, the programme's primary aim is to ensure that as many children as possible receive high-quality educational opportunities before they begin their compulsory school career, in whatever setting. I know that in drawing up their plans the PEAGs have been assiduous in taking into account, where possible, the need to encourage and maintain facilities which attract children from all religious backgrounds.

Mrs Bell raised the issue of the relationship with the childcare strategy. The pre-school education expansion programme is designed specifically for children in their immediate pre-school year. Alongside this programme there will be an increase in childcare provision for children in the 0-14 category. These programmes are complementary. The childcare strategy is being led by the Department of Health, Social Services and Public Safety.

Ms Morrice said that parents need a better understanding of how the system works. I agree that parents should have better information on what services are available and how they relate to each other. My Department, through the interdepartmental group on early years, is working closely with the other Departments and agencies involved.

I think it was Mrs Carson who raised the matter of using vacant accommodation in schools for nursery provision. My Department and the relevant school authorities are seeking, where appropriate, to provide accommodation for nursery units in surplus classrooms in existing schools in areas where there is a shortfall in pre-school provision.

5.30 pm

Sammy Wilson and some other Members referred to the £38 million for the pre-school programme. Last week's announcement was not a spin, nor was it intended to announce new money. The pre-school programme has been running since 1998-99, and the £38 million covers the four years from 1998-99 to 2001-02. The announcement, which I thought was clear, was intended solely to alert parents to the need to apply for places before 2 February.

Sammy Wilson also raised the issue of there being no places for children from working families. In his constituency of East Belfast there are already places for over 90% of children in their pre-school year, so his area is much better off than some others.

It is important to mention, on the subject of queues, that up until last year the criteria for admission to nursery schools were non-statutory. In some instances, places were allocated on a first-come-first-served basis and involved parents queuing for long periods, sometimes at night. This was not an effective or desirable way to allocate places.

Sammy Wilson also raised the issue of working parents. Assistance is given to working parents who do not receive a free place, through the working families tax-credit scheme. This is designed specifically to assist low-income families, and it provides a childcare tax credit worth 70% of all eligible childcare costs.

Barry McElduff brought up the matter of Irish-medium education. It can receive funding under the expansion programme. Irish-medium interests are also represented on each of the pre-school education advisory groups. In the current school year about 300 Irish-medium pre-school places have been funded in 17 centres.

Sammy Wilson raised the issue of pre-school provision at Cregagh Primary School in Belfast. This school could not demonstrate that it could attract sufficient pre-school children to make a statutory nursery unit viable. Therefore my Department could not provide new-build accommodation for the voluntary playgroup that uses part of the school building. However, the Department has invited alternative proposals for providing accommodation. Another key factor is that there is undersubscribed nursery provision within walking distance of the school.

Billy Bell referred to the viability criteria for new nursery units. The minimum number of pupils for whom my Department can approve a nursery unit is 26. However, a unit that could attract 52 children would receive the maximum benefit from the capital investment. Pre-school education advisory groups have been encouraged to consider the needs of all sectors when drawing up plans. There is no question of different treatment for the integrated sector — or for any sector, for that matter.

Jim Shannon raised the issue of full-time versus part-time nursery-school provision. In the 1999-2000 school year 8,300 full-time places and 7,400 part-time places are available over all the pre-school centres. With regard to part-time enrolment the pre-school expansion programme is being taken forward on the basis of the creation of part-time places — two and a half hours, as opposed to four hours for full-time places. This means that provision can be made for the maximum number of children within the available resources. Whether or not the pre-school provision should be increased in duration, or extended, is a matter that could be considered in the context of the 2000 spending review.

Ken Robinson mentioned the pre-school programme funding and whether it amounts to £38 million or to £35 million. The £38 million relates to a four-year period, as I said earlier. The £35 million is the outcome of the comprehensive spending review, which covers three years. I hope that is clear.

All of the pre-school education expansion places are carefully monitored from the point of view of quality. We ensure that the common curriculum drawn up by the Council for the Curriculum, Examinations and Assessment is followed. We also ensure that there is at least the minimum staff-to-child ratio. There must also be at least the minimum accommodation requirements, and the Education and Training Inspectorate inspects all funded centres.

There are consistent staff qualification requirements, and an early-years specialist is involved in every centre to provide support in the planning and the assessment of children. Mr Ken Robinson raised the issue of the number of places being allocated to two-year-olds. In the 1998-99 school year the total number of nursery school places was 13,300. Of these, 330, or 2·5%, were allocated to two-year-olds. In the 1999-2000 school

year there were 15,500, of which 550, or 3·5%, were allocated to two-year-olds. Their places are funded in all pre-school settings.

Mr O'Connor raised the matter of open enrolment and of multiple application forms. The use of a multiple application form would be desirable for nursery education, but it is not possible under existing primary legislation. In respect of this, as with other focus group recommendations, the first opportunity will be taken to amend the law. In the meantime, a phased application process with clear stages will apply for the year 2000-01. This should lead to a smoother operation of the admissions processes. In circumstances such as those described by Mr O'Connor it will be open to parents to apply to both schools. That would apply in the cases that he mentioned.

Mr O'Connor also raised the issue of teachers having to spend time checking parents' eligibility under social disadvantage criteria. From the year 2000-01 arrangements have been made for social security offices to certify eligibility under the social disadvantage criteria. This will avoid the need for teachers to make checks. That is a very important point.

With regard to funding for training, it is intended that this should be covered from their £1,130 grant per place.

I intend to write to Members about specific pre-school projects and playgroups which have not been covered in my response today. If I have overlooked any other issues or points raised please contact me or my Department, and we will gladly reply.

**Mr K Robinson:** The Minister did not address a particular question. I am sure his civil servants have been working furiously in the background, but —

**Mr Speaker:** Order. It is not allowable to put questions after the Minister has spoken.

**Mr K Robinson:** This is grossly unfair, Mr Speaker.

**Mr Speaker:** Order. It is not allowable to raise another question. If the Member wishes to take the matter up with the Minister he may do so, either at another time in the Chamber or in writing, but it is not in order to do so after the Minister has started to speak.

*Adjourned at 5.39 pm.*

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# NORTHERN IRELAND ASSEMBLY

Monday 31 January 2000

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

*Members observed two minutes' silence.*

## ASSEMBLY BUSINESS

**Mr Speaker:** Before calling Mr Wilson to move the motion in his name, I wish to point out that under Standing Order 12(7) motions pertaining to the business of the Assembly must be taken at the commencement of public business, after notice, and shall be decided without amendment or debate.

To provide more time for debate on the substantive motion tomorrow afternoon, the Business Committee has recommended that Standing Order 10(2)(b), which relates to the Adjournment debate, be suspended. That sub-paragraph states

“on each Tuesday on which there is a sitting there shall be an Adjournment Debate commencing at 3.00 pm and finishing at 6.00 pm”.

Mr Wilson was the sole applicant to speak in the Adjournment debate, and he has agreed that this motion should be moved in his name.

*Resolved:*

That Standing Orders 10(2)(b) and 10(6) shall be suspended for the sitting of the Assembly on Tuesday 1 February 2000. —  
[Mr S Wilson]

**Mr Speaker:** I have received notice from the Minister of Enterprise, Trade and Investment that he wishes to make a statement in relation to the meeting of the North/South Ministerial Council held on 24 January 2000.

**Rev Dr Ian Paisley:** I wish to make a point of order, Mr Speaker.

**Mr Speaker:** I shall take the point of order in a moment.

After the Minister has made his statements I shall allow up to 30 minutes for questions.

**Rev Dr Ian Paisley:** I want to raise the question of the amendment that my party put down to the take-note motion standing in the name of the Official Unionist Party for tomorrow. Anyone who is familiar with

parliamentary procedure will know that “taking note” is meaningless. It means simply that note is taken without any action. When this report comes out, the Assembly is entitled to decide how it feels about it, and the aim of our amendment was to give the Assembly that right. I was quite amazed to receive word from you, Mr Speaker, that you were turning our amendment down and, thus, not allowing the Assembly to make a decision.

**Mr Speaker:** The Member knows well from his experience of other places — in particular, the House of Commons — that it is for the Speaker to make such decisions, after thought. The Member knows me well enough to know that I would not take any such decisions lightly or without due thought. I have done that. The Member will also be aware that it is not appropriate for the Chair to give reasons for accepting or rejecting any amendment.

**Mr P Robinson:** Further to that point of order, Mr Speaker. The fundamental rule in relation to an amendment is that it must be relevant to the subject that is to be debated. There is absolutely no doubt that the amendment was relevant. In any other democratic establishment, that would have been an acceptable amendment. For our guidance, you must at least give us some indication of the basis upon which you turned down such a bona fide amendment. Otherwise we will be submitting amendments in the future and not know why they are being turned down.

**Mr Speaker:** The Member knows very well that it is quite out of order for the Chair to give reasons for the acceptance or rejection of amendments, and I have given my ruling. I trust that Members will understand that I do not make any decisions from this Chair lightly, and I have not done so in this case. I have made my decision. I have given my ruling; and we must move on.

**Mr P Robinson:** Further to that point of order, Mr Speaker. It is not right to say —

**Mr Speaker:** Order. I have given my ruling. It is very clear. It is proper. It is in order, and it was made with due thought. It would be improper for me to give reasons for my decision, and I am calling the Minister.

**Mr P Robinson:** On a new point of order, Mr Speaker.

**Mr Speaker:** Order. I am not taking any more points of order until after the Minister —

**Mr P Robinson:** On what basis can you refuse to take a point of order?

**Mr Speaker:** I am perfectly entitled to refuse and to decide —

**Mr P Robinson:** That is right: throw the rule book out.

**Mr Speaker:** If the Member knows the rulebook so well he will know that in another place points of order

are regularly taken at a time determined by the Speaker. We are now moving —

**Mr P Robinson:** When will you take it?

**Mr Speaker:** We are now moving on. It is clear to me that the Member wants to make a point of order on a subject on which I have already ruled. If there is another point of order, it will have to wait until after the Minister has spoken. I call the Minister.

**Rev Dr Ian Paisley:** On a point of order, Mr Speaker.

**Mr Speaker:** I will take the point of order after we have taken the questions to the Minister.

**Rev Dr Ian Paisley:** I give notice that we will raise this matter again before the debate.

**Mr Speaker:** Order. The Member is entitled to raise this whenever he chooses. I have called the Minister.

## NORTH/SOUTH MINISTERIAL COUNCIL MEETING (24/01/2000)

**The Minister of Enterprise, Trade and Investment (Sir Reg Empey):** I should like to report to the Assembly on the meeting of the North/South Ministerial Council that was held in sectoral format in Newry on Monday 24 January. Following nomination by the First Minister and the Deputy First Minister, Dr Farren and I attended that meeting. The Irish Government were represented by Ms Mary Harney TD, Tánaiste and Minister for Enterprise, Trade and Employment. This report has been approved by Dr Farren and is also made on his behalf.

The Council agreed that the following persons be appointed as chairpersons and vice-chairpersons of the respective bodies: Food Safety Promotion Board — chairperson Bertie Kerr, vice-chairperson Prof Mike Gibney; Trade and Business Development Body — chairperson Martin Naughton, vice-chairperson Harold Ennis; North/South Language Body — joint chairperson for Irish Language Maighr  ad U   Mh  irt  n, and joint chairperson for Ulster-Scots Lord Laird of Artigarvan.

The Council also agreed that Mr Don Anderson be appointed to the Food Safety Promotion Board. The Council further approved procedures for the recruitment of the chief executive of the Trade and Business Development Body.

The Council received a verbal report from Mr Liam Nellis, interim chief executive of the Trade and Business Development Body, on the progress to date in establishing the body and on drafting its future work. The body already has a core staff of 12, drawn from officials North and South, operating in temporary offices in Belfast before moving to permanent accommodation in Newry.

The Council approved an indicative timetable to which the board of the Trade and Business Development Body will work in submitting activity proposals and operational issues to the council for approval.

The Council agreed the following dates for future sectoral meetings in relation to the Trade and Business Development Body: Wednesday 22 March in the South; Wednesday 17 May in Newry; Wednesday 6 September in the South; and Wednesday 6 December in Newry.

The Council agreed the text of a communiqué which was issued following the meeting. A copy of the communiqué has been placed in the Assembly Library.

**Mr Dodds:** For the benefit of Members, can the Minister indicate which political parties nominated which chairmen and vice-chairmen?

**Sir Reg Empey:** The chairpersons and deputy chairpersons were chosen and authorised by the



Executive Committee. The names were put forward at the initial inaugural meeting of the North/South Ministerial Council held in Armagh on 13 December 1999. The nominations put forward by the Irish Government and by the Northern Ireland Executive were considered, and a decision was taken on the nominations at that meeting. It was not possible at that stage to proceed to nominate the persons formally, and it was decided on 13 December 1999 that the first meeting of the North/South Ministerial Council in sectoral format would take the decision on the appointment of the chairpersons and deputy chairpersons.

**Mr Dodds:** The Minister has not answered the question: which of the nominees have been nominated by which political parties in Northern Ireland? I would be grateful for an answer.

**Sir Reg Empey:** The answer is that names came from a variety of sources. Ultimately, the Executive Committee and the Irish Government decided, jointly, to name the chairpersons and deputy chairpersons of the bodies.

**Mr J Kelly:** The last question has not been answered clearly. Does the Minister feel that there is a conflict of interest in the appointment of Mr Kerr as chairman, given that his son is press secretary to the First Minister?

**Sir Reg Empey:** No. The hon Member should be careful. I could make analogies about the closeness of persons to other persons in various other activities. The people that have been assembled to perform these functions are of a very high calibre and quality. I am satisfied that as a farmer, a primary producer and someone who has paid attention to that industry throughout his life, Mr Kerr will be very capable of chairing this body. I look forward to seeing his success in that.

**Dr Birnie:** Does the Minister agree that the market represented by international, multinational branch plants in the Republic of Ireland is growing very rapidly? Furthermore, does he agree that Northern Ireland companies have a very small proportion of sub-supply to that market? Does he agree that the North/South Ministerial Council in sectoral format is a means of winning valuable new orders and jobs for our small and medium-sized enterprises?

**Sir Reg Empey:** The hon Member will know very well that small and medium-sized enterprises are the core and backbone of business and commerce in Northern Ireland. He will also know that the level of trade between Northern Ireland and the Republic is dismally low. Members may well be aware that more than 93% and 94% respectively of the trade of our two economies is not with each other. This is astonishing in view of the fact that we have a land border.

10.45 am

One of the key objectives set out for this body on 18 December 1998 was to focus on the promotion of North/South supply chains, including business linkages and partnerships. With the effort and enthusiasm that I believe exists on both sides, and the exceptionally high calibre of the people from a wide range of disciplines who have joined the board, I am confident that this body will do much to improve trade between the two economies, which, as I have said, starts from an exceptionally low base. Increased trade is equivalent to increased investment. It produces jobs and works its way through the economy. That is one of the primary purposes of this body, and I am confident that it will succeed.

**Mr Campbell:** May I ask the Minister what qualifications two of the people whose appointments he has announced have? I refer to the new chairman of the Food Safety Promotion Board, Bertie Kerr, an Ulster Unionist councillor from Fermanagh, and the chairman of the Trade and Business Development Body, Martin Naughton, head of Glen Dimplex, whose workforce is over 90% Roman Catholic.

**Sir Reg Empey:** We have to be very careful if we are going to focus on personalities in these matters. However, if we wish to do so, let us do so. Mr Kerr is a senior member of the Ulster Farmers' Union and chairs one of its subcommittees. If the impression is that a farmer is inappropriate for or incapable of doing the work of the Food Safety Promotion Board, there is something radically wrong. Food safety promotion starts with the primary producers. I can think of no person better equipped to deal with that than someone who is actually engaged in the industry. This is one of our key industries. It has tended to be dominated by consumer groups, but producer groups are also important. The board as a whole is balanced, with people representing consumer interests, the general public and others.

With regard to the chairperson of the Trade and Business Development Body, I think that most people accept that he and his deputy are two very acceptable individuals who have had significant success in trade and business. If there is some particular complaint against that person's company, no doubt there are ways and means of processing that. From what I can see, Mr Naughton is a significant employer both in this economy and in the Republic's. After seeing the response that he and his deputy received at the inaugural meeting in Newry, I have little doubt that that view is shared by the rest of his board.

**Ms McWilliams:** The Minister has said that the primary responsibility for food safety lies with producers. Does he not agree that the primary responsibility lies with consumers? Clearly there are sometimes incompatible

debates between producers and consumers. Might it not have been best to find someone from outside the field for that particular post? Was the decision unanimous?

I note that the council has approved procedures for the recruitment of a chief executive for the Trade and Business Development Body. Will the Minister give details of these procedures? Is it his intention to consider the gender of those who are about to take up positions?

**Sir Reg Empey:** When it comes to the promotion of food safety, everyone is concerned. We are all consumers. It is not good enough to say that because consumer groups are active in protecting and promoting the interests of consumers they have an exclusive right to chair every body that deals with these matters.

There are scientifically based persons involved as well. As Members know from recent decisions in Great Britain, persons were chosen there who did not come from any of the groups. My view remains that all groups are equally entitled to representation. Someone with an agricultural background has been chosen in this case, and it is not right to say that any person with such a farming background ought to be excluded from having a say or from chairing this body.

With regard to procedures, a significant range of issues was dealt with relating to the appointment of a chief executive. There is an interim chief executive in place. It was decided that the best procedure would be to ensure that the job was widely advertised, and criteria covering the various matters have been established. I would have no hesitation in writing to the hon Lady with the precise details of the proposals.

The intention is to ensure that a person of high calibre is attracted to this post. The gender and background of any applicant will be subject — as is the case with all these appointments — to statutory requirements, and that is written into the criteria that the hon Lady will see. I am very confident that the procedures are in place that will ensure a fair and open competition for these posts. The final decision on the appointment of the chief executive will rest with the council and with Ministers.

**Mr Taylor:** Can the Minister tell us a little more about the interim chief executive? Who appointed him? Whence did he come? And what was his position prior to this interim appointment?

The 12 core staff members are to be based in Newry in Northern Ireland. Will all 12 appointments comply with fair employment legislation in Northern Ireland, or will some staff members working in Northern Ireland not comply while others will be required to do so?

**Sir Reg Empey:** The interim chief executive is Mr Liam Nellis. His position was identified by both

Governments prior to the passage of the devolution legislation. He is in a temporary position. Mr Nellis should be well known to some Colleagues as he has been seconded to this position from the Industrial Development Board, where he built up a very significant reputation. The presentation which we received demonstrated that he has very significant abilities.

All of the current appointments are temporary secondees, and no one has been formally appointed. That will not happen until open competitions are held for the posts, and the open competitions are such that the staff could come not only from Northern Ireland but from anywhere in the European Union. As the right hon Member knows, the open competitions will be widely advertised, and applicants could emerge from anywhere.

On the question of whether the terms and conditions will comply with fair employment and other legislation, the answer is yes. That will be rigorously guaranteed in the recruitment procedures.

**Mr Neeson:** I note that the Minister has outlined a programme of meetings up to December of this year. In the circumstances, I welcome his optimism on this issue. When the programme of work is being drawn up for the Trade and Business Development Body, will he, unlike some of his Executive Colleagues, consult with the relevant Committee of the Assembly — the Enterprise, Trade and Investment Committee — about it? Will he also regularly inform the Committee of any developments that take place?

**Sir Reg Empey:** The initial agenda for the work programme of the Trade and Business Development Body was foreshadowed in the agreement of 18 December 1998. The initial work programmes were also identified in the actual legislation. So at an early stage in the proceedings the work programmes were signalled by the legislation.

The House approved four time-specific items in February 1999: an equity investment fund, graduate and other placement programmes, North/South testing services and standards development and certification programmes. Some of the items are technical, and reports have to be produced on them within three months.

The body is also committed to the creation of a corporate plan and funding requirements. Without a corporate plan it would be impossible to do the business in the future. The specific dates were timed to allow approvals to be given at each stage so that the body could get started. The corporate plan would be the first item to be approved, and, in parallel with that, work is continuing on the four time-specific items.

I am an enthusiast for the committee system in the Assembly. I believe that it is an integral and key part of the process. Any matter under the jurisdiction or control of a committee can be raised by it — and that includes this body. I would be happy to share my views and proposals with the Enterprise, Trade and Investment Committee and to appear before it. Indeed, I would be happy to take the advice of the Committee on any appropriate input that should be given to this body.

**Mr Bradley:** I welcome the appointment of Mr Bertie Kerr to the chair of the Food Safety Promotion Board. He is a farmer, and there is no profession in the North of Ireland that has a greater interest in the quality and success of the end product. I welcome the fact that a farmer has been appointed to the chair, and I am sure the Minister also welcomes the appointment.

**Sir Reg Empey:** I thank the Member for his comments, and I share his views entirely.

**Mr S Wilson:** Was it agreed that particular political parties would nominate for the Northern Ireland share of these eight positions? I want a clear answer from the Minister.

Does the Minister agree that this carve-up, which includes at least two paid-up members of the Ulster Unionist Party and a member of Sinn Féin, stinks of political cronyism that would do Tony Blair's Labour Party proud?

**Sir Reg Empey:** I refer the Member to the answer that I gave some time ago. The names that were suggested came from a variety of sources, including parties. The nominations were looked at and the decisions taken by the North/South Ministerial Council. In other words, the Northern Ireland Executive and the Irish Government had names placed before them, and they made the actual appointments. Members of political parties are not excluded from appointment in the United Kingdom, in the Irish Republic or in other parts of Europe. I am sure that if Mr Wilson had been interested in putting names forward we would have considered them as well.

11.00 am

**Mr McCartney:** I am sure the Minister will agree that when a person who has clear and distinct political affiliations with a particular party is appointed as a chairman or a member of any of these boards, it immediately calls into question his or her other qualifications for the post. The Minister has said that Mr Bertie Kerr is a farmer and that he therefore has an interest in food safety and promotion. Of course, the same criteria could be applied to a cleaner in an abattoir.

What is required from the Minister is an answer defining — beyond party affiliations and a relationship with Mr Trimble's PR consultant — Mr Kerr's qualifications. What qualifications has he in the general

area of food-safety promotion? What experience has he of chairing such a body, and what experience has he in the subject matter of this committee? It is not good enough to simply say that he is a farmer. Using that criterion, we could have a farmer as the Minister of Agriculture for the United Kingdom.

**Sir Reg Empey:** The hon Member has made a number of broad points. However, with respect to specific qualifications, Mr Kerr has been chair and secretary of the Fermanagh district of the Ulster Farmers' Union. He has also been chairman of a task force on agriculture in County Fermanagh. As Members will be aware, that county has suffered drastically over a long period, particularly due to the BSE crisis. Mr Kerr was very active in County Fermanagh farming circles at that time. Someone who has had — in addition to his role in the district council and in the economic development aspect of that council's work — hands-on experience and who has chaired a task force dealing with the implications of a failure in food safety and the direct consequences of that to the farming community is probably better qualified to deal with these situations than others who may consider themselves to be so qualified.

**Dr McDonnell:** The Minister will be delighted to know that I strongly endorse the involvement of the farming community in the cross-border bodies and in food safety. I think that nobody else is better placed.

Will the cross-border trade and business development body have any power to create new methods of funding for small businesses? I am thinking in particular of the establishment of venture capital funds or micro-lending to drive small new technology projects. Can the Minister tell us what areas will be explored in the general terms of equity investment in small businesses? I see that as the lifeblood of new business and jobs.

**Sir Reg Empey:** The hon Member knows fully the potential there is for equity investment to assist small companies. I indicated earlier that there were a number of matters that were preordained to be part of the agenda of this body. As far as initiating new programmes to assist small and medium-sized enterprises with research and implementing joint venture partnerships on a North/South basis are concerned, the North/South Ministerial Council has instructed the body to bring forward to the council, within three months, proposals on developing a North/South equity investment fund. So the work will start soon, to see what is available and what can be done.

The venture capital market has changed significantly since December 1998 when those decisions were taken. More people have entered the market. We have had the American involvement in the micro-lending scheme which has been headed by Mr Lyons. We will have an



announcement shortly on the Veridian growth fund, and we have had other players come into the market. The task now will be to see if there is a particular niche market that can be identified. Funding will be made available through this body. However, the question is: what can that funding attract from the private sector, and whom can it attract from that sector?

When dealing with venture capital we have discovered that part of the problem is that the minimum threshold that some of these companies take is too high for many of the small or medium-size ones that we want to help. The other big problem that many of these companies have is the fear that they are losing a degree of equity and that they will have to surrender a portion of their company to the venture capitalist. That has created a barrier. More people are taking advantage of such capital, and if we can identify a genuine market that is not currently being served by the private sector — or by the private sector in conjunction with the public sector — I intend to ensure that we concentrate on that. I am sure that, from experience, we realise that we must remove the barriers between small and medium-size enterprises and the acquisition of capital. That will be the objective of this fund.

**Mr Poots:** May I go back to the chairpersons' nominations? These are powerful executive all-Ireland bodies. It is important that we deal with this. With reference to Martin Naughton's nomination, was any cognisance taken of the fact that Glen Dimplex has such a poor record for employing Protestants in a particular area? As regards Bertie Kerr's nomination to the Food Safety Promotion Board, given Mr Empey's great concern about the primary producers, can he confirm that he consulted the Ulster Farmer's Union and the Northern Ireland Agricultural Producers Association about this?

**Sir Reg Empey:** The Member has talked about these powerful executive all-Ireland bodies. May I remind him that the legislation sets out the fact that the functions of the body will be exercised by the board. It will at all times act in accordance with any directions, whether of a general or a specific nature, given by the North/South Ministerial Council. A body cannot operate on its own — *[Interruption]* If the laughter were to terminate for a moment, Members would realise that the North/South Ministerial Council can proceed only by agreement. The agendas and functions that are given to these bodies will be given by Ministers, by agreement, before the body is able to operate. I have no doubt that the boards will be accountable and will act only in accordance with the directions they are given. That is their specific responsibility.

Nominations were not sought from any public bodies with regard to the individuals who were put forward by

the process. I repeat that I am unaware of any successful challenges to Mr Naughton's employment practices. If there had been, no doubt the Member would have drawn them to our attention. One of Mr Naughton's enterprises is Seagoe Technologies in Portadown, so his group of companies spans both sides of the border and provides very useful and profitable work for a large number of people.

**Mr Byrne:** Can the Minister outline how the new cross-border Trade and Business Development Body might be used effectively to help business activity in the border area, particularly from Derry to Newry? Does he agree that the current punt/pound exchange rate problem is having an adverse effect on Northern Ireland businesses?

**Sir Reg Empey:** The Member and some of his Colleagues spoke to me on another matter to do with exchange rates. He is quite right: it is creating many problems. Ironically, in particular circumstances where businesses produce articles with a large quantity of imported materials, the exchange rate has helped them to lower their prices. This has helped some of them to off-set the difficulties with exchange rates, and there has not been the collapse in cross-border trade that might have been anticipated. Indeed, it has continued to grow year on year despite the currency exchange rate.

However, the degree to which the currencies have diverged in recent months may be of such a magnitude that that cannot continue. At the moment I do not have any official figures or estimates to give me an indication as to what that trend will be, but it cannot be ignored.

I suspect that the body will be asked to look at specific areas, perhaps specific geographical areas, to see what can be done. I mentioned the development of supply chains. Let me give a simple example. Companies on each side of the border may be importing products from other parts of the world even though they are available a few miles away. As I have said, cross-border trade is a small part of each economy, and when the figure is drawn to the attention of people outside our jurisdiction they are surprised by how little activity there is. The irony of our current situation is that as we approach the removal of political barriers to co-operation, the currency has become a more effective barrier than any constitutional difficulties that we have had in the past.

**Mr Speaker:** I must ask the Minister to draw his reply to a close.

**Sir Reg Empey:** We spoke about this last Monday, and I can assure the Member that the body is clear that there are opportunities to proceed and look at matters geographically. I have no doubt that that will be pursued.



## ASSEMBLY BUSINESS

**Mr McFarland:** On a point of order, Mr Speaker. Sir Reg has kindly addressed the House at the first opportunity following his meeting. Have you had notice that the Minister of Health, Social Services and Public Safety will come to the House this morning to make a statement on maternity services in Belfast?

**Mr Speaker:** As the Member knows, the Minister of Health, Social Services and Public Safety will answer questions this afternoon, and there is to be a debate on the issue to which the Member refers. Members know that two and a half hours' notice is required for a statement. I have not received such notice. If I had, I would have conveyed it to the House.

**Mr McFarland:** Further to that point of order, Mr Speaker. The difficulty is that there will be no opportunity this afternoon to question the Minister in debating terms.

**Mr Speaker:** That is an extraordinary suggestion since a two-hour debate is scheduled, for which I am sure the Minister will be present. The time to put questions and seek ministerial response on this issue is in that debate. Given Members' creative imaginations, supplementary questions may sneak their way into health, social services and public safety questions, for which half an hour has been allotted this afternoon.

**Mr P Robinson:** On a point of order, Mr Speaker. You said in response to a point of order that it would not have been in order for you to give a reason for not accepting an amendment. I ask you to reconsider that,

because, although you do not have to give a reason for your decision, it would not be out of order for you to do so, and it would be helpful.

**Mr Speaker:** It is not appropriate for me to give reasons from the Chair. The Member knows that I am open to conversations outside the Chamber with any Member. A reason given from the Chair would not be proper and would be a breach of precedent in other places. Such action would set an unsatisfactory precedent.

**Mr Beggs:** On a point of order, Mr Speaker. Can you confirm that during the debate this afternoon there will be an opportunity for supplementary questions? My understanding is that there was no such opportunity during previous debates.

*11.15 am*

**Mr Speaker:** There will be no opportunity for supplementary questions. I know of no place in the world where there is an opportunity for supplementary questions after a debate. Members will have an opportunity to speak in the debate, which, I suspect, will be energetic, so I shall have to consider the question of time limits. The Minister is not required to respond but may well do so, perhaps towards the end of the debate. The opportunity for supplementary questions is during Question Time, which will take place this afternoon between 2.30 pm and 4.00 pm.

We must move to the next item of business. I have received notice from the First Minister that he wishes to make a statement on the proposed programme of legislation for the Northern Ireland Assembly.

## LEGISLATIVE PROGRAMME

**The First Minister (Mr Trimble):** With your permission, Mr Speaker, I wish to make a statement on my own behalf and that of the Deputy First Minister relating to the legislative priorities of the Executive Committee as identified thus far.

Members will recall that the press release issued following the Executive Committee meeting of 18 January announced that four Bills would be brought forward to the Assembly in this session. Of those, the Equality (Disability, etc) Bill has already been introduced. The first of the Appropriation Bills will follow shortly — the second will be introduced in June. The timing of the introduction of the Child Support, Pensions and Social Security Bill will depend on the progress of the parity Bill currently before the House of Commons. The main purpose of this Bill is to amend the law relating to child support, occupational pensions, war pensions, social security benefits and social security administration. It is hoped that this Bill will be introduced before the summer recess.

Members will know that the Equality (Disability, etc) Bill was introduced in the Assembly on 24 January. The reason for moving ahead with the legislation in advance of this statement relates to timing. The Bill would confer additional disability enforcement powers on the Equality Commission for Northern Ireland. These powers would be broadly similar to those conferred on the Disability Rights Commission in Great Britain by the Disability Rights Commission Act 1999. In Great Britain the Disability Rights Commission will come into operation on 25 April 2000. Northern Ireland must have similar legislation on this important matter. To enable this Bill to be finalised in time to match the Great Britain timetable, it was necessary to introduce it ahead of this announcement.

In addition to the Equality and Appropriation Bills, the intention is that five Assembly measures will be introduced in February 2000.

The first is the Trustee (Amendment) Bill. This Bill aims to modernise the law on trustee investments by giving trustees wider investment powers. It would introduce for Northern Ireland provisions parallel to Great Britain legislation on the appointment and retirement of trustees.

The Ground Rents Bill would introduce measures to simplify the process by which residential property owners can buy out ground rents and acquire freehold title. This would simplify the conveyancing process in Northern Ireland.

The main purpose of the Deregulation (Weights and Measures) Bill is to introduce self-verification,

third-party testing and pre-test stamping of equipment used for weighing or measuring.

The Dogs Bill would amend the Dogs (Northern Ireland) Order 1983 to give a court or resident magistrate discretion in all circumstances in determining the fate of a dog, including the circumstances of an attack.

Finally, the Fisheries (Amendment) Bill would introduce a package of measures relating to fisheries. In particular, it would enhance the functions of the Foyle, Carlingford and Irish Lights Commission in relation to the promotion and development and licensing of aquaculture in the loughs. It would also include measures dealing with the promotion and development of angling, improvements to licence control, conservation and protection and the regulation of the collection of shellfish from the foreshore. This Bill needs to proceed in parallel with corresponding legislation in the Republic of Ireland.

In addition to the Child Support, Pensions and Social Security Bill and the second Appropriation Bill, there are three Bills which it is intended to introduce before the summer recess.

The Adoption (Intercountry Aspects) Bill should be ready for introduction in mid-April. The main purpose of this Bill will be to create a statutory basis for inter-country adoption, ensuring that this takes place only when it is in the interests of the child and that children adopted from overseas enjoy the same legal status as those adopted in Northern Ireland.

The Health and Personal Social Services (Amendment) Bill should be ready for introduction in May or June. It would establish the Northern Ireland Social Care Council. This body would regulate the social work profession and other social care workers. It would be one of four regional bodies, replacing the UK-wide central council for education and training of social workers.

Of particular local interest, not just in Belfast but throughout Northern Ireland, will be the intention to introduce a Street Trading Bill in June. This Bill aims to permit and support a licensing system to avoid nuisance, interference and inconvenience to persons and vehicles. It will introduce a raft of measures giving district councils power to designate areas where trading may take place, to decide on licence applications, set conditions and fees and take more effective steps to deal with illegal street trading.

So far, I have mentioned only the primary legislation that we intend to bring forward before the summer recess. This is not, of course, an exhaustive list, and it does not preclude other items coming forward. There are a number of other measures which we want to bring forward later in the year but which are not yet ready because of policy or parity issues that have still to be resolved. These include a Limited Liability Partnership

Bill, a Financial Services and Markets Bill, an Insolvency Bill, a Resource Accounting and Budgeting Bill, and a Landlords' Liability for Defective Premises Bill.

Of course, legislation will be necessary to deal with the sale of Belfast harbour, but until the Assembly decides on the precise formulation for that, we will not be in a position to bring any legislation forward.

I am advised by the Minister for Regional Development that there are a number of measures which he hopes to bring forward in a Transport Bill before the summer recess. I will be asking the Procedures Committee to consider, particularly in relation to Bills which will not have completed their passage before the summer recess, an amendment to Standing Order 39, paragraph 4. It would be simpler and more practical if we could ensure that Bills were carried forward from one Assembly session to the next.

This programme is not exhaustive but reflects the legislative needs identified by the Executive Committee so far. As Ministers bring forward new policy initiatives and the programme of government is developed, I expect that additional legislative proposals will be brought to the Assembly.

**Mrs E Bell:** I thank the First Minister for giving us details of the intended programme of legislation. It outlines a number of very significant and sensitive issues that we are all concerned about, and we know that the legislation must be brought forward quickly. I look forward to examining the various Bills as they come through the House.

Can the First Minister confirm that there was adequate consultation with the Disability Action representative from the Equality Commission before the Equality (Disability, etc) Bill was laid and that there will be adequate consultation with relevant bodies before the other legislation is passed?

**The First Minister:** With respect to the Equality (Disability, etc) Bill, the Member will recall that this proposal has a long history. Originally, it was going to come forward as an Order in Council, and, in that respect, significant consultation had taken place. The Equality Commission met with the Deputy First Minister and myself to urge that the Bill be brought forward as quickly as possible in order to meet the March target for the operation of equivalent legislation across the water.

Under the Order in Council procedure we were accustomed to having extensive consultation with various interests before the introduction of legislation. This was because under that procedure there was not a proper debate in a legislature, with appropriate consideration being given, or a committee structure where amendments could be brought forward. Pre-legislation consultation was, in my view, a very

inadequate substitute for the proper legislative procedures that we now have.

Of course, consultation with various interests will take place, where appropriate, before policy is formulated and before legislation is brought forward. However, society should generally regard the legislative procedures of this House — its Committee Stages in particular — as the best vehicle for ensuring that a particular interest in the detail of legislation is considered.

**Mrs E Bell:** I am encouraged by that.

**Mr Speaker:** I remind Members that we will be taking half an hour for these questions.

**Mr Wells:** Does the First Minister accept that there is enormous concern among the angling community in South Down at the proposal in the Fisheries (Amendment) Bill that all the waters flowing into Carlingford Lough will be under the control of a cross-border executive body? The bailiffs who have served the area well under the Fisheries Conservancy Board will be made redundant, and control of fishery activity will be handed over to bailiffs from the Irish Republic who do not know the area. A new licensing system will also be introduced whereby anglers will have to buy licences from both the Fisheries Conservancy Board and the new cross-border body. Does the First Minister accept that what is proposed in this Bill does not have the support of both sides of the angling community in that area?

**The First Minister:** I am aware of the concerns to which the Member refers. *[Interruption]*

**Mr Speaker:** Order. It is ridiculous that Members and others are leaving their telephones switched on in the Chamber. This matter has been raised before, and it is absolutely clear that it is discourteous to the Assembly. It has happened on three occasions already this morning, and that is not acceptable. If it continues we will have to request that the Doorkeepers ask Members to leave their telephones outside the Chamber. And what applies to Members applies also to those in the Gallery also.

**The First Minister:** As I was saying, I am aware of the concerns that have been expressed about the south Down area, but one should not prejudge this matter. It should not be assumed that the introduction of the new arrangements will automatically mean that those currently working with the Fisheries Conservancy Board will lose their jobs or be transferred elsewhere. People may be able to continue in their jobs or, at least, to apply for posts under the new arrangements.

Regarding his other concerns, the Member will be aware that what is happening in the south Down area parallels what has been happening in the Foyle catchment basin for nearly half a century. This is not an

entirely novel proposal, and it works reasonably successfully there. There is no reason to suppose that it cannot work in a similar way in the south Down area.

**Sir John Gorman:** Can the First Minister explain what is wrong with Standing Order 39(4)? Why does it need an amendment?

**The First Minister:** I thank the Member for raising this point. Under the current Standing Orders there is a provision to carry over legislation from one session to another with the leave of the House, which might or might not be granted. This could cause a problem with parity legislation, and the problem will arise in particular with the Child Support, Pensions and Social Security Bill. This is parity legislation which affects payment of benefits.

The equivalent legislation is going through the House of Commons, and it will not complete its passage there until shortly before the recess. Consequently, we are limited in how far we can proceed with the measure in this Chamber, because we can amend legislation only during the Consideration Stage, and we cannot amend provisions until they have completed the last stage in London at which an amendment can occur. Towards the end of our session, maybe even later, we might have to try to introduce a Bill very quickly. That would obviously cause difficulties, because we must have the Northern Ireland Bill on the statute book at the same time as the Great Britain Bill comes into operation, and that is intended to be the beginning of October.

11.30 am

There is a unified process for the payment of benefit in both areas. Everything is on one computer, and with regard to parity legislation coming into operation, we cannot permit a gap of even one day. The potential difficulty in carrying over legislation from one session to another could create such a gap. This is an important matter, particularly with regard to parity legislation, and it is therefore appropriate that the Procedure Committee re-examine this issue in order to ensure that there will not be a gap in respect of benefit entitlement.

**Mr Neeson:** I listened to the First Minister's statement with interest, and it seems to me that the programme is fairly unadventurous, to say the least. Some people might feel that the Assembly needs to find its feet gently. However, does the First Minister not agree that there is an urgent need for the Assembly to prove its value to the wider community and to show that it makes a real difference to the lives of ordinary people in Northern Ireland?

The Bills which have been suggested may be worthy, but they seem intended merely to bring Northern Ireland legislation into line with that in the rest of the UK and to comply with European directives. How does the

Assembly intend to show the policy innovation that is supposed to be the hallmark of regional government?

It is almost six weeks since the Minister of Finance and Personnel made his Budget statement. Why are we still waiting for an Appropriations Bill?

**The First Minister:** With regard to Mr Neeson's last point, I expect the Appropriations Bill to be introduced very soon, and I hope it will proceed quickly through the Chamber.

On the Member's more general comments, I am glad that he at least finds the programme to be worthy. It may be unadventurous and largely to do with achieving parity, but it also brings forward proposals which were in the pipeline when we assumed office. There will be a need for us, in terms of the development of the programme of government, to consider what areas of policy the Assembly wishes to develop and carry forward. The consideration of these matters rests with Ministers, with Departments and also with the appropriate Committees. It will take time for the Assembly to evolve its own policies, but it is better to take that time than to rush matters in order to grab a few headlines. That is not how we intend to proceed.

**Mr Gibson:** I am grateful to the First Minister for the information.

May I enquire where the Dangerous Wild Animals Act (1976) has got to? The Minister of the Environment promised us that plans were in place to introduce equivalent legislation here. Is the First Minister aware of the ridiculous situation, particularly in my constituency of West Tyrone, whereby a person can walk up the street of Omagh town with a lion on a piece of binder twine as a pet, yet a farmer cannot move his livestock without a permit? Even a dog requires a permit. I ask the First Minister to consider seriously the fact that these animals are being fed on dead domestic animals and that there is a high consequential risk of disease being imported from all over the constituency as well as from across the border.

Is the Minister aware that in the Minister of the Environment's constituency it cost £250,000 to catch a Sligo wolf, and is he also aware that it cost £750,000 to catch the Aughnacloy beast? Is he aware too that recently a resident of Seskinore — a Siberian cat — was exported illegally and shot in the streets of Los Angeles? *[Laughter]*

**The First Minister:** I am disappointed that some Members find this cause for hilarity. This is a very serious issue, and the Member is quite right to draw attention to it. He is aware that it is a matter for concern, and we fully understand those concerns and the need to make rapid progress.



I can refer the Member to the answer given by the Minister of the Environment in response to an oral question on 24 January when he stated his intention to bring a Bill before the Assembly as soon as possible. As far as we can, we will fulfil that commitment.

**Mr A Maginness:** I welcome the First Minister's statement and, in particular, the proposed legislation on street trading, which has been an extremely serious problem in Belfast and has affected a great many citizens, especially bona fide retailers. I understand that the Bill is to be introduced in June. However, given that it is the Christmas period which gives rise to the most serious problems with illegal street trading, can the First Minister indicate whether that legislation will be in place before Christmas, thus enabling us to deal with this particular mischief?

**The First Minister:** I thank the Member for drawing our attention to the urgency of this matter. The comments I made earlier about the ability to carry over legislation from session to session are also appropriate with regard to this matter in case any problem arises with it. As the hon Member says, it is our intention to introduce this legislation in June with a view to having it on the statute book by Christmas. It is clearly our intention to have it in place for Christmas, which is when the greatest nuisance is caused.

**Mr Leslie:** I welcome the First Minister's statement with slight misgivings. I notice that some six of these Bills seem to be headed for the Finance and Personnel Committee for their Committee Stage. In the interest of equality, I trust that the programme of government will spread the burden more evenly in the future. I should like to return to the Street Trading Bill. I notice that the First Minister mentioned a raft of measures giving power to district councils. I wonder whether he sees this as a first step towards a reallocation of powers and an increase in district councils' functions.

**The First Minister:** I thank the Member for his comments and note what he says about providing more work for other Committees, rather than overloading the Committee on which he has the honour to serve. We shall, as far as we can, pay attention to that.

With regard to his other comment about local government generally, I hope that he will forgive me if I decline to follow him down that road, except to say that the Assembly has committed itself to undertaking, among other things, a review of public administration generally, outside the departmental structures. That is something that the Executive intends to carry forward as soon as is practicable.

**Mrs Nelis:** Go raibh maith agat, a Chathaoirligh. I note with concern the Minister's views on Down fisheries. He said that this legislation would not be entirely different from that which applies to the Foyle.

Perhaps the Minister should note that fishermen in the Foyle area have no confidence whatsoever in the former Foyle Fisheries Commission. This lack of confidence in the existing legislation has contributed to a serious decline in the fishing industry of that area. Would this legislation address that decline in the indigenous industry and promote parity of esteem with the existing oyster, mussel and shellfish industry in the South of Ireland, particularly in Clew Bay and Tralee Bay?

**The First Minister:** It is our intention to make provision in this legislation for the collection of shellfish in the inter-tidal zone and, indeed, to put in place procedures which will encourage the shellfish industry. I would have thought that the hon Member would welcome that, given that the absence of such provision with regard to the Foyle Fisheries Commission has inhibited the development of a shellfish industry in Lough Foyle. We wish to see it develop. I was sorry to hear her comments about the impact of the Foyle Fisheries Commission on finned fish fishing and her suggestion that the industry there has declined.

A closer examination of the matter would show that the decline is not due to the commission's activities but to illegal fishing, smuggling and poaching.

**Dr McDonnell:** I understand why so many of these Bills are functional or technical. When will we reach the stage of debating new legislation? I was struck by the reference to health and personal social services. I have no doubt that it is vital to regulate the social work profession and other social care workers. Some 30% to 35% of our health expenditure is on illnesses that are the direct result of smoking. Can we anticipate the early presentation of a Bill that will make smoking more difficult and, perhaps, raise some taxes that could go towards the Health Service? Can we anticipate raising tax on tobacco to alleviate the serious financial pressure on the Health Service?

**The First Minister:** The Member is right to note that the matters he raised will not be included in the proposed Health and Personal Social Services Amendment Bill, although it will deal with specific aspects in that field. He raises general issues that need to be considered more fully by Departments, departmental Committees and the Assembly as a whole. I am not sure that some of the measures he proposes are within the competence of the Assembly, but no doubt he will find ways of pursuing this issue in the course of our proceedings.

**Mr McCartney:** Sir John Gorman spoke about the amendment to Standing Orders. I appreciate that on issues of parity such as the First Minister has described, it is necessary for this amendment to be brought forward. Will such instances be limited to issues of parity where speed is obviously of the essence, or will it

be a general requirement to have the approval of the House to be withdrawn entirely?

I move from that specific issue of parity to some of the matters that were raised by Mr Neeson. It appears that most of the proposed legislation is parity legislation, in the sense that we are rubber-stamping provisions that are applicable to the United Kingdom as a whole, and that those matters that specifically refer to Northern Ireland are not ones that will cause consternation in the streets of Belfast, Derry or Newry. I am thinking of measures such as the Dogs Act or legislation on the gathering of shellfish. Does the Minister propose to give us any indication of projected fundamental legislation relating, essentially, to the welfare and social strength of the people of Northern Ireland?

**The First Minister:** My answer to the Member must be a repeat of my earlier answer to Mr Neeson. Yes, these are unexciting and largely parity measures. Development of more innovative legislation depends on the development of more innovative policies. It is for the Assembly and the Administration to develop policies. That is why we have a programme of government and why we are considering that programme. I am sure that if we have the opportunity during the coming weeks and months, we shall present to Committees and to the Assembly measures relating to the programme of government, or policies intended to be included in that programme, which can then be clothed in legislation.

The Member asked about parity. From a benefit point of view we have to maintain parity. The other measures that I mentioned relate to commercial matters, limited liability partnership and financial services insolvency, and there are powerful arguments there for the maintenance of parity. Some of those measures actually stem from European directives where commercial law provision is largely now uniform on a European Union basis. It is valid to ask why there should be legislative capacity here on matters that have to be — and which it is generally acknowledged ought to be — uniform, either on a UK basis or an EC-wide basis.

11.45 am

The Member may recall from the time he spent at the inter-party talks that I never succeeded in persuading other parties to debate the valuable issue of the legislative competence of this Assembly and where it would or would not be appropriate.

With regard to the carry-over provision, I will be suggesting to the Procedures Committee — and, of course, this is a matter for that Committee and for the Assembly — that we have a general power to carry over from session to session. The absence of a carry-over provision will cause problems with the legislative programme. It will mean that the legislative programme

will have to be stacked at the beginning of a session, and that will cause a bunching of matters. It could also, on occasion, hold up and delay legislation. In my view this is a rather archaic requirement which is going to cause us particular problems with social security legislation.

**Mr McClelland:** I welcome this programme of legislation. As other Members have said, it appears dull and unexciting at first sight, but it will affect a large number of people. When the First Minister comes to deal with the Dogs Bill he should recognise the high cost incurred by local authorities under the current legislation. They are responsible for initiating proceedings, for looking after the welfare of animals pending court cases and for further costs in the event of an appeal. Will the First Minister look at an alternative approach to this problem?

**The First Minister:** I note the Member's comments. I hope he will forgive me, but I am not in a position to reply to them at the moment. I will ensure that he gets a detailed reply.

**Mr Savage:** Following from that, may I ask the First Minister whether the phrase “as a result of an attack” includes dogs that attack sheep? There are a number of such attacks in my constituency, especially at this time of year. Will the new Bill take this into consideration?

**The First Minister:** Yes. Under the Dogs (Northern Ireland) Order 1983, a dog that has attacked a person or livestock is subject to a destruction order. The amending Bill proposes to give the court discretion to take account of all the circumstances, rather than simply impose the mandatory sentence.

**Mr Dallat:** My question is not about dogs but about fish. I welcome the Ground Rents Bill, which will solve innumerable problems for people seeking freehold title. Has the First Minister any plans to extend that legislation or to examine the question of fishing rights? Decisions reached under dubious charters of the past, particularly around 1600, need to be addressed and anglers, among others, given rights that they would otherwise have had.

**The First Minister:** I am sorry to disappoint the Member, but the Fisheries (Amendment) Bill relates specifically to the measures I have mentioned with regard to shellfish and the development of aquaculture in the Foyle and Carlingford areas. It is not intended to explore the much wider issue that he has mentioned, which would involve interfering with rights that have been established for a long time.

**Mr Morrow:** The First Minister has told the House that the Fisheries (Amendment) Bill will enhance the functions of the Foyle, Carlingford and Irish Lights Commission. Will this new body also be in control of the rivers that run into these loughs? Furthermore, will this be the licensing authority and the authority that

monitors water quality and pollution? The Foyle Fisheries Commission is not perfect, yet this new body is going to be modelled on it, thereby enhancing its credibility.

**The First Minister:** I am not aware of any provision in the proposed Fisheries (Amendment) Bill which relates to pollution matters such as have been raised, and I do not know whether it would be possible to introduce amendments along the lines suggested by the Member to the long title. I cannot advise at present, so the Member will have to contain himself until the legislation is published to see whether it can be broadened in the direction referred to.

The commission will deal with the catchment areas of Lough Foyle and Carlingford Lough. This means that the way in which the Foyle Fisheries Commission deals with all of the Foyle catchment basin is the way in which Carlingford, which is much smaller, will be managed.

**Mr O'Neill:** Will the First Minister assure the House that the Fisheries Bill will be subject to examination by the Culture, Arts and Leisure Committee and that Members' concerns will be examined in detail and considered fully?

Will he also comment on the fact that last week the Committee launched an inquiry into angling and fishery control in Northern Ireland and that the information that will be assembled and examined will be of relevance to this piece of proposed legislation? Will the promotion and development of angling, pollution and other issues which concern Members also be examined?

Regarding the management of Carlingford, all Members should welcome the step being taken towards greater control and management — this did not exist before and led to some exploitation.

**The First Minister:** The Member made some broad points about angling. Angling is important as a leisure activity for people in Northern Ireland and in terms of tourism generally. During the passage of the legislation there will be opportunity for some matters to be brought forward by way of amendment, but I have to point out that some of the provisions in this Bill relate to the establishment of the Foyle, Carlingford and Irish Lights Commission. They are subject to agreements previously endorsed by the Assembly and entered into with the Irish Government. The legislation has to be brought forward in parallel with similar legislation in the Irish Republic, and so, on those matters, the opportunity to amend will be limited.

**Mr Speaker:** The time for questions is up.

## **ASSEMBLY: ELECTION OF DEPUTY SPEAKERS**

**Mr Speaker:** I now move to the procedure for the election of three Deputy Speakers under Standing Order 5. Standing Order 5 requires that three Deputy Speakers "shall be elected".

I will remind Members of the procedure to be followed. Any Member can rise to propose that another Member be elected as Deputy Speaker. This must then be seconded by another Member, and I will have to check that the Member so nominated is willing to accept the nomination. I will then ask if there are any further proposals, and I will continue to do that until it appears that there are no further proposals. I will then say that the time for proposals is past. If the House wishes, there may be a brief debate.

At the conclusion of the debate, or at the conclusion of the nominations if there is no debate, I shall put the Question that the Member first proposed shall be a Deputy Speaker of this Assembly. Such a vote will have to be taken on a cross-community basis, and the Lobbies will be used for that. We will then proceed through all of those nominated in turn until three Deputy Speakers are elected. Of course, it is possible that no Deputy Speaker will be elected, because each nominee requires cross-community support, but I do not think that that will happen. Once three Deputy Speakers have been elected, any other nominations will fall. The Standing Orders are clear on that.

**Rev Dr Ian Paisley:** I propose Mr William Hay, a former Mayor of Londonderry.

**Mr Dodds:** I second that nomination.

**Mr Speaker:** Mr Hay, do you accept the nomination?

**Mr Hay:** I accept the nomination.

**Mr Hume:** I propose Mr Donovan McClelland.

**Mr A Maginness:** I second that nomination.

**Mr Speaker:** Mr McClelland, do you accept the nomination?

**Mr McClelland:** I accept the nomination.

**Mr J Wilson:** I propose Sir John Gorman for the office of Deputy Speaker.

**The First Minister:** I second that nomination.

**Mr Speaker:** Sir John, do you accept the nomination?

**Sir John Gorman:** I accept the nomination.

**Mrs E Bell:** I propose Ms Jane Morrice for the position of Deputy Speaker.

**Mr Watson:** I second that nomination.

**Mr Speaker:** Ms Morrice, do you accept the nomination?

**Ms Morrice:** I accept the nomination.

**Mr Speaker:** Are there any further nominations?

The time for nominations is up.

The four Members who have been proposed and seconded have accepted their nominations. I will put, in turn, the Question that each Member be accepted. Divisions will be on a cross-community basis.

*Question put* That Mr William Hay be a Deputy Speaker of the Assembly.

*The Assembly divided: Ayes 29; Noes 63.*

AYES

Unionist

Fraser Agnew, Pauline Armitage, Paul Berry, Norman Boyd, Gregory Campbell, Mervyn Carrick, Wilson Clyde, Nigel Dodds, Boyd Douglas, Oliver Gibson, William Hay, David Hilditch, Roger Hutchinson, Gardiner Kane, William McCrea, Maurice Morrow, Ian Paisley Jnr, Ian R K Paisley, Edwin Poots, Iris Robinson, Mark Robinson, Peter Robinson, Patrick Roche, Jim Shannon, Denis Watson, Peter Weir, Jim Wells, Cedric Wilson, Sammy Wilson.

NOES

Nationalist

Alex Attwood, P J Bradley, Joe Byrne, John Dallat, Arthur Doherty, Pat Doherty, Mark Durkan, Sean Farren, John Fee, Tommy Gallagher, Michelle Gildernew, Carmel Hanna, Denis Haughey, Joe Hendron, John Hume, John Kelly, Patricia Lewsley, Alban Maginness, Seamus Mallon, Donovan McClelland, Alasdair McDonnell, Barry McElduff, Eddie McGrady, Gerry McHugh, Mitchel McLaughlin, Eugene McMenamin, Conor Murphy, Mary Nelis, Danny O'Connor, Dara O'Hagan, Eamonn O'Neill, Sue Ramsey, Brid Rodgers, John Tierney.

Unionist

Ian Adamson, Billy Bell, Tom Benson, Esmond Birnie, Joan Carson, Fred Cobain, Robert Coulter, Duncan Shipley Dalton, Ivan Davis, Reg Empey, John Gorman, Danny Kennedy, James Leslie, David McClarty, Alan McFarland, Michael McGimpsey, Dermot Nesbitt, Ken Robinson, George Savage, John Taylor, David Trimble, Jim Wilson.

Other

Eileen Bell, Seamus Close, David Ford, Kieran McCarthy, Monica McWilliams, Jane Morrice, Sean Neeson.

Total Votes 92 Total Ayes 29 (31.5%)

Nationalist Votes 34 Nationalist Ayes 0 (0%)

Unionist Votes 51 Unionist Ayes 29 (56.9%)

*Question accordingly negated.*

*Question put* That Mr Donovan McClelland be a Deputy Speaker of the Assembly.

*The Assembly divided: Ayes 66; Noes 28.*

AYES

Nationalist

Alex Attwood, P J Bradley, Joe Byrne, John Dallat, Arthur Doherty, Pat Doherty, Mark Durkan, Sean Farren, John Fee, Tommy Gallagher, Michelle Gildernew, Carmel Hanna, Denis Haughey, Joe Hendron, John Hume, John Kelly, Patricia Lewsley, Alban Maginness, Seamus Mallon, Donovan McClelland, Alasdair McDonnell, Barry McElduff, Eddie McGrady, Gerry McHugh, Eugene McMenamin, Mary Nelis, Danny O'Connor, Dara O'Hagan, Eamonn O'Neill, Sue Ramsey, Brid Rodgers, John Tierney.

Unionist

Ian Adamson, Pauline Armitage, Billy Armstrong, Roy Beggs, Billy Bell, Tom Benson, Esmond Birnie, Joan Carson, Robert Coulter, Duncan Shipley Dalton, Ivan Davis, Reg Empey, David Ervine, John Gorman, Derek Hussey, Billy Hutchinson, Danny Kennedy, James Leslie, David McClarty, Alan McFarland, Michael McGimpsey, Dermot Nesbitt, Ken Robinson, George Savage, John Taylor, David Trimble, Jim Wilson.

Other

Eileen Bell, Seamus Close, David Ford, Kieran McCarthy, Monica McWilliams, Jane Morrice, Sean Neeson.

NOES

Unionist

Fraser Agnew, Paul Berry, Norman Boyd, Gregory Campbell, Mervyn Carrick, Wilson Clyde, Nigel Dodds, Boyd Douglas, Oliver Gibson, William Hay, David Hilditch, Roger Hutchinson, Gardiner Kane, William McCrea, Maurice Morrow, Ian Paisley Jnr, Ian R K Paisley, Edwin Poots, Iris Robinson, Mark Robinson, Peter Robinson, Patrick Roche, Jim Shannon, Denis Watson, Peter Weir, Jim Wells, Cedric Wilson, Sammy Wilson.

Total Votes 94 Total Ayes 66 (70.2%)

Nationalist Votes 32 Nationalist Ayes 32 (100%)

Unionist Votes 55 Unionist Ayes 27 (49.1%)

*Question accordingly agreed to (by cross-community consent).*



*Resolved:*

That Mr Donovan McClelland be a Deputy Speaker of the Assembly.

*Question put* That Sir John Gorman be a Deputy Speaker of the Assembly.

*The Assembly divided: Ayes 67; Noes 26.*

**AYES**

*Nationalist*

Alex Attwood, P J Bradley, Joe Byrne, John Dallat, Arthur Doherty, Pat Doherty, Mark Durkan, Sean Farren, John Fee, Tommy Gallagher, Michelle Gildernew, Carmel Hanna, Denis Haughey, Joe Hendron, John Hume, John Kelly, Patricia Lewsley, Alban Maginness, Seamus Mallon, Donovan McClelland, Alasdair McDonnell, Barry McElduff, Eddie McGrady, Gerry McHugh, Eugene McMenamin, Mary Nelis, Danny O'Connor, Dara O'Hagan, Eamonn O'Neill, Sue Ramsey, Brid Rodgers, John Tierney.

*Unionist*

Ian Adamson, Pauline Armitage, Billy Armstrong, Roy Beggs, Billy Bell, Tom Benson, Esmond Birnie, Joan Carson, Robert Coulter, Duncan Shipley Dalton, Ivan Davis, Reg Empey, David Ervine, John Gorman, Derek Hussey, Billy Hutchinson, Danny Kennedy, James Leslie, David McClarty, Alan McFarland, Michael McGimpsey, Dermot Nesbitt, Ken Robinson, George Savage, John Taylor, David Trimble, Peter Weir, Jim Wilson.

*Other*

Eileen Bell, Seamus Close, David Ford, Kieran McCarthy, Monica McWilliams, Jane Morrice, Sean Neeson.

**NOES**

*Unionist*

Paul Berry, Norman Boyd, Gregory Campbell, Mervyn Carrick, Wilson Clyde, Nigel Dodds, Boyd Douglas, Oliver Gibson, William Hay, David Hilditch, Roger Hutchinson, Gardiner Kane, William McCrea, Maurice Morrow, Ian Paisley Jnr, Ian R K Paisley, Edwin Poots, Iris Robinson, Mark Robinson, Peter Robinson, Patrick Roche, Jim Shannon, Denis Watson, Jim Wells, Cedric Wilson, Sammy Wilson.

*Total Votes 93      Total Ayes 67 (72%)*

*Nationalist Votes 32      Nationalist Ayes 32 (100%)*

*Unionist Votes 54      Unionist Ayes 28 (51.9%)*

*Question accordingly agreed to (by cross-community consent).*

*Resolved:*

That Sir John Gorman be a Deputy Speaker of the Assembly.

*Question put* That Ms Jane Morrice be a Deputy Speaker of the Assembly.

*The Assembly divided: Ayes 66; Noes 28.*

**AYES**

*Nationalist*

Alex Attwood, P J Bradley, Joe Byrne, John Dallat, Arthur Doherty, Pat Doherty, Mark Durkan, Sean Farren, John Fee, Tommy Gallagher, Carmel Hanna, Denis Haughey, Joe Hendron, John Hume, John Kelly, Patricia Lewsley, Alban Maginness, Seamus Mallon, Donovan McClelland, Alasdair McDonnell, Barry McElduff, Eddie McGrady, Martin McGuinness, Gerry McHugh, Eugene McMenamin, Mary Nelis, Danny O'Connor, Dara O'Hagan, Eamonn O'Neill, Sue Ramsey, Brid Rodgers, John Tierney.

*Unionist*

Ian Adamson, Billy Armstrong, Roy Beggs, Billy Bell, Tom Benson, Esmond Birnie, Joan Carson, Robert Coulter, Duncan Shipley Dalton, Ivan Davis, Reg Empey, David Ervine, John Gorman, Derek Hussey, Billy Hutchinson, Danny Kennedy, James Leslie, David McClarty, Alan McFarland, Michael McGimpsey, Dermot Nesbitt, Ken Robinson, George Savage, John Taylor, David Trimble, Denis Watson, Jim Wilson.

*Other*

Eileen Bell, Seamus Close, David Ford, Kieran McCarthy, Monica McWilliams, Jane Morrice, Sean Neeson.

**NOES**

*Unionist*

Fraser Agnew, Pauline Armitage, Paul Berry, Norman Boyd, Gregory Campbell, Mervyn Carrick, Wilson Clyde, Nigel Dodds, Boyd Douglas, Oliver Gibson, William Hay, David Hilditch, Roger Hutchinson, Gardiner Kane, William McCrea, Maurice Morrow, Ian Paisley Jnr, Ian R K Paisley, Edwin Poots, Iris Robinson, Mark Robinson, Peter Robinson, Patrick Roche, Jim Shannon, Peter Weir, Jim Wells, Cedric Wilson, Sammy Wilson.

*Total Votes 94      Total Ayes 66 (70.2%)*

*Nationalist Votes 32      Nationalist Ayes 32 (100%)*

*Unionist Votes 55      Unionist Ayes 27 (49.1%)*

*Question accordingly agreed to (by cross-community consent).*

*Resolved:*

That Ms Jane Morrice be a Deputy Speaker of the Assembly.

**Mr Speaker:** I formally declare that Mr McClelland, Sir John Gorman and Ms Morrice have been elected Deputy Speakers.

**Mr P Robinson:** On a point of order, Mr Speaker. I ask you to look at Standing Order 4(7), which says

“Where the Assembly is unable to elect a Speaker under the foregoing provisions of this Standing Order, but where a Deputy Speaker has been elected by virtue of Standing Order 5, the Deputy Speaker shall act as Speaker. In the case of more than one Deputy Speaker being elected they shall act in turn until a Speaker is elected.”

Members have been unable to elect a Speaker. Can you tell us how the Assembly’s future business will be affected by this Standing Order?

**Mr Speaker:** Mr Robinson and his Colleague beside him have an unrivalled knowledge of Standing Orders, ‘Erskine May’ and other matters relating to parliamentary practice.

They also have an unparalleled capacity for selective quotation with regard to these matters. The situation under the Northern Ireland Act 1998, which is over and above the Standing Orders, is that anyone who was an office holder of the type described at the point of devolution was, by the transitional clauses of the Act, deemed to be Speaker. Furthermore, any proposal would have to be on an Order Paper, and it would then fall foul of another problem: at present Standing Orders allow for the proposal of a new Speaker only if the last Speaker has been removed by death, resignation or through the dissolution of the Assembly. At this juncture I have no plans to facilitate Members in this regard. *[Laughter]*

*The sitting was suspended at 12.52 pm.*

*On resuming —*

## Oral Answers to Questions

### EDUCATION

#### **Ballycarrickmaddy Primary School (Lisburn)**

2.30 pm

1. **Mr Close** asked the Minister of Education when a start will be made to the building of a replacement school for the pupils of Ballycarrickmaddy Primary School, Lisburn, County Antrim.(AQO185/99)

**The Minister of Education (Mr M McGuinness):** No start date can be given at the moment. A replacement school for Ballycarrickmaddy Primary is being considered in the next school-building programme. I will announce the details of this in the next two weeks. The timing of the building work for any school included on the programme will then be dependent on the completion of the detailed planning arrangements.

**Mr Close:** Does the Minister accept that temporary accommodation, particularly at primary school level, means that pupils in these schools — young children — are at a disadvantage compared to others who, in their formative years, go through the education process in, if I may put it this way, solid classrooms. They are greatly disadvantaged; indeed, one could almost say that there is an inequality in the way they are taught and in the potential for the development of their education. The Minister should be trying to ensure the removal of all temporary accommodation, in particular at primary school level. I accept that there is a financial consideration, but when we are talking about targeting social need, this is a prime example, and I believe the need starts in the classroom in the early, formative days. Would the Minister agree that steps should be taken to correct this inequality?

**Mr M McGuinness:** I agree that there is a serious situation in respect of schools and, in particular, with primary school accommodation. I am concerned about this problem. There are about 4,000 temporary classrooms throughout the North of Ireland — that is totally unacceptable. On taking up office I said that I wanted to move forward on the basis of equality, accessibility, excellence and choice, but I am reminded that I must also move forward on the basis of affordability. I realise that there is a problem that we need to address. I have made it clear in interviews that I have given to the

‘Belfast Telegraph’ and other media outlets that my Department is determined to address this issue.

**Mr Davis:** Mr Bell and I have already made representation to the Minister on this matter. Ballycarrickmaddy Primary school is high on the South Eastern Education and Library Board’s list of priorities. Bearing in mind where this school is situated and the fact that it is 100 years old, I assume that the Minister will give it top priority.

**Mr M McGuinness:** I did meet with you and Billy Bell; it is important that Ministers meet with Assembly Members on matters like this, for people on the ground know the difficulties and problems that are faced by parents and pupils alike. I thank you for that meeting.

Over the next few days I will be announcing the capital building programme for this year, and this will be a substantial investment in the schools estate. Ballycarrickmaddy is on the competitors’ list, and I will be taking this into account when deciding which schools will be successful. Some schools will be disappointed; others will be pleased. No decisions have been taken yet, indeed, I have asked for the Education Committee’s views on the school capital building programme, and I have promised to take their views seriously before making a final decision.

**Mr Gallagher:** Does the Minister support the notion of equality of opportunity for all children, particularly in relation to their participation in creative and expressive work such as the Pushkin project, or does he support the locally elected representative who, in the words of our own famous poet

“crudely demeaned this very worthwhile work”?

**Mr Speaker:** Order. This question — and I have listened carefully to it — is substantially removed from the subject of the original question. I will leave it up to the Minister to determine how to respond.

**Mr M McGuinness:** I am very pleased to respond. Obviously this is a situation in which I have a considerable interest. I said at the time of the controversy that I believed that the best way to resolve it was locally, through discussion and dialogue in the community. In the intervening period I have been trying very hard to resolve this difficulty, and I am very hopeful indeed that it can be resolved in the short term.

**Mr Kennedy:** Mr Speaker, in respect of the answers given earlier to my Colleague Mr Davis, the Member for Lagan Valley, may I ask the Minister of Education if he will ensure that the allocation of funding in the current capital building programme will accurately reflect the size of the various education sectors? In particular, will he urgently address the historic disparity in funding to the controlled sector? If necessary, will he

undertake to withhold grant allocations until schemes are available in this sector?

**Mr M McGuinness:** The criteria for selection are of great importance, but the most important criterion is educational need, and that is educational need as reflected by the priority categories in the schools planning list, together with reports, advice and information from the inspectorate, the education and library boards, the Council for Catholic Maintained Schools and others with interests in schools. In addition, only those projects which have been planned for sufficiently at this stage can be considered for the programme.

### Primary-Secondary Transfer Procedure

2. **Mr Fee** asked the Minister of Education what steps he is taking to abolish the selection procedure for transfer from primary education to second-level education. (AQO 174/99)

**Mr M McGuinness:** Future arrangements for secondary education must be considered against the principles of equality, excellence, accessibility and affordability. The project team researching the impact of selection will report in early spring, and I will take its findings into account along with the issues that will be raised in the ensuing public and political debate when considering the future of selective education.

**Mr Fee:** Notwithstanding the fact that there is a review under way, can the Minister confirm that the existing selection procedure — including the 11-plus examination, the results of which will be out this week, which patently causes distress, anxiety and pressure for parents and children alike — is itself substantially flawed? Will he also say that no matter what comes out of the review, he is committed to replacing the existing procedure and doing away with the current appeals system, which means that parents end up taking their local boards of governors to task in the courts?

**Mr M McGuinness:** Everybody in this House knows my personal view and my party's view on this, and that is that the selection system should be abolished. That is what I believe. But, as Minister, I must also take account of the broader view, for there are other opinions. I will consider the findings of the review and the views expressed by wider educational interests and others before I take any decisions. I want to have educational arrangements which meet the principles of equality, excellence, accessibility and affordability and which are in the best interests of all children.

Everybody is aware that a research project is ongoing. It is headed by Prof Tony Gallagher from Queen's University and Prof Alan Smith from the University of Ulster. They are involved with a consortium of academics and others within the education system who are doing hefty research work. They are due to report their findings very shortly. I had

hoped that the report would be ready by the end of January, but I have since asked them to do a comparative study of other places like the United States of America, England, Scotland and, indeed, further afield.

In all likelihood it will be early spring before we have their findings. The Department will look at their report, and I hope that by April or May we can put this out for consultation. There will be a wide-ranging debate, possibly one of the most important educational debates that we have seen for many decades. I am looking forward to being part of that debate and presume that, similarly, all Members will deal in a very sensible way with what is undoubtedly a very serious issue that faces all of us.

**Mr S Wilson:** Mr Speaker, perhaps you would inform the Minister that he is in Stormont and not Castlereagh and that he is permitted to answer questions in the Chamber. So far we have had one "I'll tell you in two weeks", three "I'm concerned", three "hopefuls" and two "equalities", but we have not had any answers to any of the questions.

**Mr Speaker:** Order. And what is your question, Mr Wilson?

**Mr S Wilson:** I am getting round to that, Mr Speaker. I know that the Order Paper says "Question Time". Maybe we can have some answers as well. I am still not clear whether the Minister is committed to the pledge he made one day after taking office that he was going to scrap the selection procedure.

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

**Mr Speaker:** The Member is not at liberty to give way during a supplementary question.

**Mr S Wilson:** Perhaps the Minister would tell us whether he has reviewed the report which was produced by Lord Melchett when he last proposed this in 1978, what cost was involved in this exercise at that stage and what it will currently cost to go down the road which he promised on his first day in office.

**Mr M McGuinness:** I thank Mr Wilson for his question. I recall some weeks ago that he promised everyone that he would be like a Dobermann at my heels. I would like to remind the Member that the place for a Dobermann is at the heel of the master.

This is an important discussion, and Sammy Wilson's views are also important because he represents a strand of opinion which is the opposite of the widely held view in the community with regard to the 11-plus and the selection procedure. He is absolutely right that in tackling this issue we all have to bear in mind the affordability and the reality that to make significant changes like those suggested by many who are opposed to the selection procedure would be very costly.



Whether we can find the finances that such a challenge would bring would be a matter for the Executive Committee.

**Mr McElduff:** Go raibh maith agat, a Chathaoirleach. Does the Minister agree that the present system of selection at the age of 11 is unfair and that it places huge emotional and economic stress on parents and children alike, many of whom cannot afford private tuition, and that it brands children of that age as failures? Go raibh maith agat.

**Mr M McGuinness:** I am concerned and aware that people have expressed their opinions to their elected representatives on this examination, particularly in the context of the emotional and psychological trauma that it presents for many children and parents. I deeply appreciate that. It will be very interesting to see the report from Tony Gallagher and Alan Smith, who are researching how this examination affects young children and their parents in this way.

### Children in Residential Care or Imprisoned

3. **Mr Irvine** asked the Minister of Education whether his Department is satisfied with the educational provision for children in residential care or prison. (AQO 152/99)

**Mr M McGuinness:** Responsibility for the education of children in residential care as a result of the former NIO-managed sentences transferred from the NIO to the Department of Education from 1 September 1999. I am satisfied that arrangements are being put in place to secure appropriate educational provision for these children.

2.45 pm

Educational provision for juvenile justice children is the responsibility of the NIO, and I intend to discuss with the NIO how best to secure appropriate educational provision for them all. The majority of children in care, outside those with former NIO-managed sentences, are in the mainstream schools system. However, my Department has some concerns about a pattern of educational underachievement with some children in care. My Department, in collaboration with Save the Children and other groups, has undertaken research on the subject to help us to decide how best to establish effective educational provision for children in care.

**Mr Irvine:** Having referred to it, I presume that the Minister or his officials are aware of the number of underachievers in the system controlled by the Northern Ireland Office, which is a reserved matter.

Is he aware that it is his duty to ensure that all children have an opportunity to get a proper education? That is their right. What steps will he take to challenge some of the unreasonable circumstances because of which, behind the closed doors of the Northern Ireland

Office's juvenile justice centres, children or young people are being completely denied a proper education? Will the Minister also give us, at the earliest opportunity, the statistics for those children who are in the Northern Ireland Office juvenile justice centres and for those who are deemed to be underachievers.

**Mr M McGuinness:** I will write to the Member giving him those statistics, and I will place copies of the correspondence in the Library. The issue that he raises is a very important one. I have considerable interest in it, and my interest was renewed by the question. I have also carried out my own investigations into previous inspections and examinations that have taken place in the juvenile prison system. I am satisfied with the reports, but I am totally dissatisfied with the conditions under which these children are being held. This is a vital matter that I will take up with the NIO. It is our responsibility to ensure the well-being and proper education of all children.

**Dr O'Hagan:** Does the Minister agree that his Department is better placed than NIO to make provision for the educational needs of all children, including those imprisoned under the juvenile justice system?

**Mr M McGuinness:** The present arrangements are absolutely unacceptable. They are totally unsatisfactory, and I intend to challenge them. My Department should have the overriding responsibility for dealing with these matters.

**Mr Dallat:** Does the Minister accept that, in an ideal society, no children would be in residential care or prison? Does he also agree that we should work towards eliminating the cause of the problem rather than try to cure its effects?

**Mr M McGuinness:** I agree, and I am going to make an urgent attempt to visit some of these institutions over the coming weeks to talk to the young people and to the people who are responsible for their welfare.

### Castle Gardens Primary School (Newtownards)

4. **Mr Benson** asked the Minister of Education why the plans announced for a new school to be built on the Bowtown Road, Newtownards to replace Castle Gardens Primary School did not include a nursery unit.

(AQO 142/99)

**Mr M McGuinness:** The pre-school education advisory group for the South Eastern Education and Library Board did not recommend a nursery unit at the new school to replace Castle Gardens Primary School.

The existing Newtownards nursery school is directly opposite Castle Gardens Primary School, and it will continue to serve children from the same area. There is

also scope for increasing the number of places in the new nursery unit at the nearby Abbey Primary School.

**Mr Benson:** First, may I point out that it is the old school that the Minister referred to.

Is the Minister aware that the South Eastern Education and Library Board, in an effort to correct this omission, has asked his Department to make provision for this when the school is being built? Does the Minister agree that not to do so now will mean having to do so when the school has been built? This would be very costly and disruptive to the children then attending the school. Can the Minister confirm that he will approve the inclusion of this provision when the school is being built?

**Mr M McGuinness:** People are conscious of the serious attempt being made to provide pre-school education for all. The education and library boards have pre-school education advisory groups which advise them on how best to site pre-school nursery units for the benefit of the local communities.

I am listening carefully to the Member's comments and have spoken to officials in my Department about this matter. My information is that there is adequate provision. However, I am open to discussion and debate with Members.

We are approaching the deadline for applications for places this year. In the course of the last week there has been some discussion about this matter, and the DUP and others have accused me of trying to claim the announcement, when I did no such thing. There is now an opportunity, before Wednesday, for parents with children born between 2 July 1996 and 1 July 1997 to apply for places for those children. I encourage all Members, through their local media outlets, to encourage parents in their constituencies to take those places up.

We are fast approaching a situation where we can offer 100% provision for parents and their children. It will be over a period, but we are making rapid progress, considering that some three years ago only 45% of children were able to gain places. We can now offer 75%, and we will be increasing that further to 85%.

This is a very important period in a child's life. We are all conscious of the need for pre-school education and that it is vital for children, and that brings us again to the locations of pre-school nursery schools. We are dealing with that, and although some people may have their difficulties and problems, they can be overcome.

**Mrs I Robinson:** Should not Mr Benson, as a former member of the board of governors of Castle Gardens Primary School, have known the answer to question number 4? Furthermore, as a member of the

South Eastern Education and Library Board, he should have declared an interest.

### Departmental Budgets

5. **Mr K Robinson** asked the Minister of Education if he will take into account non-departmental funding when allocating departmental budgets.

**Mr M McGuinness:** Departmental budgets are allocated on the basis of educational need, having regard to departmental priorities and the overall availability of resources. Many schools receive financial and other support from parents and local businesses, and it would be inequitable to penalise such schools when determining their budgets.

**Mr K Robinson:** I cannot help noticing that the Minister has failed, as yet, to respond to my written questions linked to this subject. Can I be assured that he and his Department are fully committed to a policy that has equality and transparency as its twin pillars? Can I be further assured that when he announces this year's capital build programme every sector of society represented in the House will be able to rejoice in the obvious equality and parity of esteem which he and his Department will have shown to each educational sector and to both sections of our divided community?

**Mr M McGuinness:** I will make sure that the Member gets a reply to his written question.

I have already outlined the criteria which will form the foundation of the capital building programme, and they will be to do with educational need. We have to move forward on the basis of equality. I come from a community which for many generations felt that it was being treated unequally and unfairly. As Minister for Education, I have no intention of attempting to inflict that feeling on any other community. It is my responsibility to be fair.

During this year I intend to have further discussions with the Chairman of the Education Committee, Mr Danny Kennedy, and his Committee members. It is vital that when school capital building programmes are announced, every section of our community feels that it is being treated justly and fairly. There is a challenge in this for the Education Committee and for me, and I intend to rise to that challenge.

### Maydown/Strathfoyle Primary School (Londonderry)

6. **Mrs E Bell:** asked the Minister of Education if he will make a statement on the future of Maydown/Strathfoyle Primary School in Londonderry.  
(AQO 116/99)

**Mr M McGuinness:** The future of this school is a matter for the Western Education and Library Board. I understand that the school's board of governors and the

Western Board have decided to postpone a proposal for a merger with another school and have agreed to keep the enrolment position of Maydown/Strathfoyle School under review.

**Mrs E Bell:** I thank the Minister for his reply. I was aware of that, but I wanted to know if there had been any further developments. Can the Minister confirm, in general terms, that amalgamation, which is a very sensitive issue, will be looked at sensitively and that all aspects, such as enrolment numbers, will be taken into account?

**Mr M McGuinness:** I agree. Any proposed school closure would require the publication of a statutory development proposal, which provides for an eight-week period during which objections can be submitted to my Department. I would give careful consideration to all representations before reaching a decision on any such proposal for Maydown/Strathfoyle. I am also conscious of the ongoing debate in rural schools and of the number of campaigns to keep small rural primary schools open.

Obviously, rationalisation and amalgamation make sense where there is community support. However, when people are stridently opposed to rationalisation and amalgamation, and have emotional attachments to their schools, even if they are damp and have fire hazards, there is an onus on the Minister to listen carefully to concerns over the eight-week period during which people can make objections.

### Curriculum: Road Safety

7. **Mr Weir** asked the Minister of Education if he has any plans to make more time available in the curriculum for road safety awareness for pupils.

(AQO 139/99)

**Mr M McGuinness:** The allocation of curriculum time to individual subjects and topics is a matter for schools themselves. Schools are aware of the important part that they have to play in keeping our young people safe on the roads, and they are supported in their work by the road safety education branch of the Department of the Environment, which has responsibility for road safety education.

**Mr Weir:** Would the Minister support the involvement of the RUC in road safety programmes for schools, given that a few years ago he removed his son from school, rather than allow him to sit through a RUC road safety campaign?

**Mr M McGuinness:** The key responsibility for road safety lies with the schools, the parents and the road safety education branch of the Department of the Environment. The decision as to who is invited into a school has to be a matter for the school, the parents and the board of governors. I confirm that I removed my son

from a school gathering which was attended by the RUC. I did so because the RUC has been involved in killing schoolchildren with plastic bullets.

The RUC is the most discredited force in western Europe. *[Interruption]* The RUC should be disbanded. *[Interruption]*

3.00 pm

**Mr Speaker:** Order. The time for questions to the Minister is up.

At this point I shall have to suspend the Assembly. I regret to say that the Minister of Health, Social Services and Public Safety is unwell. The House will be suspended at the call of the Chair, but for not longer than 30 minutes. *[Interruption]*

Order. The Assembly must be grateful to the Minister for making herself available despite having been unwell.

## HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

### Hospital Services

1. **Mr McCarthy** asked the Minister of Health, Social Services and Public Safety if she will make a statement on proposed reforms to acute hospital services.

(AQO 132/99)

5. **Mr Molloy** asked the Minister of Health, Social Services and Public Safety how she proposes to improve access to hospital facilities west of the Bann.

(AQO 162/99)

8. **Mr McElduff** asked the Minister of Health, Social Services and Public Safety if she will assure people in Counties Tyrone and Fermanagh that accessibility to acute hospital services will be a key criterion when deciding upon the location of these services.

(AQO 141/99)

16. **Mr Byrne** asked the Minister of Health, Social Services and Public Safety whether she intends to implement the recommendations of the Northern Health and Social Services Board's 'The Way Forward' report, which proposes the building of a new area hospital to provide acute services for the south-west of Northern Ireland.

(AQO 105/99)

17. **Mr Foster** asked the Minister of Health, Social Services and Public Safety if she will make a statement on the future of the Erne Hospital, Enniskillen.

(AQO 159/99)

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** Le do chead, a Cheann Comhairle, freagróchaidh mé ceisteanna a haon, a cúig, a hocht, a



sé déag agus a seacht déag i gcuideachta a chéile, ós rud é go dtagraíonn siad, ar dhóigh, do caidé mar a sholrófar géarsheirbhísí otharlainne anseo feasta. Tá an tsaincheist seo ar cheann de na príomhthosachtaí atá agam faoi láthair. Tá mé ag machnamh ar conas is féidir ár seirbhísí otharlainne a fhorbairt ar dhóigh a chinnteoidh cúram otharlainne ardchaighdeán a bhéas inaimsithe acu sin uilig atá ina ngá. Is mian liom a rá gur maith a thuigim chomh tábhachtach agus atá seirbhísí otharlainne ag na pobail áitiúla. Mar sin, sula ndéanfar athrú ar bith, ba mhian liom a chinntiú go mbeidh na socruithe faoi thodhchaí gach otharlann bunaithe ar an eolas is iomláine is féidir a fháil.

With your permission, Mr Speaker, I shall take questions 1, 5, 8, 16 and 17 together as they all relate to how acute hospital services should be provided in the future. This is one of my key priorities, and I am currently considering how our hospital services can be developed in a way that ensures accessible, high-quality hospital care for all who need it.

I am very much aware of how important hospital services are to local communities, so before any changes are made I shall want to ensure that decisions about the future of individual hospitals are based on the fullest possible information.

**Mr McCarthy:** In my constituency of Strangford, and especially in Ards, we were promised time after time that our acute hospitals would not be removed until there was sufficient funding in one of the nearby “golden six” hospitals, one of which is the Ulster Hospital in Dundonald. How does the Minister account for the total lack of investment at the Ulster, given that the Ards and Bangor Hospitals have long since closed, leaving our constituents greatly inconvenienced? Can the Minister provide the House with details of the investment that has been put into the “golden six” hospitals, which includes the Ulster?

**Ms de Brún:** Ní féidir liom an t-eolas beacht sin a thabhairt don Teachta Tionóil inniu, ach *[interruption]*

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

**Mr Speaker:** I am sorry, but I cannot take points of order during questions to Ministers, the reason being that to do so would shorten even further the time that is available. *[Interruption]*

Order. I entirely understand the issue to which the Member is adverting, but I cannot deal with it at this time. It is a matter to which I shall have to return. I cannot take points of order during Question Time because the times are tightly bounded. I think I know the issue to which the Member adverts, and I shall consider it.

**Mr Kennedy:** Do I have your assurance that you will deal with the matter urgently?

**Mr Speaker:** I cannot deal with the matter during Question Time, but I will do so as soon as possible afterwards. I understand the point that you are trying to make.

**Ms de Brún:** Ní féidir liom an t-eolas a d'iarr an Teachta Tionóil faoi cá mhéad airgid go beacht a chaithfear le hoispidéil, ní féidir liom sin a thabhairt dó inniu. An méid is féidir liom a rá is é gur thug mé cuairt ar na mallaibh ar oispidéal i mBeannchar agus go bhfuil mé lánchinnte go bhfuiltear ag déanamh gach rud is féidir a dhéanamh san oispidéal sin ar son na n-oibrithe agus ar son na n-othar. Tá an Roinn s'agam féin ag obair i gcomhar le Bord Sláinte an Oirthir agus leis na hiontabhais éagsúla le cinntiú go bhfuiltear ag déanamh gach rud is féidir a dhéanamh le seirbhísí a choinneáil sna hoispidéil. Déanfar machnamh ar gach ceist de réir mar thig sí chun tosaigh.

I cannot provide the Member with the precise figures for which he has asked. What I can say is that the Department is working with the board and the trusts to ensure the continuance of the best services possible in all of the hospitals in the area and to deal with all of the questions which arise from that.

I recently visited a hospital in Bangor, and I can assure the Member that I was very pleased with the work being done. I had discussions with staff, local representatives and patients. The Department is mindful of the question which the Member referred to and, as a Member and a Minister, I am well aware of the issue.

There are proposals for the future development of the Ulster Hospital and significant capital investment will be required in due course. At this time I can give no further details.

**Mr Speaker:** There is clearly going to be some difficulty. The Minister asked that five questions be taken together, and that was perfectly reasonable. Under normal procedures I call for supplementary questions from those Members who had questions which were taken together. However, if the Minister intends to give extensive replies, and to give them in two languages, we will barely get through the first of them — *[Interruption]*

Order. I must request that supplementary questions and the responses be as concise as possible in order to keep transgression to a minimum.

**Rev Dr Ian Paisley:** I wish to make a point of order.

**Mr Speaker:** I am afraid that I cannot take a point of order at this juncture. I will take it at the end.

I note that Mr Francie Molloy, who was to ask a supplementary question, is not here.

**Mr McElduff:** I wish to ask the Minister if she will assure people in Counties Tyrone and Fermanagh that access to acute hospital services will be —



**Mr Speaker:** Order. When the Member is called to ask a supplementary question he should not repeat the original question.

**Mr McElduff:** I was not scheduled to ask a supplementary question, a Chathaoirligh.

**Mr Byrne:** I note what the Minister has said about the review of acute services throughout Northern Ireland and would like to ask her to accept the gravity of the situation in Tyrone and Fermanagh. Will she tell the House when we are likely to have a decision on a new hospital for the south-west of Northern Ireland? This is not only a very important issue for people in Tyrone and Fermanagh, but also crucial for the medical staff there.

**Ms de Brún:** Mar a dúirt mé cheana féin, tá mé ag iarraidh an Bealach chun Tosaigh a chur fá bhráid an phobail faoi láthair. Tá mé ag dul i dteangmháil le daoine éagsúla, agus déanfaidh mé machnamh ar an tsaincheist. Tá mé ag iarraidh a chinntiú go mbeidh an pictiúr is iomláine agam is féidir a fháil. Mar sin de, ní féidir liom a rá go díreach cé mhéad ama a rachfas thart sula mbeidh cinneadh ann faoi aon ghné amháin den cheist seo.

As I said in my first answer, I am trying to ensure that decisions made about the future of individual hospitals are based on the fullest possible information, and, because this is part of a wider context and covers more than one possibility, I am not in a position at the moment to say exactly when any decision will be reached. Obviously, getting the fullest possible information will take time.

However, I assure the Member that this is one of the priorities I am dealing with. The Member will be aware that a number of decisions were left pending before the establishment of the Executive. I hope to be in a position to give a better and clearer view of the way forward very soon.

**Mr Foster:** My question has been asked and the answer given. The matter of essential services in acute hospitals in rural Fermanagh has been dealt with.

**Mr McGrady:** It is somewhat difficult to ask a supplementary question. The grouping of the questions today did not help in this respect. I must abandon the question originally asked, which has not been answered by the Minister. However, in addressing the issue of acute services generally I should like to ask the Minister, given the overcentralisation of maternity services, whether she accepts her Department's current policy, which is based on the August 1991 paper?

The Health Select Committee of the House of Commons said that it could not agree with the recommendations of that paper and that the proposal was regressive and should not be proceeded with. It then asked the

Department of Health to withdraw the policy, on which the Department is now acting.

Does the Minister concur with the original policy or will she withdraw it and reassess the over-centralisation of maternity services? In other words, are the Royal Colleges going to dictate public health policy here, or are people's needs going to be paramount?

**Ms de Brún:** Ó thaobh na seirbhísí seo agus ó thaobh na seirbhísí ospidéal eile de, ba mhaith liom a chur ina luí ar gach aon duine inniu nach bhfuil mé ag glacadh le nó ag diúltú do aon pholasaí a ghlac duine ar bith de na hAirí Sláinte a tháinig romham. Tá mé ag déanamh machnamh ar an Bhealach chun Tosaigh, agus labhróidh mé le oiread daoine agus is féidir agus déanfaidh mé cinnte go mbeidh aon socrú fá thodhchaí seirbhís ar bith bunaithe ar an eolas is iomláine is féidir a fháil.

I am neither taking as read nor rejecting out of hand the proposals of previous Administrations and Ministers. As I have taken on board questions on the provision of hospitals and other services, I have made the best possible decision in each case, based on the fullest possible information. As I have said, I want to ensure that local people and others have the chance to meet me and put forward their views on a number of different matters.

I am sorry that the Member feels that my previous answer was not full. However, I am reviewing acute hospital policy and looking at the best way forward. I shall try to ensure that decisions are based, as I have said, on the fullest possible information, and I shall not restrict this review to previous years.

### Downe Hospital: Acute Services

3.15 pm

2. **Mr O'Neill** asked the Minister of Health, Social Services and Public Safety if she will consider the reintroduction of the 94-bed acute services plan in the new Downe Hospital.

(AQO 180/99)

18. **Mr M Murphy** asked the Minister of Health, Social Services and Public Safety if she will pledge to maintain and expand existing acute services at the Downe Hospital in Downpatrick.

(AQO 184/99)

### Downe and Downpatrick Hospitals: Maternity Services

19. **Mr McGrady** asked the Minister of Health, Social Services and Public Safety what discussions she has held with the Eastern Health and Social Services Board, the Down Lisburn Trust and other bodies concerning future plans for the retention of acute services at the Downe and Downpatrick Maternity Hospitals, and if she will make a statement.

(AQO 121/99)

**Ms de Brún:** Le do chead arís, a Cheann Comhairle, freagróidh mé ceisteanna a dó, a hocht déag agus a naoi déag le chéile, ós rud é go dtagraíonn siadsan do Oispidéal an Dúin. Tá a fhios agam pleananna a bheith ann faoi láthair do Oispidéal an Dúin agus tuigim an inní a léirigh grúpaí agus daoine áitiúla faoi na pleananna seo. Scríobh mé inniu chuig cuid de na Teachtaí Tionóil agus tá mé sásta bualadh leo le plé a dhéanamh ar conas is féidir forbairt a dhéanamh amach anseo, sula ndéanfaidh mé cinneadh ar an dóigh is fearr le gabháil chun tosaigh. Ba mhaith liom bualadh le Bord an Oirthir, le Bord an Dúin agus le Bord Lios na gCearrbhach.

With permission, Mr Speaker, I shall answer questions 2, 18 and 19 together, as they relate to hospital services in the Down area. I am aware of the present plans for the new Downe Hospital and local concerns that they do not include provision for acute services. I have written today to some Members agreeing to meet to discuss both present and future aspects before I make a decision on the way forward. I hope, also, to discuss these soon with the Eastern Board and the Down Lisburn Trust.

**Mr O'Neill:** I thank the Minister for her answer, given that bed shortages in Northern Ireland, and particularly in the Down Lisburn Trust area, were well established over the Christmas period. The Minister referred to the considerable concern about and lack of confidence in the success of the measures proposed to replace acute services in our new facility. Will she ensure that, as an outcome of the deliberations, this 94-bed plan will be reactivated? Of all the plans that we have looked at in our area, this one received the overwhelming support of everybody — board, trust and local community representatives.

Will the Minister also agree that the continued uncertainties surrounding the provision of acute services at the present site is, in itself, damaging? This can be seen from the current crisis over the provision of a 24-hour accident and emergency service.

**Mr Speaker:** I must appeal to both Members and the Minister to keep questions and answers as concise as possible to enable more questions to be asked.

**Ms de Brún:** Beidh mé ag amharc ar cheist thodhchaí Oispidéal an Dúin mar chuid den aithbhreithniú ghinearálta ar na seirbhísí otharlainne. Aithním go ndearna Oispidéal an Dúin níos mó ná a sháith le linn na géarchéime leapacha ag an Nollaig.

The question of the future of the Downe Hospital is one that I will look at as part of my overall review. I have already indicated the way in which I wish to address this matter. I do recognise that the Downe Hospital has made an important contribution with regard to the current bed crisis. It is my intention to end uncertainty and to bring forward proposals on a number of matters. I have indicated that I do wish to ensure that any decisions I make are based on the fullest possible information.

**Mr McGrady:** Does the Minister support her Department's instructions on the business plan for the new Downe Hospital? Has she made an analysis of the private scheme for midwifery-led maternity services that is taking place in Downpatrick? Has she done an assessment of the pilot scheme for thrombolytic care that is also taking place? Can she confirm that the new building that is planned will go ahead?

**Ms de Brún:** Thig liom a insint don Teachta Tionóil go bhfuil mé ag déanamh machnaimh ar gach aon ghné den cheist seo, ach nach féidir liom a rá go cinnte ag an phointe seo caidé an bealach chun tosaigh a bhéas mé a ghlacadh. Mar a dúirt mé cheana, níl mé ag glacadh le agus níl mé ag diúltú do aon chinneadh a rinneadh roimhe.

I can confirm that I am looking at all aspects of this issue. To repeat what I have already said, I am neither accepting nor rejecting any proposals that were made before devolution. I am looking at the matter. I have taken on this responsibility, and I will ensure that any decisions I make are based on the fullest possible information.

**Mr Speaker:** Will the engineers please check the microphones. There may be more than one on at the same time, creating a degree of echo.

**Mr Shannon:** The issue I want to raise is the report that the Union flag is to be removed from Downe Hospital. This is unacceptable. The Union flag should be retained.

**Ms de Brún:** An raibh ceist ann?

Was there a question?

**Mr Speaker:** The Member did not put the question entirely clearly. Perhaps he would like to rephrase what he said.

**Mr Shannon:** There was a report at the weekend that the Union flag is to be removed from Downe Hospital. I believe that the Union flag should be retained. Perhaps some comment could be made on that.

**Mr Speaker:** The Member has certainly outlined his own viewpoint, but he has not actually asked a question. I will give him a final opportunity to do so. If it is not possible to ask a question —

**Mr Shannon:** Is the Department prepared to make a statement on this issue? Perhaps the Minister would make a statement.

**Ms de Brún:** Ó thaobh cúrsaí bratacha de, d'iarr mé ar an Chéad-Aire agus an LeasChéad-Aire barúlacha a thabhairt ar an cheist seo. Tá ceist na mbratach le teacht aníos ag an Choiste Feidhmiúcháin agus beidh mé in ann tuilleadh eolais a thabhairt don Teachta Tionóil amach anseo. D'iarr mé ar an Roinn san idirlinn gan bratach Rialtas na Breataine a chrochadh in airde ina aonar.

The question of flags has been drawn to the attention of the First Minister and the Deputy First Minister. The issue will be dealt with by the Executive, and I hope then to be in a position to give a fuller answer to the Member. Pending discussion at the Executive, I have asked the Department to suspend the practice of flying the Union flag alone on its buildings.

### Anti-Drug-Abuse Strategy

3. **Mr Paisley Jnr** asked the Minister of Health, Social Services and Public Safety if she will work with the Royal Ulster Constabulary to implement an anti-drug-abuse strategy.

(AQO 129/99)

The Minister can run from question 3, but she cannot hide from it.

**Ms de Brún:** Le do chead, a Cheann Comhairle, ba mhaith liom leanstan ar aghaidh chuig ceist a sé: níl freagra na ceiste sin liom agus ba mhaith liom cinntiú go bhfuil mé ag freagairt na ceiste mar is ceart.

With your permission, Mr Speaker, I would like to go on to question 6 and return to this —

**Mr Speaker:** Order. It is not possible simply to move on to the question one chooses. I ask the Minister to make some reply to the question that has been asked. In any case, if one were to move forward, it would not be to number 6 but to number 4. The Minister may reach number 4, but, for the moment, would she please answer question 3.

**Ms de Brún:** Thig liom a rá go cinnte go mbeidh an cheist seo faoi cé air a mbeidh an fhreagracht leis an straitéis in éadan mí-úsáid drugaí a chur i bhfeidhm, go mbeidh an cheist sin ag teacht aníos ag an Choiste Feidhmiúcháin amárach agus go ndéanfar plé uirthi ansin.

The question of the implementation of the anti-drug-abuse strategy and where the responsibility for that lies has not yet been discussed at the Executive Committee, but it will be discussed tomorrow.

**Mr Paisley Jnr:** The Minister's contempt for the House is appalling. I find her answer wholly unsatisfactory, and I would like to ask her, through the Chair, if her reluctance to work with the Royal Ulster Constabulary derives from her party's close connection with the Provisional IRA's illicit drug trade in Northern Ireland. Does her contempt for the RUC and for this House not make it clear that she is incapable of being a Minister and should resign today?

**Ms de Brún:** Ar dtús báire ba mhaith liom a rá go bhfuil ard-mheas agam ar an Tionól seo—fiú ar na Teachtaí sin a bhfuil deacrachtaí pearsanta acu liom.

Is léir go bhfuil straitéis in aghaidh mí-úsáid drugaí á socrú faoi láthair agus go bhfuiltear ag obair uirThi sin. Tá daoine ag obair ar cheist mhaoiniú na straitéise seo de réir plean ar socraíodh air sular bunaíodh an Coiste Feidhmiúcháin agus sula raibh an cheist seo ar fhreagracht an Aire. Beidh le feiceáil amárach cé h-é/í an t-Aire a bhéas i mbun na straitéise, ach ní thig le duine ar bith a rá go gcruthaíonn sin go bhfuil aon fhadhb ann maidir leis an straitéis seo.

Ní raibh aon mhoill ann go dtí seo ag soláthar airgid do thionscnaimh atá chun tacaíocht a thabhairt don straitéis in aghaidh mí-úsáid drugaí, agus bhí seasca éileamh ann ar airgead dá leithéid. Tuigim, mar sin de, go bhfuil an próiseas seo le bheith faoi stiúir agus faoi phlé ag an Choiste Feidhmiúcháin amárach.

I have nothing but the highest respect for this Assembly. I sincerely hope that I have shown no contempt whatsoever for the House, and I have nothing but respect — *[Interruption]*

**Mr Speaker:** Order.

**Ms de Brún:** — for the position of each and every Member, regardless of my personal feelings or the personal feelings of Members that have been very clearly demonstrated towards me. I have nothing but the highest respect for the mandates of those elected to the House.

The decision on how best to implement measures to tackle the misuse of drugs has still to be taken at Executive level. I also want to point out that, in terms of ongoing work, there are bids in at present for funding under the drugs strategy, but those bids were received and are being assessed under a process that was laid down before the Executive was established. That is ongoing, and people should understand that. I am also told that arrangements are being made for the recruitment of a drugs co-ordinator. It has still to be decided by the Executive, where ministerial responsibility lies as this is now a transferred matter, and I will be in a better position to give a fuller answer once the Executive has discussed it.

3.30 pm

**Mr Beggs:** Can the Minister tell us which Government Department was involved in this interdepartmental committee on drugs in the past and why she, as the Minister of Health, has not assumed this responsibility? Will she be honest and tell the House whether or not she is carrying out her full ministerial duties?

**Ms de Brún:** Thig liom a insint don Teachta go raibh roinnt Ranna sa ghrúpa seo aroimhe: Oifig Thuaisceart Éireann, an Roinn Sláinte, an Roinn Oideachais agus tá baint chomh maith ag an Roinn Airgeadais agus Pearsanra dá thairbhe go bhfuil cúrsaí airgeadais i gceist—

**Mr Speaker:** Order. Since the time is up, will the Minister give in English the rest of the answer which she has been giving in Irish, out of courtesy? Then we shall have to move to the next set of questions.

**Ms de Brún:** A number of Departments were previously involved, including the Northern Ireland Office, the then Departments of Health and of Education. The Department of Finance was also involved in the £5.5 million allocated to the new drugs strategy. However, since devolution changed areas of responsibility, we are now dealing with the Executive and the Northern Ireland Office. The Executive must decide where responsibility lies in this matter as it is in the transferred field, and it will be looking at this shortly.

## FINANCE AND PERSONNEL

### Community Rebuilding: Finance

1. **Mr Dallat** asked the Minister of Finance and Personnel if he will assure the Assembly that every effort will be made to provide additional funding to finance the rebuilding of our community.

(AQO198/99)

**Mr Paisley Jnr:** On a point of order, Mr Speaker.

**Mr Speaker:** I will take all points of order at the end of this time.

**The Minister of Finance and Personnel (Mr Durkan):** It is vital that we rebuild our community after so many years of division and conflict. As my budget statement of 15 December emphasised, we need to improve the use of the money that we have, based on a programme of government that will make a strong and positive difference, in social and economic terms, because democratically elected politicians will be taking sound decisions. We will also do all we can to ensure that we receive a fair and acceptable share of public money from the Treasury in London and try to make the best use too of EU funding.

**Mr Dallat:** Does the Minister agree that, for many years to come, special measures will be needed to create the infrastructure that is necessary in Northern Ireland — this was not possible in the past, but it is essential for the future — if the Assembly is to deliver on its promises to the electorate?

**Mr Durkan:** I recognise that the Assembly and, indeed, the Executive will be facing significant public spending pressures in the coming years, not least in the area of infrastructure. And the demands are not just for physical infrastructure, transport or energy, but also for community infrastructure.

We will have to make the strongest possible case to enable us to attract the resources that will allow us to spend money on those areas. We will try to maximise our share of the public expenditure budget in the UK by continuing to deal with the Treasury. I hope that people will not have unrealistic expectations in that regard. We must also continue to scrutinise our own spending to make sure that we prioritise properly and maximise the benefits of that spending. There are serious deficits from the past that have to be addressed, and these will only be dealt with by sound decisions based on real priorities.

**Mr Gibson:** A great deal of work has to be done to build the community infrastructure. For example, in West Tyrone there is deep-seated grief in 97 families, who have been left isolated and ignored. How will the Minister provide this part of the community with the help that is essential to the livelihood of West Tyrone?

**Mr Durkan:** I am not sure what Mr Gibson is referring to. Clearly, the Assembly can address gaps in the delivery of any programme to any part of Northern Ireland, not least through the quality of constituency membership that the Assembly offers. I am sure that all Ministers will try to be as responsive as possible in that regard.

In respect of Mr Gibson's point, I am not sure which Department is relevant, but, given that other Departments are involved here, I cannot be more specific.

**Mr McCarthy:** Will the Minister assure the House that he will not use the regional rate to provide facilities that are normally provided through the Exchequer or the block grant?

**Mr Speaker:** I think that you may have been asking the supplementary to question 2. It might be best to take that question in the context of question 2 which is about the regional rate. The Minister, of course, may wish to respond.

**Mr Durkan:** Specific questions relating to the rates are beginning to emerge. The main question the Member is asking is if I will assure the Assembly that every effort will be made to provide additional funding



for the rebuilding of the community. The provision of additional funding, whether people like this or not, will entail looking at rate sources as well. That is a basic reality. The way in which our rate system works, as I will be showing elsewhere, means that we will be using the rates to support our public expenditure proposals. That is how the rate increase was presented here in the Budget statement.

**Rev Dr Ian Paisley:** I am sure that the Minister is aware of the recent announcement about another fall in farm incomes. Can he inform the House what meetings he has had with his Colleague the Minister of Agriculture and Rural Development and what discussions they have had about getting an injection of cash to the farmers before there is a complete collapse of the agriculture industry, which is the basis of our economy?

**Mr Durkan:** I can confirm that I had discussions last week with the Minister of Agriculture and Rural Development about approaches that she will be making to the Minister of Agriculture, Fisheries and Food, which, in turn, will have consequences for contact with the Treasury as well.

I had further discussions with the Minister today about the reports that show the marked fall in farm incomes. At that meeting, we agreed to have a further formal meeting to discuss this matter. I cannot be any more specific. Clearly, this is a matter which is within another Minister's remit. I cannot give answers to questions on matters which are the responsibility of other Ministers.

**Mr C Murphy:** Go raibh maith agat, a Chathaoirligh. Given the last supplementary question, I am tempted to go in a completely different direction because I do not see its relevance to question 1. When the Minister is providing additional funding, will he will take account of the fact that the various Unionist Governments of the old Stormont regime and the Governments who operated direct rule were discriminatory? Will he try to redress the balance when he is providing additional funds?

**Mr Durkan:** I have not guaranteed to provide additional funding, because — and I thought that I had made this clear — additional funding is not entirely at my or the Assembly's disposal. Any additional funding will depend on the quality of the case that we are able to make to others.

We want to make sure that by using our moneys soundly, we release more resources to meet areas of long-standing need, and not least those areas which for many people represent neglect by past regimes.

**Rev Dr Ian Paisley:** Mr Speaker, will you inform the Member that you call only questions that are in order and that the Minister answers only questions that are in

order. He is implying that my question was out of order. What does he know about parliamentary procedure?

**Mr Speaker:** Order. It would be difficult to accept the Member's intervention and, at the same time, rule out of order another Member's intervention on a supplementary. However, he has undoubtedly said what he has said, and it is just as undoubtedly on the record.

## Regional Rate

2. **Mr Close** asked the Minister of Finance and Personnel if he will justify the proposed increase of 8% in the regional rate. (AQO 187/99)

**Mr Durkan:** The pre-devolution spending plans announced in December 1998 depended on the domestic regional rate's being increased by 8% and on the non-domestic regional rate's being increased by 5.3%. An associated factor was the decision by the previous Secretary of State to increase spending on the water and sewerage system in order to comply with European Union standards. The Executive Committee recognises that if it were to agree a lower increase in the regional rates we would have to reduce the announced spending plans. I explained that in the Budget statement, and we decided that it would be best to accept this aspect of the inherited plans for the year ahead. The longer-term position will be reviewed next year.

**Mr Close:** The Minister, wearing his local government hat, must recognise and agree that the regional rate is one of the most detested, nebulous taxes ever enforced upon the people of Northern Ireland. I would like to think that, as Minister of Finance and Personnel, he would agree with me that this nebulous, unaccountable tax should be stopped forthwith and, if need be, replaced with a more transparent, open form of taxation so that the people of Northern Ireland could see what they were paying for.

**Mr Durkan:** First, the Minister no longer has a local government hat. That is something that has been decommissioned. Secondly, I acknowledged during questions on the Budget statement that many people are dissatisfied with the regional rate and, indeed, with the nature of the relationship between the regional rate and the district rate. The differences are not readily apparent to individual citizens, and that causes problems and concerns for local government. I also indicated in the Budget statement that we must undertake an overall review of the rating system. That will include looking at the role and nature of the rates and at the relationship between any regional rate and any district rate.

**Mr Hussey:** I am sure the Minister will agree that the increasing cost of waste disposal is a matter of concern for most district council ratepayers that is second only to the rising regional rate. A major factor is landfill tax. Will the Minister agree to investigate a full retention of

this tax in Northern Ireland to assist district councils to meet national and European requirements in this area?

**Mr Durkan:** I am not sure how directly that relates to the question on rates. It seems to relate more to district rates than to regional rates, so I am not sure how far I should go in answering it. Waste management is a particular responsibility of the Department of the Environment. I will look at any proposals that the Minister of the Environment has to try to improve the situation in Northern Ireland and will work with him on them. As yet I am not aware of any proposals to which I could give a response now.

**Mr Speaker:** I appeal to Members to keep their questions relevant. If they do not, the Minister will take a little time to answer "I cannot answer that; it is not my patch, Guv.", and there will be less time for supplementaries.

3.45 pm

**Mr McClelland:** Will the Minister agree that recent public statements by DUP and NIUP councillors in the south Antrim area to the effect that the increase in the regional rate is due to the salaries and pensions of Assembly Members are completely erroneous and misleading? Will the Minister put the record straight?

**Mr Durkan:** I confirm what the Member has said. As I said in earlier answers, the increases in the regional rate came about as a result of the comprehensive spending review which was debated in the Chamber in December 1998. That is the source of the increase, and that increase was suggested not just for the next financial year but for the following year also. We will try to review the situation in time for the year after that.

The Executive was in no position to alter spending plans significantly, and that meant that we could not alter the increases in the regional rate that we inherited. Since we worked on the figures for the December Budget we have seen that it may be possible to introduce a regional rate increase for the non-domestic sector which would be less than 5.3%. However, that will be subject to further figure work, and I will only be able to bring it about by way of a Rateable Order after discussion with the Executive Committee.

### Government Departments: Location

3. **Mr Ford** asked the Minister of Finance and Personnel what plans he has to relocate any of the 10 Departments outside the Greater Belfast area.

(AQO 103/99)

**Mr Durkan:** I appreciate the contribution which public-service jobs can make to the economic and social development of local communities, and I intend to ensure that future Civil Service accommodation planning takes that into account. There are other factors too, such as the regional planning strategy, service

delivery, new TSN, the implications for equal opportunity in the Civil Service and cost.

**Mr Ford:** I thank the Minister for his reply, but I am at a loss to know whether that was a specific answer or merely a general aspiration. However, I will work on the aspiration. Does the Minister agree that the plans currently being announced in the Republic to decentralise a further 10,000 jobs from Dublin to regional towns is a good example to Northern Ireland, and particularly to places like Derry, Omagh and Ballymena?

**Mr Durkan:** With regard to Mr Ford's last point about the Republic, I will ensure that the Department monitors developments and job dispersal in the South, and, indeed, elsewhere, to see what lessons can be learned for Northern Ireland.

With regard to the Member's observations on my earlier reply, we are working on a programme of government, and I am putting forward proposals on different aspects of my department's brief in that context. It would be premature for me to make particular commitments with regard to my portfolio, outside those which have already been agreed through the Executive Committee's programme of government. I appreciate Members' interests in this subject, interests that they will see reflected in that programme.

**Mr J Kelly:** If the Minister is considering the relocation of the Departments of Agriculture and Environment, will he take the west of the Bann into consideration?

**Mr Durkan:** I have said that we are hoping to produce a programme of government which will include an overall review of Civil Service accommodation and, I hope, a clear policy on dispersal. It would be inappropriate at this stage to talk about precise locations and the Departments or branches that may be involved in any dispersal. Obviously, those decisions will be taken on the results of that review.

**Mr Beggs:** Is the Minister aware that East Antrim has one of the lowest numbers of public-sector jobs in any constituency in Northern Ireland and that Carrickfergus Borough Council has the fourth highest rate of unemployment in any borough council in Northern Ireland? Given that, will he look closely at relocating Departments in East Antrim?

**Mr Durkan:** A similar answer is appropriate here. I accept the case that can be made about the current distribution of Civil Service jobs across Northern Ireland, in either constituency or district council terms. When this is set against the various need indicators, including unemployment and long-term unemployment, the disparities show up in quite a marked way.

However, I cannot give specific undertakings at this point to favour or target any particular location. We have to undertake the review on a sound and sensible basis first and then see if the outcome of that review meets the shared expectations of the House.

**Mr Speaker:** I will rule out of order any further questions that are simply bids from constituencies for Departments over which the Minister may have no control — that does not include the Department of Finance and Personnel.

**Mr Weir:** In any general review of the Departments, will the Minister take into account the levels of unemployment in various council areas? I am thinking of his Department — Finance and Personnel — which is in my constituency.

**Mr Speaker:** I have to rule that out of order. The Minister has responded frequently and with great patience on this matter.

**Mr McHugh:** Does the Minister agree that his review of decentralisation will be bound by the document 'Shaping our Future' and that that document works against decentralisation? What will he do about that?

**Mr Durkan:** I do not necessarily accept that 'Shaping our Future' closes the door on decentralisation in the way that the Member suggests. When, in my answer, I indicated that among the factors that we would take into account was the regional planning strategy, I meant that to imply that I regard 'Shaping our Future' as reinforcing the need for a review of our dispersal policy. The nature and terms of that review are going to be subject to Executive consideration, and there will be full consultation with the Finance and Personnel Committee as well.

### Rates: Halls

4. **Mr Poots** asked the Minister of Finance and Personnel if he has any plans to derate Orange, Black, Apprentice Boys and Ancient Order of Hibernians halls. (AQO 106/99)

**Mr Durkan:** On 15 December in answer to questions on the Budget statement, I indicated that we plan to have a comprehensive review of the rating system. This could include a re-examination of the types and scope of the rate reliefs currently available. I have no specific plans at this time to derate the institutions referred to in the question.

**Mr Poots:** Will the Minister acknowledge that many of the local halls are the only halls that are available to communities? They are used for community activities such as playgroups, and to rate these on the same commercial basis as shops is extremely unfair to the small numbers of people who are trying to keep them open?

**Mr Durkan:** I am aware of the difficulties to which the Member refers, but it is important to remember that the regional rate does make a significant contribution to public expenditure and that any derating would involve a loss of revenue. However, halls can gain a measure of relief when they are used part-time by the wider community. Some Orange and Hibernian halls double up as temporary community or village halls and do gain rate relief proportionate to the amount of time during which they are used in this way.

**Mr Dallat:** Is the Minister aware that, in addition to the reasons given for derating, divine intervention is sometimes used? In other words, if a hall is used for organised religious services, that has a great influence on the rates that are paid.

**Mr Durkan:** I am not quite sure how to take that. If the Member wishes to give me more information, I will consider it fully in the context of any review of the rating system to make sure that it is fair and effective and reflects the needs and values of the properties we are talking about.

**Mr Paisley Jnr:** Does the Minister accept that by derating Orange and other halls he would be acknowledging the vast contribution that is made by the organisations that use them to the voluntary sector and to society in general? I encourage him to do so.

**Mr Durkan:** As I have said, under the current system some halls gain a measure of relief that is proportionate when they are used part of the time by the wider community. If, given representations made to us, we formulated a general policy for derating, that would have revenue consequences for us.

### Public Expenditure: Barnett Formula

5. **Mr Leslie** asked the Minister of Finance and Personnel if he expects the Barnett formula for funding public expenditure to be applied in Northern Ireland. (AQO 130/99)

**Mr Durkan:** No one should be under any illusions about the fact that the Treasury intends to apply the Barnett formula to Northern Ireland, Scotland and Wales as set out in the document entitled 'Funding the Scottish Parliament, National Assembly for Wales and the Northern Ireland Assembly — A Statement of Funding Policy'. That was published in March 1999, and there is no indication of any different intent on the part of the Treasury.

**Mr Leslie:** I think the Minister will agree that rigorous implementation of the formula will tend to squeeze the public sector in Northern Ireland over time. In view of this gloomy prognosis, what implications does he think this will have for the Treasury's next three-year spending plan?

**Mr Durkan:** As the Member has said, the Barnett formula applies to Northern Ireland a percentage share of UK expenditure. Clearly, that will create a convergence in per capita spending, and that would disadvantage some of our spending programmes, which traditionally have had a higher per capita spend than comparative programmes across the water. In the coming months we will prepare our own programme of government and spending review in the context of factors that emerge from the Treasury's new spending review. I warn Members that the Treasury will not be an easy hit for all the special cases that we may want to make or feel deeply about. Our best persuader of the Treasury about anything will be our performance as a regional Administration.

**Mr Maskey:** Thank you a Chathaoirligh. I have spoken to the Minister about this matter and appreciate that these are early days, especially for Ministers. Given the commitments under the Good Friday Agreement and the fact we have a new target for social need, has the Minister considered how the Barnett formula will relate to the New TSN?

**Mr Durkan:** The Barnett formula sets the overall Northern Ireland block, and we have discretion in managing Northern Ireland's share across the different programmes. The First and Deputy First Ministers have responsibility for New TSN in the sense of ensuring that the Administration properly applies its principles, aims and ambitions when making the various departmental plans. Under the arrangements and proposals for New TSN, the Department of Finance and Personnel is committed to assisting Departments to target resources properly to match social need and to come up with the best indicators to evaluate the effectiveness of our performance.

### European Union Programmes

6. **Mr Byrne** asked the Minister of Finance and Personnel if he will update the Assembly on the implementation of European Union structural programmes and European Union special programmes and if he will make a statement.

(AQO 163/99)

4.00 pm

**Mr Durkan:** All of the 1994-99 European Union structural programmes are fully committed to projects. The single programme and community initiative programmes are worth some £994 million, and the

special programme is worth about £289 million. Work is under way on the 2000-06 round of European Union support, which will earn Northern Ireland some £940 million, and the Executive is currently considering its proposals for negotiations with the European Commission on this.

**Mr Byrne:** I thank the Minister for giving the figures involved in the last round, and I look forward to the new round. Will the Minister enlighten the House on the possible mechanisms for delivery of the new European Union programmes in the next round, and does he accept that the district partnership approach, involving wider social partners, has been very beneficial for local decision making? Finally, can the Minister enlighten us on how INTERREG III is progressing?

**Mr Durkan:** In the context of "peace II" we will ensure that it is made as accessible as possible. Since "peace II" funds consist of taxpayers' money, we have to ensure that all the funds can be accounted for and that they are used for the purposes intended.

One aspect of the "peace I" programme that was successful was its accessibility, and particularly so on the range of delivery mechanisms that was used, including, as the Member has said, the local delivery mechanism through partnership boards.

Devolved delivery mechanisms will continue to have a very important role to play in the implementation of "peace II", but at this stage it is not possible to say what organisations will be involved and what specific shape it will take. I will write to the Member with further details when they have been agreed at Executive level, and I will let him have the details he has requested on INTERREG III.

**Mrs Nelis:** Go raibh maith agat, a Chathaoirligh.

Will the Minister also write to me about the future dispersal of funding through the district partnerships?

**Mr Durkan:** People should not approach "peace II" purely on the basis of the funding to district partnerships. "Peace II" will be structured differently from "peace I", given that different priorities were set when the bid was made. Comparisons should not be made purely on the basis of what went before.

**Mr Speaker:** The time for questions is up.



## POINTS OF ORDER

**Mr Speaker:** I shall respond to one or two issues, which arose in points of order.

Mr Kennedy raised a question, and I took it upon me to assume that it was to do with the fact that during Question Time the Minister of Health, Social Services and Public Safety responded in both English and Irish. Whether I made that judgement as a psychiatrist or as a result of the ambience in the Chamber, I will leave to him to decide. Unfortunately he is not in his place, but I will take the issue up.

Mrs Iris Robinson raised some questions in respect of Members' interests with regard to Mr Benson. I have made some preliminary checks but have more checks to make before I will be able to respond to her.

Dr Paisley had a point of order that I did not permit him to make earlier. I wish to emphasise that I have decided to take points of order at the end of ministerial questions; if we were to take them during Question Time, the time we are allowed under Standing Orders would be cut.

**Rev Dr Ian Paisley:** I understand that, but when Barbara Brown — the English for de Brún — was addressing the House, it seemed to me that she was showing contempt for the House. As you are very well aware, a Member trying to impede the progress of the House by using language and repetition and by acting in a way that wastes time is contempt of the House. Today the Minister took a very long time even to respond, and she seemed to have some difficulty in standing. When she did stand at the Box, she had difficulty finding the relevant file. Then, when she came to read the file in Irish, she seemed to stumble over the pronunciations and hesitate for quite a considerable time — even when she was speaking Irish. On one occasion, when she was speaking in English, she stopped altogether and seemed to be lost for words.

Instead of the Member concerned knowing the answer, there was nothing but confusion. If we are to have another Question Time like the one we have had this afternoon, some of us will not tolerate it. Such behaviour is contempt of the House and does not show that she is carrying out her vow to take forward the business of the House. Our business has definitely been hindered today.

I know, Mr Speaker, that your attitude is that if Members are aware of parliamentary procedure they should be harshly dealt with — and you deal with me harshly. It would be totally unfair for the House to have another performance similar to the one we have had today. It is absolutely intolerable.

**Mr Speaker:** The Member has raised issues which are specific problems that we must address. The language question is such an issue, and if we espouse the means for dealing with it as decided on 1 July 1998 for questions, we clearly have a problem. I accept that, and it is my belief that that is what Mr Danny Kennedy was addressing. In order not to use up any more time I said that I would address the issue, and I will do so.

It is not only here that Members take some time to respond to questions, as the Member will be well aware. It was taken to extremes in the Dáil, and the Ceann Chomhairle had to introduce very strict regulations which require that, if a Minister extends his answer beyond a certain length of time, the remainder of the answer is not given orally but in writing in Hansard. However, the incident which led to that was substantially in excess of anything that has happened here today.

Last week, at Westminster, a Minister took 11 minutes to give a response. The House did not regard that as a proper response, and the Speaker dealt with the matter. I suspected that the Member would ask this question, and I have already checked the figures. We had responses to 10 questions on health, seven questions on education and six questions on finance. More questions were answered, therefore, on health.

The Member has stated that there was contempt of the House. I advised the House before we began that there would be a suspension because the Minister had fallen ill. I had no reason to suspect that that was not the case, and the Member might consider that some of the hesitation and delay to which he referred was not so much a matter of the Minister's not being prepared to be courteous and respect the House but rather that the Minister was doing her best to give answers to the House while not feeling well.

We now move on to another question of health, and we should do so promptly, otherwise the remaining time will be shortened.

**Mr McGrady:** On a point of order, Mr Speaker. Is it your intention to have advance notice from Ministers that they intend to group questions together and to have such groupings highlighted on the annunciator or otherwise communicated directly to Members? It can be confusing if Ministers unilaterally declare that they intend to group questions together.

**Mr Speaker:** Shortly before the Assembly meets I am given suggestions for the grouping together of questions so that I can check whether such groupings are reasonable. If they appear reasonable, I permit them. So far as I know, it is not the practice in other places to announce in advance the grouping together of questions.

I believe that the Member is suggesting this for the convenience of Members who would choose to be absent from the Chamber, even when their questions have been tabled. I am not saying that this is the case with the Member himself.

However, this is not an unreasonable suggestion, because there were some Members whom I invited to ask supplementary questions who were not here, even though their questions were being responded to. I do not believe that this suggestion can be implemented, but I will consider the matter.

**Rev Dr Ian Paisley:** On a point of order, Mr Speaker. You have told the House that in another place questions are not listed. They are indeed now listed on the monitor in the House of Commons. It is also stated whether they are to be taken together.

**Mr Speaker:** It may well be that that is now the case. It certainly was not the case at one time. I am a less frequent visitor to that end of the building, just as the Member is a less frequent visitor to the other end. Thus it is hard for us to keep up to speed with each other.

**Mr Kennedy:** Further to the earlier point of order which I raised, may I congratulate you for accurately predicting my concern. However, that concern has not yet been addressed. I find it most unsatisfactory that any Minister can come to answer questions and waste time giving an answer in one language, only to give what is presumably the same answer in English. This is clearly unsatisfactory, and I suggest —

**Mr Speaker:** This is quite out of order, as I have already said that I am taking the matter up. The point of order cannot be answered immediately since there are various ways in which it could be responded to which would have financial and other implications. I cannot take that matter any further at the moment.

**Mr Paisley Jnr:** With regard to the way in which the Minister grouped the questions, I would like you to consider carefully how she selected seven of the 10 questions which she answered. May I draw to your attention that seven of those questions were drawn from Members of either her party or her side of the House? It was a quite deliberate attempt to shelter herself from proper probing by this Assembly. If she is unfit —

**Mr Speaker:** The Member speaks more out of suspicion than from knowledge of how the system works. The choice of questions and the order in which they are dealt with are decided by ballot. It is a random matter, and not one decided by me. The grouping is done on the basis of reasonable subject matter. That is how the question is addressed.

**Mr P Robinson:** When you consider these issues the key matter which should be in your mind is this: while a Member who speaks in two languages during a debate

is using up his own time, if he speaks in two languages while answering questions he is using up our time.

**Mr Speaker:** The Member is absolutely correct. It will clearly have to be part of the consideration, which I cannot promise will be completed by next week when the next Question Time is scheduled. It will, however, be dealt with as soon as possible. The reason for that is quite clear. As soon as one is dealing with more than one language, one enters into the question of simultaneous translation, which cannot necessarily be “magicked up” overnight. Bringing it into commission may not be quite as difficult as decommissioning weapons, but it nonetheless takes a little time.

We really must move on to the debate. It would be quite unfair to those involved if we shorten the time available. I shall take one last point of order from Mr Dodds.

**Mr Dodds:** I should like to correct something you said earlier and put it on the record accurately. You said that the Minister of Health had answered 10 questions and that the Minister of Finance had answered six. This is somewhat unfair, for he dealt with six separate questions. The only reason you can say that the Minister of Health answered 10 is that seven of them were grouped together. In terms of separate subjects, she actually dealt with only three.

**Mr Speaker:** That is not a point of order at all. The Member knows very well that there is a range of issues to do with supplementary questions that are asked by Members whose questions are taken together, and so on.

We shall now proceed to the debate.

**Mr McCartney:** I should like to make a point of order about the debate which is about to take place. If I do not make it now I will not be able to make it at all.

**Mr Speaker:** I shall take the point of order on this debate.

**Mr McCartney:** I am grateful. In view of the fact that the time for this debate has been shortened — and presumably you had a list of those wishing to speak — can you now say for how long individual Members will be able to speak?

**Mr Speaker:** Thank you for bringing that matter to our attention. The Business Committee agreed with me that the Member moving the motion would have 10 minutes and that all other Members would have five minutes. There is the possibility, if the Minister were present, of her winding up for about five minutes before the end. The proposer would also have a chance to wind up: Since that agreement, a competent amendment has been put down, so the individual who moves the amendment will have five minutes for that and five minutes to wind up before we move to the vote.

## MATERNITY SERVICES (BELFAST)

4.15 pm

*The following motion stood on the Order Paper in the name of Mrs I Robinson:*

This Assembly endorses the decision of the Health, Social Services and Public Safety Statutory Committee to locate maternity services in Belfast at the City Hospital.

**Mr Maskey:** On a point of order, Mr Speaker. I want to raise the matter of the competence of this motion. The motion states

“This Assembly endorses the decision of the Health, Social Services and Public Safety Statutory Committee to locate maternity services in Belfast at the City Hospital.”

As I understand it, the Committee cannot decide to locate anything anywhere. I fail to see how this Assembly can endorse a decision which cannot be taken in the first place and which certainly cannot be taken by that particular Committee.

**Mr Speaker:** As the Member is aware, when the motion was tabled and agreed to by the Business Committee, the Health Committee had made a decision. Subsequent to that, and subsequent to the publication of the Order Paper, the Minister made a decision. It would not have been possible, at that point, to withdraw what was a reasonable and competent motion.

One could have some debate about the precise wording of the motion. There are clearly issues of competence, not solely in relation to the motion but in relation to decisions that will be the subject, to some extent, of the amendment. It was not unreasonable for the motion to be regarded as competent when it was tabled, agreed to by the Business Committee and put on the Order Paper. Subsequently, a ministerial decision was made and an amendment put down which addresses that ministerial decision. In that context it is appropriate for the Assembly to debate this, and that was agreed to by the Business Committee.

**Mr Maskey:** Further to that point of order, Mr Speaker. The Health Committee cannot decide to locate anything anywhere. It may decide to recommend, but it cannot decide to locate. It does not have that power. I want that established for the record.

**Mr Speaker:** For the record, it is not for the Speaker to give such a ruling. The Speaker gives a ruling on matters inside the Chamber. The Member is speaking about legal matters — potentially, constitutional legal matters — outside the Chamber, and I cannot give a ruling on them. This is completely unfair to those who will move the motion.

**Rev Dr William McCrea:** On a point of order, Mr Speaker. Are certain Members of the Assembly

entitled to be on their feet while you are speaking when others have to sit down?

**Mr Speaker:** It does not seem to me that it is only Members on one side of the House who try that one.

I call Mrs Robinson.

**Mrs I Robinson:** I beg to move the following motion:

This Assembly endorses the decision of the Health, Social Services and Public Safety Statutory Committee to locate maternity services in Belfast at the City Hospital.

At the outset may I establish that the Health Committee knew, throughout its deliberations, that the Royal and the Jubilee maternity hospitals both have outstanding records in providing the best possible care for mothers and babies. Additionally, may I remind the Assembly of the McKenna Report, which specifically examined, in minute detail, the factors governing the best location for maternity services in Belfast. This investigation was rigorous and took approximately nine months to evaluate. McKenna found in favour of the Belfast City Hospital, and the then Minister, Malcolm Moss, endorsed this view. Following intervention and predictable outcry from west Belfast politicians, Mo Mowlam was prevailed upon to institute a further review.

Although seriously lacking, in respect of the clarity of its terms of reference, the Donaldson review generally endorsed the recommendations of the McKenna Report with one exception — the location of the new maternity hospital.

We are all aware how “meddling Mo Mowlam” reversed the original decision only to find herself successfully challenged in the High Court on that. This led to the issuing of a further consultative document, which only added distortion to confusion. It was clear that, ministerially, the only desired political result was to be a west Belfast Hospital to satisfy Nationalist west Belfast.

Then came the Assembly and the appointment of the Health, Social Services and Public Safety Committee to consider all aspects of this matter on its behalf, and in the best interests of all the people of Northern Ireland. Following the most intense, deliberate and conscientious investigation, we arrived at our conclusions and reported our view accordingly.

Let us be absolutely clear about what we reported. We agreed unanimously that the best solution was a new maternity hospital: a centre of excellence. We were forced to accept that, in the meantime, services would be combined temporarily on the Royal Victoria Hospital (RVH) site. This was because paediatricians at the RVH had withdrawn their support from junior doctors at the Belfast City Hospital (BCH) and because work was due



to commence in April to build a new cancer unit on the Jubilee site.

As a Committee, we were in favour of siting the new hospital on the BCH site. Two thirds of the Committee voted for this option. We arrived at this decision honestly, on the basis of what we considered to be in the best future interests of all the women and children of Northern Ireland. We gave the greatest weight to a consideration of clinical aspects and medical opinion. We were amazed when the Minister's statement suggested that her decision had been made on clinical grounds.

Let us consider the medical opinion. The clinical arguments in favour of the BCH site are irrefutable. Established practice throughout the United Kingdom requires obstetrics, gynaecology and neonatal services to be combined on one site. The Royal College of Gynaecology has clearly spoken of the need to keep maternity and gynaecology services together. All medical opinion agreed that, as we plan for a new century, a regional centre of excellence for the care of women is the answer to our present and future needs. This centre should combine on one site the full range of services: genetics, maternity, prenatal, fertility, gynaecology and cancer services, all centred on the specific needs of women.

Like the medical experts, our Committee considered all the criteria by which the centre of excellence was to be judged. We acknowledged that the clinical requirements could best be met at the BCH site. Additionally, we concluded that it would be safer for women, being directly linked to the tower block, to have direct access to acute and intensive care facilities, including computerised tomography (CT) scanning for babies. This combination would enable the *in vitro* fertilisation (IVF) unit and the genetic research facility to be on the same campus as well.

On the matter of accessibility for those using and visiting the hospital and from the point of view of centralising midwifery services, BCH was also the choice. Some in this Chamber may not like to face this, but there is a chill factor at the Royal. Sixty per cent of women surveyed in Belfast are reluctant to go to west Belfast to attend the Royal — that is a matter of fact. The Lisburn Road site is more attractive, given its close proximity to road and rail transport. Our decision was not arbitrary. We considered the issues and the facts. As a permanent solution, the RVH met none of the considered criteria. It is an acceptable site only as a short-term, interim arrangement.

**Mr Shannon:** Does the Member agree that this is an example of what we, as a party, predicted? The Minister has overruled her Committee, in this case the Health, Social Services and Public Safety Committee, but the same will probably happen to the Education Committee. Does the Member therefore agree that decisions taken

by the Sinn Féin Ministers have been and will be politically motivated and will disenfranchise the Unionist people in this Province?

**Mrs I Robinson:** I agree. Unfortunately, I have no great faith in Sinn Féin/IRA's ever taking a holistic approach.

That was the conclusion of the Committee. The seven-to-four majority came as a result of genuinely democratic procedures followed by people who had considered all the advice and information available. It was a cross-party majority. We were sure that the BCH site would be best for mothers, babies, staff and visitors and best too from a long-term financial point of view, although that was not our main priority.

It was the clear majority view that no substantial clinical case can be made in favour of the Royal. In relation to the Royal's suitability as the site for a new maternity hospital, my contention is that it may be possible for those who have examined the clinical arguments to make a successful legal challenge to the Minister's decision.

The behaviour of the Royal's paediatricians in this matter has been a serious cause for concern. Their behaviour was unworthy of people in their profession, and if not illegal it was shameful and unethical.

Many members of the Health, Social Services and Public Safety Committee have expressed disappointment and even anger at the role played by the Committee's Chairman following the Committee's decision to support the BCH site. When a Committee takes a democratic decision it expects its Chairman to articulate that position or remain silent. Not only did he not fulfil the role of Chairman and argue the Committee's case; he sought to undermine his Committee by advancing his personal, partisan opinion. This behaviour is unworthy of him and renders the role of Chairman meaningless and farcical. If a Chairman is not speaking for his Committee, he is a Chairman without standing and authority.

I have looked at the amendment in the name of Dr Esmond Birnie. It seems to deal only with the procedure adopted by the Minister in taking her decision; it does not question the decision that she made. The purpose of the motion in my name is for the Assembly to declare itself in support of the City Hospital option. I cannot therefore support the amendment, which evades the issue, although I agree that the manner of the Minister's announcement was totally unacceptable.

I now turn to the Minister of Health, Social Services and Public Safety. It is self-evident that her announcement was brought forward to pre-empt the debate in the Assembly today. In her headlong rush to avoid the Assembly's endorsing the Committee's decision and



thus adding to the weight of opinion in favour of the City Hospital, she jettisoned every recognised procedure for communicating her decision to those directly, and indirectly, involved, and that calls the integrity and professionalism of the Minister and her staff into question. To my mind, the Minister behaved in an unforgivable manner by failing to inform the Health, Social Services and Public Safety Committee of her decision before the announcement was made to the media. The Committee was snubbed, but just imagine how the staff of BCH must feel, having been disregarded in this way. The fact that she had neither the decency nor the manners to come and face the Committee is indicative of a lack of moral courage on her part.

Did she make the decision or was she instructed by her party and its associates to make the decision?

In any event, it is my considered opinion that her conclusions were based on narrow political interest.

**Mr Speaker:** I am afraid that your time is up.

**Mrs I Robinson:** With the intervention, may I just take —

**Mr Speaker:** I am afraid not. The intervention from a Colleague was taken by choice. I must ask the Member if she begs to move the motion.

**Mrs I Robinson:** It is the view of the great majority of people throughout the Province that a west Belfast Minister made a decision in favour of a hospital in west Belfast —

**Mr Speaker:** Order.

**Mrs I Robinson:** I seek support for the motion.

**Dr Birnie:** I beg to move the following amendment: Delete all after “This Assembly” and add

“ , recalling that the Belfast Agreement provides for key decisions to be taken on a cross-community basis, rebukes the Minister of Health, Social Services and Public Safety for not raising the question of maternity provision in Belfast with her ministerial colleagues, for not consulting properly with the Statutory Committee, and for attempting to pre-empt consideration of the matter by this Assembly, and calls on the Minister to bring the issue before the Assembly in a proper fashion.”

I move this amendment because there is a matter of great procedural importance in last week's decision by the Minister of Health, Social Services and Public Safety. It is even more important than the question of the location of the hospital, important though that is; and I agree with the majority view of the Health, Social Services and Public Safety Committee on that matter.

The question at stake today is this: are Government arrangements going to work to the benefit of all the people of Northern Ireland or will they simply degenerate into narrow partisanship?

4.30 pm

First, let us look at the timing of the Minister's decision and her announcement. There was an unseemly rush to pre-empt today's debate.

Secondly, her decision overrode the Committee's clear, majority verdict, and insult was added to injury in that most of the Committee members, other than the Chairman, only heard of her decision through the media on Thursday morning.

Thirdly — and this is equally damning — this was an Executive decision taken by the Minister, but not brought before the Executive Committee. Many Members have a strong suspicion that the Minister and, indeed, her party came to this issue of the Royal or the Jubilee with their minds already made up.

Has the Minister adequately discharged all the responsibilities of her office? I would point to the Belfast Agreement, to the terms of the Minister's pledge of office and to the code of conduct, whose provisions relate to equality, to the prevention of discrimination and to good community relations. I ask whether having a large maternity hospital at the Royal, a second, relatively-small one, at the Mater and a third, medium-sized one, at the Ulster Hospital for all of Belfast is compatible with the terms of the Belfast Agreement that are to do with equality, the prevention of discrimination and good community relations.

To recap, there are clear and important issues of precedent that we want to resolve this afternoon. First, should the Minister have consulted with, and informed, her Executive colleagues? Secondly, in the event of a conflict between a Minister and his Committee, should it become standard practice to attempt to resolve that internally by allowing the Committee a longer period for research, reflection, deliberation and, indeed, a further vote? Thirdly, if the Minister and the Committee cannot resolve a matter internally, should it be brought before the House to enable the Assembly to offer its opinion and guidance?

In all of this, there is a striking, massive and, indeed, sad irony: we have a Health Minister, indeed, a Sinn Féin Minister, who has replicated all of the worst neo-colonialist and unrepresentative features of direct rule. It is an irony worthy, perhaps, of George Orwell's ‘Animal Farm’: yesterday's self-styled radicals and revolutionaries have, through their style of decision making, become the reactionaries and oppressors of today. I urge the House to support the amendment.

**Mr Speaker:** The Minister will have to respond to both the amendment and the substantive motion — and they address slightly different issues. The maximum time that will be available to her will be 10 minutes — five minutes in respect of each.

**Dr Hendron:** We want to discuss, in a very serious way, what is best for mothers and babies in Northern Ireland. All of our people are entitled to the best service. We are talking about a regional hospital service for Northern Ireland: maternity services for Belfast, but a regional service for Northern Ireland, and I want to put great emphasis on that. If we were just talking about Belfast, we could toss a coin between the Royal or the City. But we are talking about a regional service for Northern Ireland; we are talking about a regional neo natal unit for Northern Ireland to care for sick or premature new-born babies; and we are talking about a regional paediatric service for Northern Ireland. There is only one major regional paediatric hospital in the North of Ireland, and it is not my fault if that happens to be in west Belfast.

**Mr Paisley Jnr:** Will the Member give way?

**Dr Hendron:** I would give way, but I have been informed that I have only a few minutes left.

To give mothers and babies the best regional service, all three of the services that I have just mentioned should be together if at all possible. There is only one site in the North of Ireland where that is possible, and that is the Royal site in west Belfast, which contains the regional neonatal unit and the Royal Belfast Hospital for Sick Children.

The decision on this matter must be a clinical one. As a public representative, but more importantly as a doctor, I have led this discussion for the past five to six years, and my endeavours have included an Adjournment debate in the House of Commons and many meetings with previous Ministers.

I am not canvassing for votes in west Belfast or anywhere else. The only issue here is a clinical one. It is a question of what is best for mothers and for sick or premature, newborn babies throughout Northern Ireland — not just those in Belfast.

I have a profound respect for the City Hospital and the Jubilee. I worked in the Jubilee many years ago, and recently the Minister of the Environment, Mr Sam Foster, when he was spokesperson for the Ulster Unionist Party on health issues, and I led, in a political context, the promoting of the City Hospital as a top cancer unit. I believe that it will be one of the best in the world, and we have had meetings with Dr Ric Klausner from the United States cancer unit at Bethesda, Maryland.

I listened carefully to Mrs Robinson, and, as Chairman of the Committee, I am embarrassed, and I apologise. I realise that it is a great honour to be Chairman of the Health, Social Services and Public Safety Committee, but one must adopt the maxim “To thine own self be true”. Members of the Committee will accept that at the very beginning I informed them that this issue was coming up and that I had to go along with

what I had been doing for years on clinical grounds. I thought that they understood and respected that. I certainly respect the decision of each member of that Committee. I offered to stand down temporarily when it came to the discussion on maternity services, but they kindly did not accept that.

Members mentioned timing and how we were informed by the Minister. Last Wednesday the Committee had a marathon meeting that lasted from 2.00 pm until after 6.00 pm. It was not about maternity services, but during it I received a note asking me to phone the Minister. The note did not say “urgent” or what it was about. I came out of the room at about 6.15 pm, had a cup of tea and phoned the Minister at approximately 6.50 pm. The Minister gave me the information on her decision.

At that stage some Members were still around, but others were en route to various parts of Northern Ireland. It was difficult for me to inform all of them because I did not have their telephone numbers, but I take some blame for that and apologise to my Committee for it.

It would have been helpful if the Minister had sent somebody, such as the permanent secretary, or had come herself, even for five minutes, to inform the Committee of the decision. There was a breakdown in communication.

Malcolm Moss made a decision, and the Donaldson Committee of experts was set up. There were no experts on the McKenna Committee on sick, newborn babies, and every paediatrician in Northern Ireland supports the points that I have made.

**Mr Speaker:** Order. The time is up.

**Mr J Kelly:** Go raibh maith agat, a Chathaoirligh. I come from a rural constituency, and my only disappointment is that, while Belfast has a choice of two sites, people west of the Bann have no site to choose. There is no doubt that both the Royal and the Jubilee provide excellent maternity services, but both the Minister and the Committee agreed that a new facility should be built to house the combined maternity units. The key question, a Chathaoirligh, was where the new hospital should be sited.

The Minister selected the Royal because maternity services would be adjacent to the Royal Belfast Hospital for Sick Children and to the Royal's accident and emergency department — both very serious medical considerations. The Minister has again been accused of making a political decision because the Royal is in her constituency.

As Joe Hendron said, the Royal is also in his constituency, but he was not canvassing votes in west Belfast for the Royal. No matter what decision the Minister came to take, she would be damned if she did,

and damned if she did not. I am quite sure that her decision was no more politically motivated than the decisions of those who voted against the Royal — that is if the latter was politically motivated at all, which I doubt.

Wednesday's decision concluded years of wrangling, not only over future regional services but, more critically, over where those services should be located or relocated. The 1996 McKenna recommendation that the Royal and the Jubilee should be closed and relocated on two floors of the City block caused an unprecedented campaign to be waged by medics, residents, politicians and trade unionists.

The debate about the siting of maternity services has been long and acrimonious, embroiling no less than five health Ministers, thousands of residents, and scores of gynaecologists, obstetricians and paediatricians from as far away as America. Wednesday's decision concluded those years of wrangling, and the Minister pledged, on taking office, that any decision she made would be made on professional grounds, in this case putting the care of mothers and babies first. The Minister has carried out her promise to the nth degree and should be congratulated for the forthright way in which she has approached this matter rather than being belittled for making a decision that people have been crying out for for years.

Professionals, nurses, doctors, obstetricians, gynaecologists, politicians and the public all have an overriding responsibility to ensure that the Minister's decision is implemented with all the professionalism and resources that expectant mothers, their unborn children and newborn children deserve and about the future of this part of the island.

**Mr McCarthy:** It is unfortunate that we do not have more time to deal with this very important subject. Had it not been for points of order from Members who should know better, we would have had more time.

I congratulate the Minister, whatever her party. For years we have been shouting for devolution in this part of the world. At last we have accountable democracy and, whether we like it or not, we have someone who has had the courage to make this decision. Previously we had Northern Ireland Office Ministers who did not have that courage.

It is clear to the Alliance Party that the Royal Maternity Hospital and the Jubilee Hospital are both centres of excellence with worldwide reputations. Both sites offer a full range of high quality obstetric and gynaecological services, with back-up from intensive care and other services.

It would be easy for my party to back the City Hospital to serve constituency interests. However, the Alliance Party has decided to follow the clear balance of

opinion among medical professionals and support the Royal as the best site for the regional maternity unit. Therefore we cannot back the motion. There is a number of reasons for regarding the Royal as the better regional maternity site, but the existence of a full range of specialised paediatric services on the Royal site must be regarded as the decisive factor. For that reason the better option for centralised maternity services in Belfast is the Royal site, adjacent and connected to the Royal Belfast Hospital for Sick Children.

The opinions of and evidence from domestic and international experts support the concentration of maternity, neonatal and paediatric services there.

Speed is very important when complications arise with a newborn baby. Transport from other hospitals adds time and can create further complications. Most women who will give birth at the Royal will not need paediatric services, and not every birth will be at the Royal, as it mainly serves Belfast.

4.45 pm

However, it makes sense to try to maximise the number of births with easy access to specialised paediatrics. Article 3 of the United Nations Convention on the Rights of the Child states that any decision affecting an individual child or children should be taken with their best interests as the most important consideration.

Mothers want, need and, indeed, have the right to be near their sick children, and if maternity services were not centred at the Royal, more mothers would be parted from them. Women require a service that makes them feel safe and in control, a service that lets them choose the type of care best suited to them and their babies. Regional and national policy and guidance for maternity and related services all emphasise the need for women-centred care, continuity of care and choice.

There is a full range of gynae services on both the Royal and the City sites. Both offer a wide range of methods of childbirth. In short, the current services at the City and the Royal are not just women centres but women-centred. A women-centred service is not a building but an ethos, and it should be possible to create a regional maternity unit which combine the best in the ethos of both the current services.

It should also be borne in mind that there are plans for a new cancer unit on the Jubilee site. If this does not go ahead, there will be knock-on effects on the treatment of cancer throughout Northern Ireland. Surely we should be most concerned about this.

Before concluding, I want to make some points on how this issue is being handled and the politics involved. First, the motives of those proposing the motion are not entirely clear. Are they doing this



because they are convinced of the medical case for the City, or are they doing this to embarrass the Minister simply because she is from Sinn Féin?

Secondly, some parties are seeking to portray this as a clash between the interests of women, babies and children. That is totally misleading and out of order. Surely the interests of women and children are inextricably linked.

Finally, the decision of the Health Committee was hardly clear-cut: some people are arguing that the vote was cross-community. The evidence for this hardly adds up. The vote was seven to four.

**Mr Speaker:** Order. The time is up.

**Mr Boyd:** This debacle is further discrediting this fundamentally flawed process of government. In spite of claims by some Members, including the last Member who spoke, that each Minister will be brought to account for his actions, the reality is that we have had the very opposite graphically demonstrated in recent days by the Sinn Féin Health Minister. Not only has she ignored the wishes of the Health Committee, but she did not even inform its members of her decision.

The reality is that the Ministers are accountable to no one in the Chamber. The sole function of the Scrutiny Committees under Standing Order 45(1)(a) is to advise and assist Ministers in the formulation of policy. Even if 107 Members in the Chamber were to vote today to reject the Sinn Féin/IRA Health Minister's decision on maternity provision, we would be unable to change that decision. We cannot remove any Minister, even if he or she is deemed unacceptable, because political expediency dictates that the necessary cross-community consent will never be forthcoming.

The Belfast Agreement has therefore given full executive powers to members of Sinn Féin/IRA in the areas of health and education over the citizens of Northern Ireland without their being accountable in any way. The Sinn Féin/IRA Minister has already been censured by the Assembly. How some Ulster Unionists claim, therefore, that Unionists have gained from the Belfast Agreement defies logic. Dr Birnie's amendment talks of the Belfast Agreement's providing for key decisions to be taken on a cross-community basis. Obviously this concept is either a fanciful theory or maternity provision is not regarded as a key matter, which is rather alarming.

Perhaps the Ulster Unionist Party is now starting to realise that the Belfast Agreement is fundamentally flawed. One of its so-called principles is that of consent. This is no more than a mythical aspiration. We hear the expressions "transparency", "accountable democracy" and "consent". They are all loosely used, and no doubt we are going to witness more abuse of power in favour of Nationalist areas and Nationalist constituencies,

particularly when it comes to health and capital expenditure on schools.

I recall that the Education Committee was also left completely in the dark about recent decisions, but let us examine the abuse of power by the Sinn Féin/IRA Health Minister. I quote her words from page 2 of a recent edition of 'Andersonstown News':

"The Falls Road Hospital held a special place in the hearts of west Belfast people. I wholeheartedly believe that the Royal is a crucial part of the economic and social fabric of west Belfast and I want to ensure it remains so."

My party's decision not to participate in the scrutiny Committees has been totally vindicated. Even the Chairman of the Health Committee has been discredited. It is widely accepted that a chairman in any walk of life acts with impartiality and fairness. However, I was surprised and saddened to hear the Chairman of the Health Committee, Dr Joe Hendron, put on his party political west Belfast hat and publicly be at variance with his Committee and even with one of his party's Assembly Members.

As someone who met with the previous Northern Ireland Office Health Minister, Mr John McFall, prior to devolution, who met with members of the Jubilee Action Group and who made a submission to the Department of Health last year during the consultation process, I want to highlight some important points.

There will be the loss of the ethos of the Jubilee Maternity Hospital. It would be much easier to preserve the ethos of the Jubilee if both maternity units moved on an equal footing into a new hospital, rather than having the Jubilee merged with an existing facility. There will be the loss of maternity services in south Belfast. In 1997 there were 2,668 births at the Jubilee Maternity Hospital, and mothers came from areas such as Belfast, Castlereagh, Lisburn, Ards and Downpatrick as well as from areas covered by the Northern, Southern and Western Boards. The Royal Maternity Hospital had only a slightly higher number of births for the same period — 2,896. I live in Newtownabbey, and my two children were born in the Jubilee, and many mothers from the Northern Board area go to the Jubilee too.

There is also the vital issue of security force members and their families, who continue to be particularly vulnerable when travelling to the Royal Victoria Hospital. There is evidence that 60% of Jubilee mothers will shun the Royal and opt for the Mater, Lagan Valley and other hospitals.

There will be a lack of impetus for a new hospital once amalgamation has taken place. If the Jubilee is closed an excellent maternity service will be lost, and any leverage on the Department of Health to press ahead with the promised new hospital will be gone. Is the necessary funding available? How will it be found?



What other services will suffer in order to find the necessary funding?

The proposed amalgamation amounts to a cut in services and will reduce the current high standards of care which both hospitals provide. Even if money did become available, it would still be a number of years before a hospital could be built, and that is totally unacceptable to women who will be expected to accept an inferior or overcrowded service in the meantime. The view that at least £15 million of private investment will be required to fund a new maternity hospital will cause alarm. According to Dr Peter McFall, one of the Province's top gynaecologists —

**Mr Speaker:** Order. The time is up.

**Ms McWilliams:** I do not intend to go over the lack of consultation and communication. I have no doubt that at the Health Committee meeting on Wednesday these issues will be gone into in some considerable detail, as they should be. I was concerned about the lack of consultation with members of the Health Committee and, indeed, with those of us who represent the constituency that is affected by the decision to close the maternity hospital. We should have been consulted more fully. I have already made the point that under direct rule we might have been. I called an informal emergency meeting of the Committee on the Thursday to clear up the lack of proper decision-making because I was concerned that rumours about who knew what and when during the previous evening were flying around and needed to be cleared up. I remain concerned that the press was informed before Members.

I now turn to the debate on clinical effectiveness. On the matter of maternity services, when the hospital in Tyrone was closed did not every Member say "Wait until we have locally elected, accountable Members of the Assembly, and then we will decide who makes these decisions."? Will it be the Royal College of Paediatricians, or will the issue come to the Assembly for a decision? This elite group — the Royal College of Paediatricians — has made the decision for us. Why are we sitting here when we can simply go to the Royal College and ask "Where would you like all the hospitals to be in the future?"?

It comes down to one paediatric surgeon being recruited. Because that paediatric surgeon has not been recruited, there is going to be an interim move of 3,000 mothers to a hospital on the Royal Victoria site. As I said before, two old hospitals into one old hospital will not go. The brave decision would have been to keep both hospitals open, to have stood up to the Royal College and to have told it to come to the Committee and give its evidence. To obtain the Royal College's report I had to go to the Royal, sit before the regional advisor for Northern Ireland, who is also based at the Royal — I ask myself whether there is a conflict of

interests here — and read the report under supervision. Where is the freedom of information for those of us who are supposed to be making decisions when this is the sort of access we get to the report of the Royal College of Paediatricians?

I do not believe that there was a case to be made on the basis of clinical effectiveness. I have looked at the evidence, and I am in a position from my previous job to analyse data and to know whether, given the empirical evidence in front of me, a case stands up. This one does not. Not one baby has died during transfer from any hospital to the Royal. Why are we not also closing Altnagelvin, Craigavon and all the other hospitals? With regard to the Royal College's making this decision, I note that the Minister's statement says

"My conclusion was that maternity services would be more clinically effective if located adjacent to the regional paediatric services at the Royal."

The entire decision was made on that one conclusion, and that concerns me greatly.

There is also the issue of gynaecological cancer. Prof Paddy Johnston has spent his life building the oncology unit at the City Hospital, which treats 250 gynae-cancer patients annually. Where are these patients going to go if we split obstetrics from gynae cancer? The gynae obstetricians were so concerned that they delivered a letter to my door last night. It says that the reports are there and that the draft report which has just been issued — I am sure the Minister is aware of this — says that the City is the only hospital in Northern Ireland that meets the criteria for treating gynae cancer at the moment. If this service is moved, those criteria will not be met.

Dr Henrietta Campbell, the Chief Medical Officer, was given the task of looking at the services for cancer patients throughout Northern Ireland. Was she consulted about what would happen to gynae cancer at the City? If the case is being made, as it seems to be, around clinical effectiveness, I would argue that clinical effectiveness for sick mothers is extremely important.

**Mr Speaker:** Order. The time is up.

**Mr McCartney:** Politics is not confined to politicians. Medical men lobby very successfully, and with political skills, in their own interests. Many arguments can be advanced in respect of both sides. The question is which ones are spurious and which ones, as Monica McWilliams has pointed out, are substantiated by real data.

The fact that clinical paediatricians have come out on the side of the Royal is not surprising, since the paediatric unit is at the Royal and they are based there. Having said that, I should point out that I have worked closely over many years with almost all the leading paediatricians in the Royal Victoria Hospital, and I have not the slightest doubt that, no matter where this

hospital is ultimately located, those professionals will give of their best when treating their patients.

Let me turn to Dr Birnie's amendment. This issue, though about the location of a hospital, throws into bold relief what happens to the fundamental principles of democracy in this Chamber and under the institutions of the Assembly. If this decision had been taken by a Minister in another place, the Cabinet would be backing it. There the Cabinet represents the majority party in Parliament, and its decisions are endorsed by that party, so the full democratic process is behind any ministerial decision.

5.00 pm

The difficulty with this Assembly, and one of its democratic deficits, is the relationship between the Assembly and the Executive powers of individual Ministers. This, of course, is highlighted by the decision taken by the Minister of Health in this matter.

As I understood it, the purpose of the Statutory Committees was to scrutinise the Ministers' decisions and to advise the Ministers, in advance of decisions, on the best way forward. In a sense, because those Committees comprise Members from almost every party, they represent, at first instance, the feeling of the Assembly. The Committees are, as it were, a litmus test for what the Assembly as a whole might think. In this instance, and on a cross-party basis, a majority of the Health Committee was of a particular view, which was communicated to the Minister. The Minister then took the decision, ignoring the majority view of the Committee. That decision having been taken, the question is this: can it be reviewed by the Assembly?

As Dr Birnie pointed out, the decision did not have the benefit of discussion in the Executive Committee, and it was certainly not brought to the Floor of the Assembly for debate by Members. The Minister simply took the decision, and we will all have to decide what import this has for the future running of the Assembly and for democracy here.

Are we to accept that every time Ministers make decisions, regardless of how they have been advised or what consultation they have undertaken, they are not accountable to the Assembly? What if, on a cross-community basis, a majority of the Assembly takes the view that a Minister's decision is wrong? In what circumstances can it be put right? The Assembly will have to take note of the balance of power between itself — and it is made up of elected representatives of the entire community — and individual Ministers of the Executive, selected not by the community but by their parties, taking decisions on a party basis.

The problem here is the suspicion — it may be no more than that — that the decision of the Minister was influenced entirely by political considerations relating

to her party. That, indeed, is the accusation that is made by the Chairman, and I believe that he was fundamentally wrong to advance his personal views when he chaired that Committee. He should simply have left his views on the record, as they have been over many years, without advancing them in these circumstances.

**Mr Speaker:** Order. The time is up.

**Mrs Carson:** I agree with Dr Birnie's amendment.

The provision of maternity services in Belfast is a most serious matter that has been the subject of a tug-of-war for many years between a number of different and differing interests. My concern is for those who really matter — mothers, newborn babies and the dedicated professional staff in both hospitals. This issue has been gravely mishandled from the beginning.

Devolution of power to the Assembly was greeted by everyone as a major step forward towards giving Northern Ireland politicians hands-on authority over local services. There was an expectation that, through the d'Hondt principles, the structure of the Statutory Committees and the allocation of ministerial posts to provide a fair distribution of responsibilities to the parties represented in the Executive, there would be an open consultative process at all levels on major issues.

Now we have the Minister of Health, Social Services and Public Safety taking a very divisive decision, which, she claims, it is her prerogative to take and which, she states, cannot be challenged.

As a member of the Health, Social Services and Public Safety Committee I was present at briefings by staff in the Royal Victoria Hospital and the Jubilee Action Group. The Committee, by a majority vote, decided in favour of the Jubilee. The Committee was meeting last Wednesday when the Minister made her decision. Some of the Committee members learned of it from the press later that evening, and others got no information about it until after 10.15 am on Thursday when a press release was issued. The only exception to this was the Chairman.

If the Minister was not prepared even to consider the Committee's decision, it would have been mannered at least if she had informed the Committee of it before the public announcement. Furthermore, given the absence of Executive policy, she should have advised the members of the Executive of what she was intending to do and given them an opportunity to participate in the decision-making process.

It was obvious that the Minister had been fully briefed by her officials, but the Committee did not have such briefing. How and when the Assembly was informed about this, and the authority or influence that

it should have had over a decision on a matter of cross-community interest are matters of grave concern.

We have all received a copy of the latest publication from the Executive Information Office telling Northern Ireland's public what the role of a Committee is. It is to

"consider and advise on departmental budgets and annual plans ... [and] ... in forming policy".

Definitions of "considered" include: looked at carefully; thought or deliberated on; weighed advantages and disadvantages with a view to action; and showed regard or consideration for. And a definition of "consider" is: recommend, inform or consult with.

I submit that in this case the Executive, the Committee and the Assembly were given no opportunity to consider or advise on the decision-making process prior to the Minister's announcement.

I ask Members to support the amendment.

**Ms Hanna:** I wanted to be a member of the Assembly Committee because I am passionately concerned with health issues, and I want to be in a position to influence change. I am glad that we are debating the future of Northern Ireland's regional maternity hospital today. Decisions such as this must be taken in the most open, democratic and transparent way. Everyone in the House knows my views on this, and I speak from the perspective of a woman, a mother and a midwife. However, today I speak as an elected representative, and not in any personal or professional capacity.

The Minister's statement says that she concluded that regional maternity services would be more clinically effective if located adjacent to regional paediatric services. That statement appears to be the extent of the clinical argument for opting in favour of the Royal. Any new regional maternity hospital, wherever it is sited, will inevitably attract the best midwives, obstetricians, gynaecologists, neonatologists, and paediatricians. There will be no question of having to transfer a very sick baby to the Children's Hospital. The experts will be on site in the new unit, and that clinical argument is therefore flawed.

There is a second inconsistency in the key argument: surely it would be much more clinically effective to build a new regional maternity hospital beside the gynaecology department, which is on the City site.

This is normal practice throughout the UK. Is there any medical evidence whatsoever that the Royal Maternity Hospital has provided a better service because of its proximity to the Children's Hospital? I believe that there is none. A neonatologist is a paediatrician who specialises in caring for the newborn. These specialists will be on hand in a new regional maternity hospital. If there is a long-term problem, a specialist paediatrician may be called in. Health care

should bring the doctor to mother and baby, not the other way around.

Furthermore, do we have any idea where the money for a regional maternity hospital is going to come from? Has the Minister taken into account the fact that the City site might more easily attract public/private finance for a new building? The Royal Group recently announced a rather large capital spend on a new hospital. Can we therefore assume that we should now add a further figure of about £15 million to that outlay?

What are the plans for the future of the City Hospital? Will it continue to be asset-stripped? The fractures department has already gone to the Royal, and accident and emergency services are going the same way. If maternity services go, can gynaecology and gynae-oncology be far behind? My Colleagues have all referred to this. We are talking about part of the new cancer unit. The Minister's decision, like that of a previous Minister who implemented the Donaldson Report, may not stand up to a judicial review.

We know that a clear majority of the Assembly's Health Committee does not support her decision. It will be for the Assembly as a whole to judge it. This decision may have repercussions for any future decisions on local hospitals. This is not just a Belfast matter, nor just a struggle between two Belfast hospitals. It affects all women and babies in Northern Ireland.

**Mr M Robinson:** When the Minister for Health made public her decision to locate regional maternity services at the Royal Victoria Hospital she quite clearly exposed the nonsense that is Belfast Agreement and the democratic body that that agreement claims this Assembly to be.

The Assembly's Health Committee spent a considerable amount of time and effort listening to both sides of the argument. After showing due care and attention and examining all the relevant data and information available, the Committee took the considered view that maternity services would be best located at the City Hospital. It is worth noting that, in taking its decision, the Committee did so on a cross-community basis with a majority of seven to four.

Of course, none of the Health Committee's endeavours on this matter cut any ice whatsoever with the Minister of Health. Despite previous assurances to the contrary, she did not advise the Committee of her decision before making it public. This attitude was reinforced by her rather inadequate performance at Question Time earlier today, during which she was dismissive and contemptuous and showed a total lack of regard for the Assembly.

Since a West Belfast Minister, aided and abetted by a West Belfast Chairman of the Health Committee,



decided in favour of a West Belfast hospital, Members can only draw their own conclusions.

Is it not reasonable to suggest that the timing of the Minister's decision has more to do with political expediency than with medical and clinical considerations? What other explanation is there? Surely it is much easier to ignore seven members of a Committee than a more sizeable and, perhaps, significant vote in the Assembly at the close of today's debate.

We must take a further point into account when considering the Minister's motive for taking such a crucial decision at this time. As we are all aware, there has been some speculation over recent days about whether the Secretary of State will find it prudent to suspend the authority of the Executive.

5.15 pm

He will feel that he has no other choice, as Ms Brown and her colleagues in Sinn Féin/IRA have signally failed to address, in any meaningful way, the vital issue of decommissioning.

In the light of the recent events which I have already outlined, and given the fact there is a widespread perception that this decision was based solely on political reasoning, how can Members, not to mention the public, be assured that any future decisions facing the Minister will be taken properly rather than as now on the basis of what is best for west Belfast?

I support the motion.

**Ms Ramsey:** Go raibh maith agat. I oppose the motion and also the amendment by the Ulster Unionist Party.

As a member of the Health Committee, I believe that this is the most complex issue that it will be faced with, either now or in the future. I was one of the four members who voted against the proposal to build at the Belfast City Hospital site, and instead voted for a new Royal Maternity site. I came to this decision after examining closely documentation and presentations from interested groups, including the Falls and the Shankill Women's Centres. Clinical arguments show that the Royal Maternity will provide a women-centred, family-led service, where a full range of medical care can, and will, be provided. Women and families want this, as do the doctors and nurses in the Royal Hospitals.

In 1994 the then Government set up the acute hospitals reorganisation project, under the chairmanship of Dr McKenna. Of his 28 recommendations, 27 were accepted by both hospitals. The issue of maternity services was controversial. The Labour Government commissioned a second report from an independent medical review panel, chaired by Prof Donaldson. He concluded that, clinically speaking, the best possible arrangement was to provide maternity and paediatric

services side by side. As this hospital will be the new regional maternity hospital, as well as being the local one, it is important to have the closest links to the Belfast Hospital for Sick Children. That would mean a faster, more effective response to babies experiencing difficulties before, during and after birth.

There is also clinical evidence to suggest that neonatal intensive care units without on-site paediatric specialist support have higher mortality rates. Transportation of sick babies — and some people do not believe this — would be easier and safer in a new maternity hospital linked to the Children's Hospital. It would also ensure that mothers and babies remained on site. Removal of the maternity unit from the Royal Victoria Hospital, whether Members like it or not, would have an adverse effect on the communities of north and west Belfast, two of the most economically and socially deprived areas in the North.

The full Health Committee did not endorse the recommendation for a new hospital at the Belfast City Hospital site. The Committee agreed unanimously that the Jubilee and the Royal Maternity Hospitals should both remain open until a new regional maternity hospital was built. However, because of the decision taken by the Royal College of Paediatricians, there is no alternative but to locate maternity services at the Royal Maternity in the interim.

Other Committee members, especially DUP members, say that the decision by the Minister was a political one. This from a party whose member, when he had the chance to question the Minister on this very subject, withdrew in protest. This from a party which called for the Minister to resign over the flu epidemic two weeks after taking up her post. She has also been accused of making this a political decision because the Royal Victoria Hospital is in her constituency of West Belfast, but, on the clinical facts alone, the Royal Victoria Hospital always had a strong case. I await with interest to see what the DUP wants the Minister to resign over next week.

There was also concern on the issue of the Committee's not being informed. As a matter of courtesy, the Minister took the step of contacting the Chairman of the Health, Social Services and Public Safety Committee on Wednesday evening. She informed him of her decision on the location of maternity services in Belfast. So far as I am concerned, by informing the Chairman the Minister was informing the Committee.

Once again, I oppose this motion, and I also oppose the Ulster Unionist Party's amendment.

**Mr McFarland:** I rise to support the amendment. The situation is of concern. The Minister has scorned the Executive and ignored the Committee. She has taken a decision which mirrors Sinn Féin's previously



stated position as well as her own. I wonder how much constituency considerations influenced. I quote:

"I wholeheartedly believe that the Royal is a crucial part of the economic and social fabric of west Belfast, and I want to ensure that it remains so."

It might be worth having a look at the background to this. The McKenna Report is quite interesting. The McKenna group was made up of eminent people from both the City and the Royal, including chief executives, a director of public health and clinical directors. There were 12 or 14 of them in all. They decided that maternity services should go to the City site. This clearly did not suit the Department, and it promptly commissioned another report from four eminent people who came across from England. Of course, they produced a different recommendation, which was that it should move to the Royal site.

The interesting thing about this is that the main pillar of both the Donaldson report and, indeed, the Minister's report, is that the clinical arguments came down to the potential linkage of the new hospital with other, on-site clinical services and to its closeness to the Royal Belfast Hospital for Sick Children. It is worth looking at the number of children who are transferred across each year. My understanding is that it is fewer than 1% from across the Province.

There is confusion, and a smokescreen was presented to the Committee by paediatricians about what happens when a baby is born and is poorly. After babies are born, they are stabilised by neonatologists. Neonatologists are paediatricians who have specialised in looking after newborn babies. The other paediatricians at the Royal Belfast Hospital for Sick Children are people who specialise in children's brains, hearts, legs, and so on. There is a turf war going on here between the two groups.

The neonatologists are tasked with stabilising the babies once born, so there is no question of a baby's being born, being poorly and being thrown into an ambulance and rushed to the Children's Hospital. The neonatologists stabilise the child, or, if the situation is very serious, a paediatrician operates. Otherwise the baby is stabilised and can then be moved. There is no rush. The idea that all hospitals have to be close to the Royal Belfast Hospital for Sick Children is clearly nonsense, but it is one of the basic premises on which all this was based.

Another key consideration in both the Donaldson and McKenna reports was that no one should separate obstetrics and gynaecology. Gynaecology and obstetrics are two different things, but they must not be separated. What has happened now? As of 1 February, obstetrics is being moved to the Royal. *[Interruption]*

**Mr Speaker:** Order.

**Mr McFarland:** Gynaecology is staying at the City. They are splitting them up — the one thing that the Royal College of Obstetricians and Gynaecologists said should on no account be done. This decision has done that.

Let us look at the question of a mother's choice. The Department's own consultation paper says

"However, the Department recognises that whatever option is chosen, some Belfast mothers may choose not to use the new combined maternity hospital, but to seek maternity care from another maternity hospital such as the Mater, the Ulster, Lagan Valley and perhaps even Antrim."

I wonder if the medical services are ready, for research has shown that 60% of the mothers at the City do not and would not wish to have their babies at the Royal. This needs to be taken into consideration.

The action of the Royal College of Paediatricians was mentioned in detail in our letter to the Minister. They knew that the Committee was looking at the matter, and they deliberately went ahead with a *force majeure* that obliged maternity services to move from the City to the Royal. What is interesting — and the Mater needs to take note of this — is that towards the end of a report to deal with this, and concerned with the removal of specialist registrars from the City site, it says

"Paediatric cover of the Mater Maternity Unit needs to be reviewed since after the rationalisation of neonatal services" —

**Mr Speaker:** Order. The time is up.

**Mr B Hutchinson:** On a point of order, Mr Speaker. Can Mr McFarland explain what he means by his references to babies coming out and women's bits and pieces?

**Mr Speaker:** Regrettably, that particular medical treatise had to be brought to a close.

**Mr Attwood:** The SDLP will be opposing both the motion and the amendment. Before explaining why, I must mention the comments that have been made about the Chairman of the Health Committee, which have ranged from his "being unworthy" to "being discredited". The Chairman outlined his personal views on this issue to the Assembly, gleaned over a lifetime in medicine. He also told the Committee that he was prepared to step down when this matter was being discussed. He has outlined his anxiety and difficulty over this issue in a very honest and frank way in both the Committee and the Assembly. Given this, I trust that those Members who made those sorts of comment would acknowledge that he acted as he saw fit out of high principle at all times.

I trust they would acknowledge that he was in a difficult situation but behaved honourably and as best he could in the circumstances. I hope that the Chamber will recognise and acknowledge that. It is ironic that, in this Chamber of all places, two Assembly Members have referred to the "chill factor" involved in going to

the Royal Victoria Hospital. There is a chill factor about this Building for a political tradition in this city, which has spent a lifetime not coming into this Chamber and is now spending a lifetime in it. If a chill factor can change with respect to a political institution, then it can also change with respect to a medical establishment. It is the responsibility of political leaders to say that the attitudes which served in the past, and which might have been justified in terms of people's concerns and anxieties, will no longer serve our needs in the future.

It is the responsibility of political leaders to say that things have changed and that people can now do things differently. We have done it in coming to this Chamber, and people can do it by going into west Belfast, where they will get the best service and the best medical care. It is those factors which will determine whether people go to the Royal — not whether people are prejudiced about west Belfast or the perceived history of that constituency in recent years.

I do not intend to go into the clinical arguments. They have been exhaustively rehearsed in the Chamber and elsewhere. However, in my judgement — and I am trying not to be partial, although that is difficult — the compatibility and the complementarity of the services on the Royal site are much higher in respect of mothers and children than is the case elsewhere in this city. That complementarity and compatibility make the argument in clinical terms more compelling than the argument in respect of the City site.

The decision should be taken on clinical grounds, but it has to be acknowledged that a wider factor is involved. West Belfast — all of west Belfast, the Falls and the Shankill — is exiting from years of discrimination in respect of one tradition and years of disadvantage in respect of both traditions. Every decision taken is legally required to be equality-proofed. It is also essential, if a new economic and social order is to be introduced in the North, that issues of economic and social discrimination and disadvantage be taken into account.

I am putting down a marker that those factors will have to be taken into account for every decision and judgement made by the Assembly when working out best practice and policy.

**Ms McWilliams:** Will the Member give way?

**Mr Attwood:** No, the time is short. Otherwise I would give way.

Finally, I want to deal with the points raised by Esmond Birnie and the thoughtful speech of Bob McCartney. The Ulster Unionist Party's amendment is of relevance, but the SDLP cannot support it at this time.

5.30 pm

It is of relevance because there are three important themes raised in the amendment that need to be acknowledged.

First, there was a process of consultation and that must be acknowledged. Whether that process was adequate, either in the fine detail or in its conclusions, has yet to be fully determined. The Assembly will have to decide what is, and is not, adequate consultation in terms of managing its own business.

Secondly, it is arguable that the Minister's decision — and it is an executive power that we have to be careful to protect, otherwise we will impede executive authority — was right or wrong. We think that it was right, but we accept that there is an argument that needs to be fully rehearsed and determined.

**Mr Speaker:** Mr Attwood, your time is up.

**Mr S Wilson:** I would like to deal with Dr Esmond Birnie's amendment.

First, the amendment is fundamentally flawed as it throws the responsibility back to the Minister to bring this issue before the Assembly.

Members consider that the Minister has treated the Assembly with contempt. She treated it with contempt by ignoring the Health Committee. She treated it with contempt by putting out a statement on a most important and controversial issue at midnight, rather than bringing it before the House, where she could be questioned and asked to explain the reasons for her actions. She treated it with contempt by ignoring the Executive Committee, as Dr Birnie has said. And, as we have seen today, she treats the House with contempt when matters are raised with her. Members ask her questions in English, and she answers them in the language of the leprechauns, which nobody understands.

Despite this contempt, we have an amendment which throws the ball back into the Minister's court. It says "You bring it back to the Assembly and let it make a ruling". That is why I believe that, despite there being some aspects of the amendment with which we would agree, it is flawed and it is weak. Once again the Ulster Unionist Party are giving IRA/Sinn Féin the benefit of the doubt with this amendment.

With regard to the Minister's actual decision, I am not on the Committee, but through my role in Belfast City Council I have heard all the arguments advanced by both sides in this debate. Medical politics seem to be as cut-throat as party politics. There were no holds barred in the way the arguments were put forward.

On the surface there would appear to be a strong case for the retention of services at the City Hospital. The fact that, out of the 214 maternity services across the

United Kingdom, only 12 are linked to children's hospital facilities indicates that it is not absolutely essential to have the two linked. Even the Royal College of Obstetrics and Gynaecology points out that the link is not between the children's hospitals and maternity units; rather it is the other way round.

When it comes to the evidence we have heard so far — Dr McKenna's report and the decision of the previous Minister — it is significant that those who have advanced the argument for the Royal have talked about the economic importance of this unit to west Belfast. They have stressed that west Belfast is an area of economic deprivation and that therefore the facility should be maintained at the Royal. It has nothing to do with medical reasons; it is for economic reasons. It is significant too that the Minister represents the area.

If we do not lay down rules in the House quickly to ensure that Ministers are democratically accountable, we are going to see this happening time and time again with a Minister from a minority party. All parties in the House are minority parties. All Ministers represent minority parties, and if a Minister can take decisions against the wishes of the majority of the people of the Assembly, we will not have gained democratic accountability. We will be back to the old direct-rule system with Ministers who are not accountable. We must sort this out very very quickly.

The Minister ought to be censured for the contempt in which she has held the House. She has displayed this contempt since she was appointed — over the holiday period she was more interested in tearing down flags than dealing with the crisis in the Health Service. This is yet another example of that type of —

**Mr Speaker:** Order. Your time is up.

**Ms de Brún:** Go raibh maith agat. Ba mhaith liom a rá ar dtús báire go bhfáiltí roimh an deis an cheist seo a phlé sa Tionól. Tuigim go bhfuil ceist úsáid na Gaedhilge agus úsáid an Bhéarla ag gabháil a bheith idir chamánaibh roimh i bhfad, a Cheann Comhairle. Mar sin de, labhróidh mé go gasta i nGaedhilg agus rachaidh mé ar aghaidh i mBéarla.

I very much welcome the opportunity to debate this important issue. The issue of the use of languages was raised earlier this afternoon, and the Interim Presiding Officer has indicated that he will be looking at it. Having spoken briefly in Irish now, I will speak only in English for the rest of this debate.

**Rev Dr Ian Paisley:** On a point of order, Mr Speaker. Is it right for the Minister to refer to you as the Interim Presiding Officer when you are now the Speaker of the House?

**Mr Speaker:** I do get called quite a lot of things, as Members are aware. Technically, of course, the Member is absolutely right: I am to be referred to as Speaker or perhaps Ceann Comhairle.

**Ms de Brún:** Gabh mo leithscéal.

I would like to reiterate to the Assembly my view that the Jubilee and Royal Maternity Hospitals both provide crucial, regional maternity services as well as more local services to mothers-to-be in Belfast. My aim throughout has been to guarantee the provision of the highest possible care and treatment for women, mothers and babies.

In coming to my decision, I took great care to consider the relevant information. I considered and reviewed the responses to the consultation process carefully, and that included responses from individual women, mothers from community groups, a wide range of health professionals and support groups from both hospitals.

I also made a point of visiting both maternity hospitals to see the situation for myself. I spoke to management, staff and mothers. I also spoke to the groups in support of each maternity hospital. All the people I met asked me, in the interests of the maternity services, to decide quickly on their future location.

In addition, I also considered the specially commissioned PAFT analysis and high level economic appraisals of the long-term and interim options. Copies of these documents, along with the summary of the consultation responses, will be placed in the Assembly Library. I also benefited from the advice of the Assembly's Health Committee.

It is worth placing on record that not only did I go to the Committee, speak to it and ask it to provide me with further advice corporately as a Committee, but I also invited individual members who wished to do so to advise me on a personal basis. I took all of this into account, along with the other factors that I have mentioned that were my responsibility.

It is also worth placing on record that I agreed with the Committee that a decision was needed urgently; that a new maternity hospital was required, and not a refurbished one; that a decision was needed at the same time on the interim and long-term solutions; and that the interim solution should not become the final solution.

I also recognised the Committee's preference that the Jubilee and Royal Maternity should both remain open, but I agreed with their advice, stated in a letter they sent to me, that in the prevailing circumstances

"There is no alternative but to locate maternity services at the Royal Maternity in the interim."

The arguments from the consultation process in my Department's own analysis underlined the need to



provide a new-build maternity unit. Choice between the new build on either site was a close one. Given the points that Members have made, I reiterate that this argument was one of a number which I looked at, but in the final analysis the clinical arguments came down to the potential linkages of the new hospital to other on-site clinical services.

My conclusion was that maternity services would be more clinically effective if located adjacent to regional paediatric services at the Royal Belfast Hospital for Sick Children and near to the accident and emergency department. My decision does not adversely affect gynaecological oncology, as gynaecology is currently provided on both sites. No decision has been made on the future provision of gynaecology.

When compiling his report, Dr McKenna did not have the opportunity to consider the new-build option, for it was not an option at that time.

With regard to the Committee's being informed of my decision, I totally acknowledge the points made by Dr Hendron. I sought to speak to the Committee Chairman. I sent word, and Dr Hendron returned my call. I advised him of the detail of my decision and that a press release was being drawn up for that evening. The press release was issued after 8.00 pm. I spoke to Dr Hendron at 6.45 pm, and the content of the press release was embargoed until midnight — several hours after I had spoken to him. There was no intention whatsoever of treating the Committee with anything other than reverence, and I pointed this out to the members during my visit.

Regarding the amendment, I would like to pick up several of the points raised by Dr Birnie. The decision on the future location of maternity services in central Belfast is an important one for women regionally and locally. However, I cannot accept that it could be described as a key decision. It was primarily an operational one, and I did not identify any significant cross-cutting dimensions which would have suggested that the matter should have been raised with ministerial colleagues.

Consequently I am confident that this decision was dealt with appropriately. While I do not accept that this decision was a key one as provided for in the Belfast Agreement, I made no secret of my intention to reach an early decision. As stated previously, those I met while taking views on board asked me to make an urgent decision, and at all times in those conversations, in the press, in briefings from my Department to the First Minister and the Deputy First Minister and in press releases, which are routinely copied to the Executive information service, it was clear that my intention was to reach a decision as soon as possible — certainly before the end of the month.

All of these were routinely available and copied as a matter of course to the Office of the First Minister and the Deputy First Minister.

Regarding Dr Birnie's point about the failure to engage with the Health Committee, I took care to work with the Committee in the lead-in to my decision. I wrote to the Chairman of the Committee before Christmas and copied the PAFT analysis and an initial summary of consultation responses to Committee members prior to meeting with them. And I made a point of ensuring that there would be an early meeting; I met with them on 10 January.

5.45 pm

At that meeting I invited members to give me their views on the way ahead, in advance of my decision, and I explained the urgency to them. They agreed with me on the urgency, and I asked them to have written responses with me by 20 January in order to ensure that I could give their comments due weight when I came to take the decision. I took close account of the advice from the Committee, and I accepted a number of the points, as I outlined earlier, such as the need for the decision to be made urgently and the need for a new maternity hospital.

I carefully considered this alongside the outcome of the consultation process, my visits to the maternity units, my meetings with management, staff, health professionals and support groups as well as the PAFT analysis, the economic appraisals and the professional advice from my Department. I also sought Dr Campbell's advice on oncology.

**Mr Speaker:** Order. The time is up.

I call Dr Birnie to wind up.

**Dr Birnie:** The clinical arguments in favour of the Jubilee as opposed to the Royal Maternity have been well rehearsed this afternoon, but I moved this amendment because the Minister has overridden her Committee and made a unilateral decision without further reference to her Executive Colleagues or the Assembly.

If a decision that involves the spending of £15 million is not a key decision, I tremble for the future of budgetary arrangements in her Department. We could be establishing a very dangerous precedent this afternoon with regard to how decisions are made, and it is essential that the House understands the implications.

We were told that powerful Scrutiny Committees would lie at the very heart of the new arrangements. Now we are in grave danger of seeing a Sinn Féin Minister knocking down the edifice of accountable government through the exercise of untrammelled Executive power. Our point about procedure would



remain valid even if, in spite of what has been argued this afternoon, the decision by the Minister were, in itself, a wise decision, which it is not.

It is important at this early stage of devolution that we establish the ground rules for making important political decisions, especially in circumstances such as those we face now where a Minister is in confrontation with her Committee. At the moment the Health Minister's decision cannot be treated as final because it was not made in an open, full and public manner. My concerns and, indeed, the Ulster Unionist Party's concerns are reflected by the Assembly and by a majority of the general public.

**Mr Berry:** We have all heard arguments today about maternity services in Belfast, and it is crucial that we, as an elected Assembly, endorse the motion and give support to the Committee that has been diligent in its examination of the matter. I ask all parties to give their support. Failure to do so will throw the Chamber into confusion.

There is also the question of the role that Committees will play in the future. If a Minister can make decisions which are diametrically opposed to the opinion of his or her Committee, that is saying, in effect, that the Committee is of little value. There was overwhelming agreement in the Committee across party lines. The Democratic Unionist Party, the Ulster Unionist Party, the Women's Coalition and a member of the SDLP fully supported the siting of maternity services at the City. This makes it vital that Members support the motion.

The Health Minister has failed to come up with a point of any weight to support her decision. She followed only her own narrow political interests. The grounds for that decision, in spite of the high-sounding claims that she has made on television and elsewhere, have not been substantiated today.

In fact we have had a very intelligent and powerful set of arguments that have shown the correctness of the Committee's view. I read the recent article in the 'Belfast Telegraph' by the Royal Victoria Hospital's clinicians, which amounted to one point — the transfer of sick babies and the location of paediatricians. If they were correct, then all maternity services in Northern Ireland should be at the Royal. I note with interest that Dr Hendron, who is the Chairman of the Health Committee, was talking about a regional neonatal unit, although that is not what they call it. It is not a regional unit; there is no such thing. There are neonatal units at Altnagelvin, Antrim and Craigavon.

We cannot afford to follow what is a vested interest in one issue and then try to ignore it in another. As Mrs Robinson said, and it is an inescapable point, Barbara Brown has set out in a number of articles her political agenda with regard to the Royal.

I have listened very closely to the debate this afternoon. First of all, we had a member of Sinn Féin/IRA, Alex Maskey, trying to stop this debate. What area does he represent? West Belfast. Then we had the Health Minister, Barbara Brown. Where does she represent? West Belfast. We also had the Chairman of the Committee, Dr Joe Hendron, and Alex Attwood speaking against the motion. These people all represent West Belfast. If this is not political I do not know what is. It is hypocrisy on their part.

Before this debate today, politics were brought into the situation. Dr McKenna's recommendations went against having the maternity services at the Royal Victoria Hospital. The Nationalist politicians said "No way. We must have another review". Then Prof Donaldson moved in, and he recommended that the services be transferred to the Royal Victoria Hospital.

The Minister has done a serious injury to the whole issue of maternity services and caused divisions where none should be. She cannot discard the Health Committee because it has adopted a more rational policy than she has. The Minister has tried to circumvent the work of our Committee. We had substantial consultations. We sat one evening for six or seven hours with the various groups, and people accused us of being political. We went through all the clinicians' arguments. We had the medical men and the support groups coming in to give us their views. The Committee then had a cross-community vote, which was seven to four in favour of the City Hospital. That must not be ignored.

The mothers who will be affected by this must not be ignored. There were 500 responses to the consultation process, plus a pro-City petition of 40,000 names, which appears to have been ignored. That is the way the mothers in this part of Belfast feel this evening. They feel ignored and betrayed. The Minister has tried to cover herself —

**Mr Speaker:** Order. The time is up.

**Mr Berry:** I would like to say in closing —

**Mr Speaker:** Order. The time is up. The Member will resume his seat.

The amendment and, if we come to it, the substantive motion will be decided on a simple majority vote. If the amendment is carried, we will not proceed to the substantive motion because the amendment, in effect, supersedes it.

*Question put* That the amendment be made.

*The Assembly divided: Ayes 24; Noes 40.*

**AYES**

*Ian Adamson, Pauline Armitage, Billy Armstrong, Roy Beggs, Billy Bell, Tom Benson, Esmond Birnie, Joan Carson, Fred Cobain, Robert Coulter, Ivan Davis, Sam Foster, John Gorman, Derek Hussey, Danny Kennedy, James Leslie, David McClarty, Alan McFarland, Michael McGimpsey, Dermot Nesbitt, Ken Robinson, George Savage, John Taylor, Jim Wilson.*

**NOES**

*Alex Attwood, Eileen Bell, P J Bradley, Joe Byrne, John Dallat, Bairbre de Brún, Arthur Doherty, Pat Doherty, Mark Durkan, David Ervine, Sean Farren, John Fee, David Ford, Tommy Gallagher, Michelle Gildernew, John Hume, Billy Hutchinson, John Kelly, Patricia Lewsley, Alban Maginness, Alex Maskey, Kieran McCarthy, Donovan McClelland, Alasdair McDonnell, Barry McElduff, Eddie McGrady, Martin McGuinness, Gerry McHugh, Mitchel McLaughlin, Eugene McMenamin, Monica McWilliams, Jane Morrice, Conor Murphy, Sean Neeson, Mary Nelis, Danny O'Connor, Dara O'Hagan, Eamon O'Neill, Sue Ramsey, John Tierney.*

*Question accordingly negated.*

*Main Question put.*

*The Assembly divided: Ayes 53; Noes 37.*

**AYES**

*Ian Adamson, Fraser Agnew, Pauline Armitage, Billy Armstrong, Roy Beggs, Billy Bell, Tom Benson, Paul Berry, Esmond Birnie, Norman Boyd, Gregory Campbell, Mervyn Carrick, Joan Carson, Wilson Clyde, Fred Cobain, Robert Coulter, Ivan Davis, Nigel Dodds, Boyd Douglas, David Ervine, Sam Foster, Oliver Gibson, William Hay, David Hilditch, Derek Hussey, Billy Hutchinson, Roger*

*Hutchinson, Gardiner Kane, Danny Kennedy, James Leslie, Robert McCartney, David McClarty, William McCrea, Alan McFarland, Michael McGimpsey, Monica McWilliams, Jane Morrice, Maurice Morrow, Dermot Nesbitt, Ian Paisley Jnr, Ian R K Paisley, Edwin Poots, Iris Robinson, Ken Robinson, Mark Robinson, Peter Robinson, George Savage, Jim Shannon, John Taylor, Denis Watson, Jim Wells, Jim Wilson, Sammy Wilson.*

**NOES**

*Alex Attwood, Eileen Bell, P J Bradley, Joe Byrne, John Dallat, Bairbre de Brún, Arthur Doherty, Pat Doherty, Mark Durkan, Sean Farren, John Fee, David Ford, Tommy Gallagher, Michelle Gildernew, Joe Hendron, John Hume, John Kelly, Patricia Lewsley, Alban Maginness, Alex Maskey, Kieran McCarthy, Donovan McClelland, Alasdair McDonnell, Barry McElduff, Eddie McGrady, Martin McGuinness, Gerry McHugh, Mitchel McLaughlin, Eugene McMenamin, Conor Murphy, Sean Neeson, Mary Nelis, Danny O'Connor, Dara O'Hagan, Eamonn O'Neill, Sue Ramsey, John Tierney.*

*Question accordingly agreed to.*

*Resolved:*

This Assembly endorses the decision of the Health, Social Services and Public Safety Statutory Committee to locate maternity services in Belfast at the City Hospital.

**Mrs I Robinson:** On a point of order, Mr Speaker. Will you now give the Minister an opportunity to reconsider her decision in the light of the Assembly's vote?

**Mr Speaker:** That is not a point of order, as I suspect the Member knows.

*The sitting was suspended at 6.21 pm.*

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# NORTHERN IRELAND ASSEMBLY

Tuesday 1 February 2000

*The sitting begun and suspended on Monday  
31 January 2000 was resumed at 10.30 am.*

## AGRICULTURE INDUSTRY CRISIS

**Mr Speaker:** There has been substantial interest in the motion that is coming up and substantial interest in speaking in the debate. I already have a long list, and I expect that it will get longer. I therefore see little option other than to make the same arrangements as were made for yesterday's debate — to give the mover, Dr Paisley, 10 minutes to open and five minutes for his winding-up speech, the Minister 10 minutes to respond prior to the winding-up, and five minutes for all other Members taking part. This will ensure that as many Members as possible will have the opportunity to contribute. I seek the leave of the Assembly to proceed in this fashion.

**Rev Dr Ian Paisley:** On a point of order, Mr Speaker. This motion has the backing of the whole Committee, and I would have liked more time to introduce it. However, I appreciate that there is widespread interest among Members and that they have constituency interests. In the interests of the Committee, I am content — not happy — to accept the 10 minutes, with the further five minutes at the end.

**Mr Speaker:** I am grateful to Dr Paisley for that.

*Leave granted.*

**Rev Robert Coulter:** On a point of order, Mr Speaker. I have no problem with the spirit of the motion; in fact, I will be supporting it wholeheartedly. However, I have some difficulty in understanding the intention of the expression in line three. Is it singular or plural? Students of the classics will know that the word "crisis" comes from a Greek root. If, therefore, the intention is plural the spelling should be "crises". However, if the intention is singular the syntax is defective in that the indefinite article has been omitted — it should read "a serious crisis". For the sake of accuracy, I ask that the motion be corrected.

**Mr Speaker:** I am grateful to the Member for drawing that to my attention and for giving me notice of it, which enabled me to check the original submitted by Dr Paisley. It said "a serious crisis". There was an

administrative typographical error, and we take full responsibility for that. When we reach the vote I will remind Members that the motion should read "a serious crisis". I hope that that clarifies the matter.

**Mr Beggs:** On a point of order, Mr Speaker. I seek direction. I was one of the Members who had questions down for oral answer by the Health Minister yesterday. Questions finished, I think, at No 3, and mine was No 7. I went up to my pigeon-hole immediately after the debate, but there was no answer there. Nor is there an answer in Hansard. When may I expect to receive an answer?

**Mr Speaker:** Order. That is not a point of order for the House; it is an administrative matter in respect of the Executive. However, I will certainly explore the matter and try to get an answer for the Member.

**Rev Dr Ian Paisley:** I beg to move the following motion:

This House contends that the cuts in farm incomes, the market pressure on each sector of agriculture and the lawlessness of the French Government constitute a serious crisis in the Northern Ireland agriculture industry and calls on the Northern Ireland Executive to recognise this and take emergency measures to save the industry.

The agriculture industry is facing a very serious crisis, perhaps even a catastrophe, and I am not happy with the way in which the Department of Agriculture is handling this matter. Many of my friends in the farming community feel that the Department is acting against them and not for them. My views are known both to the Committee and to the Minister. The Minister should release herself from the trammels of her Department, take it by the neck and make it reverse the policies that have led to the ruination of the farming community.

This is not the time for a velvet tongue or soft words. Farming is the largest industry in Northern Ireland. It employs more people than any other industry, and it is dying. It is not a matter of it's being on a life-support machine; the undertaker is waiting to measure the corpse and bury it. The Minister and her Department must now change their attitude towards this crisis. I have not found evidence of any change of mind in the Department — and I say that with regret, for I have a good relationship with the Department's officials, but they just do not realise how serious this crisis is.

Recently I, along with some other Members, met bankers and meat processors. I asked the bankers how many of them were going bankrupt, but it seems that their incomes are tremendous. I also asked the meat processors if any of them were going bankrupt or preparing to commit suicide. They all laughed and said "Not at all." I informed them that in the farming community, and especially in the pig industry, some farmers had already committed suicide. Many of the farmers are going bankrupt, and homes where their

families have lived for generations are being sold over their heads.

Some of us are criticised when we stand up for the farmers. We are told that we are not interested in the consumers. The housewives of Northern Ireland have had no benefit. Indeed, they now pay more for their cuts of meat.

Agriculture is sick unto death, and we must do something to change this urgent situation.

I am not happy about what the Prime Minister is going to say to farmers today. By standing among them and telling them to diversify what he is really saying is "There is no room for you in the farming community; go and do something else." And he is saying this without any offer of compensation and without any possibility of the farmers' being able to diversify. A farmer might diversify if he could get planning permission, but all constituency workers know how hard this is to obtain. It is difficult for them to get planning permission to build on the farms where their families may have lived for 300 years. All that the Prime Minister can say is "Diversify."

Something radical needs to be done. Those who support the farming cause have been blamed for being very strong in diagnosis and very weak in prescription, but there are things that could and ought to be done. First, we need a new entrants' scheme to preserve the industry. There must be a future for farming. The Minister and her Department must now give an encouraging signal to new entrants. They must have some way of getting into farming. We must relax building control; we need a new special rural benefits structure; we need to initiate an agri-compensation scheme; we need to assist the Farmers' Union and others in their battle to get low — incidence BSE status; and we need a special injection of cash for pig projects. These are things that must be done.

Along with others who are interested, I have gone, cap in hand, to the Department and to successive Ministers. The Minister has, of course, inherited this situation — she is not responsible, and we are not blaming her for something she did not do. Nevertheless, we will blame her if she does not do something about it.

We have always been told that this cannot be done. I have been involved in Europe for 20 years, and, without wishing to boast, I have some little experience of the European scene. If we were to exploit Europe in the way the Irish Republic does, the farming community would be far better off. We need to realise that there is, at present, money in Europe that we should be getting. DANI tells us that we cannot do this — of course, it is no longer called "DANI", but I am a Puritan still living in the Dark Ages. We no longer want to listen to their saying that we cannot do it.

The Southern Government did it, and to say that the compensation scheme under which pigs were bought is the same as this is nonsense. The two schemes are entirely different; it is wrong to try to tell farmers that they are one and the same scheme and say to them "You have already got your money". It is wrong to say that we cannot go with a scheme like the one in operation in the Irish Republic. We have to get something for the farmers, and we have to save our pig industry.

I put this question to the Minister: "Do you want there to be no pig industry in Northern Ireland?" Half of it has almost gone, and, in a few weeks, half of the remaining half will be gone. That is how serious the situation is. This is an emergency, and in an emergency, one does not do ordinary things, one does extraordinary things. Something extraordinary has to be done to help the farming community. Every effort must be made to save this industry.

Farmers are the custodians of our soil. I detest the environmentalist lobby who tell us that the farmers can leave and that they will look after the countryside. That is ridiculous nonsense. These environmentalists who say "We have a right to walk everywhere; we have a right to do this and a right to do that." are not thinking of the best interests of the custodians of the soil who, for generations, have kept this country going and ought to be honoured today. We should be determined, come what may, to do our level best to see that something is done.

The farmers that have come here today are not looking for nice words — they are looking for actions. This case can be easily made; we do not need to dwell on all of its complications or ramifications. Out there are decent people from both sides of the community who have invested their labour and their talents in order to help this country and keep it going, and they must be repaid. The talent in this Assembly, the talent in the Department, the talent of the Minister and the talent of our Committee must join forces. Let the message go out from this House that we are determined to save the farmers and to do the extraordinary if that is what is needed — and it is.

10.45 am

**Mr Savage:** The latest figures from the Department of Agriculture and Rural Development indicate that income from our agriculture industry fell by 22% between 1998 and 1999. It went down from £91 million to £70 million within one year. The total income from farming has fallen by 79% in five years, with the knock-on effect of hundreds of millions of pounds being lost to our economy.

Northern Ireland is a very small country, and we cannot afford to continue with this level of economic decline in an agriculture industry that has a workforce of approximately 85,000 people. I applaud the efforts



that have been made by the Ulster Farmers' Union (UFU) to present reasonable policies to rescue an industry which has been drastically affected by a series of crises in the last few years.

Most recently, the French Government have chosen to become a law unto themselves by refusing to lift the ban on beef exports. Why should Ulster producers have to suffer because the French make a unilateral decision to ignore EU rules? Local producers have done everything required of them by the regulations. While the UK pursues the law-breaking French through the courts, it is not unreasonable to expect the UK Exchequer to aid local producers who are suffering as a consequence of France's selfish and illegal actions.

I also support the UFU's efforts to secure the release of the £50 million to £60 million of agri-money compensation which is available to us through EU-funding. Part of this funding is to protect common agricultural policy (CAP) area aid and livestock payments from the impact of the gap between sterling and the Euro. Another part is to offset the damage done to all farm commodities by the current strength of sterling. In both cases the release of the compensation funds depends on specific commitments and actions by the UK Government, and these have not been forthcoming.

I urge the Minister of Agriculture and Rural Development to lobby her Westminster and EU counterparts on our behalf. This is not a demand for extra money. It is a demand for compensation which is already available and budgeted for. I ask the Minister to support the UFU's campaign to gain low-incidence status for Northern Ireland in respect of BSE and to secure the implementation of exceptional measures such as a one-off rescue package for the local pig industry, similar to that which has recently been concluded by the EU and the Irish Government. It is essential that we establish and promote a province-wide "Buy Ulster" campaign.

Opinion polls conducted last year by a local consumer affairs organisation presented evidence which showed that two thirds of the population would buy local produce if it were available and reasonably priced. Almost half of those surveyed also said that they would be willing to pay a little extra for good quality local produce. However, the national supermarket chains which have moved in to Northern Ireland in the last few years either refuse to source from the local market or do so for a farmgate price, which is economically non-viable for the local producer. This is absurd and unjustifiable. The supermarkets could actually help the local producers and the local economy by raising the farmgate prices while freezing the retail prices. That might decrease their profits in the short term, but in the long term it would stimulate the local economy, please the consumer and contribute to larger profits at a later date.

The agriculture situation in Northern Ireland is more difficult than in other parts of the United Kingdom, not least because of the increased competition from across our land border with the Republic of Ireland.

**Mr Bradley:** I anticipated the comments made by other Members in their opening remarks, so I will try not to repeat them. Since joining the Agriculture Committee I have found a great willingness on the part of the Chairman and members to address the plight of the farming industry. I am pleased to put on record that I pay tribute to the sincerity of all members of the Committee.

**Mr Speaker:** Order. May I ask the Member to project his voice, as I am having some difficulty hearing.

**Mr Bradley:** I wish to pay tribute to our Minister of Agriculture and Rural Development for her prompt actions and efforts to address the multitude of problems that faced her when she took office. In less than two months she has put a tremendous effort into tackling the ever-increasing problems of the farmers of Northern Ireland.

Ms Rodgers has taken up the problems of our fishermen. She has sought to have the aids to private storage scheme reopened and increased export refunds put in place on behalf of our pig farmers. These issues are of the utmost importance and must be worked at until a satisfactory outcome is achieved. Unfortunately, time is not on anyone's side.

I wish to compliment the Minister on her decision, which Mr Savage referred to, to seek special status for Northern Ireland in respect of BSE. The fact that we had only six recorded cases of BSE last year is surely a plus factor in her negotiations.

If a start could be made on exporting our calves that would lay the foundation for further improvement. In a short time the number of calves would reduce, thereby reducing the number of cattle being finished on farms. There would be better factory prices owing to the reduced availability of beef cattle.

This weekend I spoke with one major livestock expert who advised me that if the ban on live exports were lifted, he could be in business again within 24 hours, exporting calves to Spain and Holland. We are as close as that. However, any resolution must start with the British Minister of Agriculture, Fisheries and Food, Nick Brown. In two recently published statements Mr Brown praised the efforts of Minister Rodgers when she made strong pleas to him for special BSE status for Northern Ireland. When Mr Brown puts our case to Europe I am confident that Ms Rodgers, together with my party leader, John Hume, whose record in Europe goes without saying, and the other MEPs will be able to accumulate sufficient support in Brussels for the concessions being sought. In respect of the future of

farmers in Northern Ireland, the ball is firmly back in Nick Brown's court.

It is fully recognised that many of the problems in agriculture are a result of a lack of interest on the part of the British Government. Their level of interest is on a par with the size of the Northern Ireland agricultural economy within the overall finances of the British Government. That is not good enough when thousands of our farmers are faced with financial ruin.

I wish to make a special plea to those Members — many of whom are not in the Chamber this morning — who perhaps have no great interest in our farming community but have set their sights on bringing down the Assembly. It is my view that whatever chance of survival our agriculture industry has will be achieved only through the combined efforts of the Minister of Agriculture and Rural Development, the Committee and the Assembly. I do not believe that Nick Brown in London or the British Administration in Brussels will thank or support us if we fly in the face of the Government's wishes regarding devolution. I ask everyone to think seriously about our position. I believe that if the Assembly fails, the farming industry will come down with it.

We are the only hope, the only friends and the only lifeline our farmers have. We must not fail them in their hour of need. We also have to get our priorities right. Northern Ireland farmers and rural dwellers will be here at noon today seeking whatever help the Assembly can give. To bring the Assembly down, or even to attempt to bring it down, would be the equivalent of closing doors in the face of the farming community. I am confident that the sentiments outlined in the motion will receive the full approval of the House.

**Mr McHugh:** Thank you, a Chathaoirligh. I want to address the issue of the agriculture crisis. The difficulty is that I have too short a time for my speech. We face a crisis, and I commend the farmers who are protesting.

There was a protest here by the Northern Ireland Agricultural Producers' Association (NIAPA) about two years ago. That too was at a time of imminent crisis when prices were just as bad as they are now. Farmers should have put their foot down then and voiced their concern to the Government.

I hope it is not a case of bolting the stable door when the horse has gone.

There is a desperate situation in the rural and farming communities. Much debt has built up, and there is no respite in terms of a renewed price rise or help from the Government, or anyone else. There are a number of reasons for the crisis such as the difference between sterling and the Euro and the backlog of the BSE crisis which still affects us. There is also the question of exploitation. Since 1974 and beyond farmers have been

exploited and are still being exploited. The UK Government exploited them for cheap food and their only respite was in time of war. They are currently being exploited by retailers, processors and everyone beyond the farm gate, and those people are making exorbitant profits at their expense.

The figures that we received yesterday show that farm incomes have hit rock-bottom because of low prices and unfairness. The Ulster Farmers' Union states that only £1 in every £30 on the business, processing and farming side goes to the farmer. The average beef carcass is worth £400 to the farmer, but it will cost the consumer £1,200, so the consumer is not winning as a result of low farm prices. Some people claim that the consumer can gain from this situation, but neither the consumer nor the farmer is gaining. Someone else is gaining in a big way.

All the extras on the processing side such as £5 here and there were all traditionally passed back to the farmer as if he had a bottomless pit. Those industries should take their share of costs when the farmer puts his produce through their doors.

Why are we at this point? We are told about the problems of the BSE backlog. We talk about BSE being history, but we never had a high incidence of BSE in the North, and we do not have it now. We hardly register on the bottom of the graph whereas in Britain, the incidence of BSE goes through the top of the graph. It will be difficult to achieve BSE status here because of the fact that the regulations have become more stringent. We will never get over that barrier. As long as we are tied to the situation in Britain we are hanged in terms of getting out of the BSE dispute with Europe.

We were told by the Department of Agriculture that the changes in the regulations in respect of tags that were imposed on farmers would get us back in to the European market. We could not implement those changes, so the objective was unachievable. The Department agreed to regulations that are now crippling farmers and preventing them from getting to the markets.

**Mr Speaker:** Order. The time is up.

**Mr Bradley:** On a point of order, Mr Speaker. Will time be allocated to allow Members to join the group at the demonstration?

**Mr Speaker:** That is not a point of order. The situation is made absolutely clear on the Order Paper. The debate is from 10.30 am until to 12.30 pm. What happens outside the Chamber is not my business, and I certainly cannot rule on it.

11.00 am

**Mr Ford:** I am glad to support this motion and to add to the large measure of agreement. I see that some DUP

Members welcome the fact that I agree with them occasionally.

They might have referred to the fact that the UK Government must take action as well as our own Executive. The information we received on incomes clearly shows the extent of the crisis that still exists in the UK. It has bottomed out in England, Wales and Scotland but is continuing to get worse in Northern Ireland. It is a disaster and is something which quite clearly needs particular attention here. However, that will be partly dependent on what Nick Brown does in Whitehall.

I can understand why farmers question whether those in the Department of Agriculture and Rural Development — either the Minister or her officials — know what is going on. According to the statement issued by the Department yesterday, a large measure of the drop in income is attributable to the rise in input costs. Unfavourable weather conditions resulted in an increase in the amount of feedstuffs and fertilisers purchased. I do not claim to be an expert in this sector, but I find it difficult to see how bad weather could have affected pig meat production which is down 13%, poultry production, which is down 6%, or egg production which is down 10%. I wish that the Department would stop covering up for what is going on in Whitehall and start arguing the case for farmers here.

Various measures are being proposed, and they may be of some benefit. Some people can diversify — but only some. The farmers' market initiative may help a few people — but only a few. Some of the major schemes which are supposed to benefit all farmers in Northern Ireland are not producing the goods. Dr Paisley was critical of the environmentalist lobby. I would be less so. There may be occasion when farmers will have to accept the fact that money which comes from agri-environment schemes may be the best way of maintaining incomes.

Let us look at agri-environment schemes — for instance, the new rural development regulation. An excellent briefing paper from the Royal Society for the Protection of Birds and two farm unions points out that this year, farmers are losing £3.9 million because of existing baselines and because the Department's budget has not kept up with its commitments. Next year we will see some of the modulated European money coming through. Of the £7.7 million which ought to be going to farms, £5.7 million is being creamed off — and I have heard people use worse words than that — in Dundonald House, and only £2.0 million (25%) is going where it was designed to go. That is barely a quarter of the money which should be going to farmers for essential agri-environment schemes to benefit the environment and farm incomes. If that is a measure of the Department's, complacency we need answers from the Minister quickly.

I welcome the fact that the Minister has talked about having meetings with the other UK Agriculture Ministers. That is one benefit of devolution. We can ensure that the interests we share with the Scots and Welsh are made known to Nick Brown so that he is aware that the UK fringes are heavily dependent on livestock and are subject to difficult conditions with regard to export markets.

We also need to make sure that Nick Brown is told that no other country of the UK shares a land frontier with "Euroland", with all the difficulties that that creates in terms of our economy compared to the Scots and the Welsh — whatever they are suffering. I was invited to visit some farms in mid-Wales last year, and, superficially, the similarities with the Sperrins or the Mourne are quite clear. Their farmers are certainly suffering as well. However, taking into account the issue of cross-border trade — or the lack of it — it is clear how much more suffering there is in Northern Ireland and how much greater the need for our Minister to make this clear to the Ministry of Agriculture, Fisheries and Food.

There is a major threat to our society. It is ludicrous to suggest that the future of rural areas in places like south Antrim or north Down is as a sort of commuter bungalow land, or in areas like the Mourne or Sperrins or the Fermanagh Lakes is as a weekend bungalow land. The only way we will maintain a viable society in rural areas is to maintain viable farms as the basis of those societies. Without those farms the businesses, the schools, the shops and the post offices will go, and we will be left with completely dead wasteland. That is the crisis we face unless the Minister takes action.

**Mr Roche:** Farming is the largest industry in Northern Ireland. It accounts for 10% of employment and 8% of gross domestic product. The industry is in a serious crisis — total farm income fell by 22% last year, and over a five-year period the fall has been 80%. Together with the fall in income, the agriculture sector owes the banks approximately £520 million — a veritable debt mountain. Over the last five years approximately £600 million has been taken out of the local economy, and there has been an exodus from farming. Only about 7% of those currently involved in agriculture are under 35 years of age.

The BSE crisis has virtually closed off our export markets, and the control measures, whatever their merits, introduced by the Government have imposed considerable costs on agriculture. An overwhelming case can be made for giving Northern Ireland special treatment in respect of both exports and compensation to make up for the costs incurred as a result of the control measures. Statistics show that for 1999 the incidence of BSE per million head of adult cattle in Northern Ireland was 14.2; in the Republic it was 22;



and in Great Britain it was 513. This shows that Northern Ireland has had the lowest incidence of BSE and should be given low incidence-BSE status for export purposes.

I recognise the difficulties faced by the Minister. As a region in the UK, Northern Ireland does not have that status already because of the agriculture politics in the rest of the UK. We then have the greater problem of the politics in the EU which are putting the French in the position of trying to keep a total export ban on British beef.

Another cause of the crisis is the weakness of the Euro. Our export prices are becoming uncompetitive, and the import prices are making it difficult for us to compete in our home market. All of this means that farm income in Northern Ireland is at an historically low level. One immediate source of alleviation would be the agri-monetary compensation package for the year 2000, which is approximately £450 million. Twenty per cent — about £88 million — has been used, so there is £360 million left for the rest of the year for the UK as a whole. As I understand it, that would give about £50 million to agriculture in Northern Ireland.

The farming community will have to take immediate steps to strengthen its position in the market with the supermarkets and food processors. It should not rely on the Government. An industry that relies on the Government has written the recipe for its own destruction.

The action taken by the Executive to date —rather, the inaction — demonstrates a total absence of any coherent policy or strategy to deal with this situation. Two weeks ago the First Minister announced that he had put a proposal for a £100 million aid package for agriculture to the Prime Minister.

**Mr Speaker:** Order. The time is up.

**Mr Douglas:** I support the motion. The House should realise the implications of the crisis in farming for the Province's economy as a whole. Falling farm incomes are jeopardising the sustainability of farming, the countryside and the rural economy, and this inevitably will have Province-wide repercussions.

By way of introduction, and to illustrate the severity of the situation, let me give an example. Dairy farming was for many years thought to be the best of farming enterprises, but the agriculture industry has reached such a crisis point that many dairy farmers, despite having 100 cows, are struggling to stay in business, and a lot of them are depending on family credit to put food on the table.

Make no mistake: the writing is on the wall for many farming families unless they are given a fair deal. Serious difficulties in the agricultural sector and in the rural economy have largely been the result of forces

beyond their control. For example, agricultural fuel prices have almost doubled in the last year. Furthermore, the exchange rate — particularly the strength of sterling — affects the farming community in a way which cannot and should not be underestimated.

The House should be mindful that since agriculture support measures and direct payments are in Euros, changes in sterling are applied almost immediately. Therefore both domestic and export prices are seriously affected by the strength of the pound sterling in the exchange rate. This is especially the case since a sizeable percentage of agricultural income is generated by exportation into Europe, and, consequently, the stronger the pound sterling, the less competitive are British products.

This, along with the BSE crisis, has meant that farmers find themselves in a great deal of debt with no conceivable means of repayment. Animals with little or no value will invariably become a liability, and so the farmers' financial situation continues in a downward spiral. This has led, as was mentioned earlier, to desperation and a sense of hopelessness which has driven many farmers to suicide.

That is not to say that there has not been help. Much emphasis has recently been put on rural development through locally forged partnerships which are EU-funded. In short, this is not enough. Although some farmers at local level have benefited from receiving funding for innovative ideas, this type of initiative will not be sufficient to sustain and retain the majority of those who live in rural areas.

It is all very well to praise rural dwellers and tell them that they are the custodians of the countryside, but mainstream farming should be profitable and maintained at a level where re-investment is possible.

British farmers are in a more difficult position than workers in any other sector in the United Kingdom, and the British Government have failed to compensate the agriculture industry during the last four years. The United Kingdom was notably the only member state of the European Union not to do so. The Labour Party manifesto in the last general election supported radical reform, but it has not delivered. The British Minister for Agriculture, Nick Brown, said that compensation to help farmers over the changes would be generous, but he has broken his word. Broken promises appear to be the only consistent factor in the new Labour Party policy.

As has been mentioned, there has been speculation that the Prime Minister will inform representatives of the National Farmers' Union that no financial help will be made available to farmers to see them through the present crisis. Furthermore, he thinks that they ought to diversify and seek alternative sources of income aside



from the money required to speculate to accumulate. Were 533,000 farmers to diversify, a crisis would be created in more sectors than one. The Agriculture Committee has encouraged the Minister of Agriculture and Rural Development to do all in her power to rectify this by lobbying in London.

I urge the Assembly to support the Minister, the Department of Agriculture and Rural Development and the National Farmers' Union to work together to ensure that the full agri-money compensation which is due to the farming community and which was established to protect all European farmers is paid. I support the motion.

11.15 am

**Mr Ervine:** We have heard and will continue to hear more and more statistics. These add to the gloom and difficulty being experienced by the agricultural economy that seems to be under attack from every quarter. There are difficulties that come from Europe; there is the inability of a British, so-called Labour Government to move away from the advocated *laissez-faire* economic culture; and there is the apathy which exists among the Northern Ireland public.

We have seen the problems caused by companies who import every single item for their shops — not just a large percentage of their goods but every single item. I have been told that such a company has set up in Dungannon in spite of there being a hinterland full of suffering farmers. It does not matter whether they be sheep, pig, dairy or beef farmers, they are all trying to work the land and are struggling in economic difficulty.

What about helping ourselves? In the negotiations we had an opportunity to think about helping ourselves, yet we denied ourselves the ability to have tax-varying or tax-raising powers. This means that we now have the begging bowl out once again. We are holding out the begging bowl to Westminster and to Europe. Frankly, however, we are not doing very well because the *laissez-faire* economic culture is stronger in the hallowed halls of Westminster than any argument that we have yet made. And unless we are going to kick doors in at Westminster —

**Mr Beggs:** Does the Member accept that by revaluing the green pound we would not need to go anywhere with the begging bowl? That would help farmers in the UK at no cost to local taxpayers, although there would be a cost to the European Community but taking such action would bring funds to our farmers which all other farmers are getting.

**Mr Ervine:** I do not disagree with the Member at all, but we need to look at the position we are in. The reason all these people are in the Galleries is that they hope that we can help them by delivering something better than what they currently have. Long-term ideas are all right,

but if people are leaving the land and contemplating suicide, as we heard earlier, if difficulties and incomes are as bad as all that, we need to act now.

I come from an urban background, and the perception is that I have no concept of the difficulties of the agricultural community. We live in a country that is 90 miles long and 90 miles wide, and its economy affects all of us. For that reason I say that the situation is intolerable. If people working on a factory floor were bringing home what those in agriculture are bringing home, there would be an outcry. No one — but no one — would tolerate it, yet not only do we tolerate it, but we go to the shops and purchase goods which are putting our people out of business. We should demand that shopkeepers stock at least a certain percentage of goods produced in Northern Ireland. It is all very well to say nice words, but we need to do something.

First Ministers and Deputy First Ministers are afraid to agitate because of European attitudes to free enterprise and open borders. However, it is perfectly reasonable for a trade union or a farmers' union to agitate and to continue to agitate until the people of Northern Ireland know that until we can kick down doors in Europe and at Westminster and be listened to and answered, the only option we have is self-help. That is our only option at present.

If Members intend to tackle the distressing circumstances of the agricultural economy, they had better think about doing it very soon. We had better think of cross-party support for the people who are suffering. We had better think of ways to fund trips to Europe and of ensuring that we are in Westminster at every conceivable opportunity to make people take notice.

There is a great deal of criticism of the French. I do not advocate that we go to the same lengths as the French do, whether they be truck drivers or farmers, but they sure as hell make their Government sit up and take notice. What do we do? We speak in platitudes; we say the farmers have our support, and meanwhile, back at the ranch, these people are continuing to suffer.

**Mr Speaker:** Order. The time is up.

**Ms Morrice:** The Women's Coalition supports this motion. We recognise the crisis in the farming industry. Every Member who has spoken has talked of the soaring figures, of terrible debt, of children leaving farms and of the drastic cut of up to 80% in farmers' income. We are aware of it, and we recognise that it is drastic. This is not crying wolf; this is a genuine crisis. We can all see that. We give our full support to the appeal being made by farmers, by those gathered outside this building today, for what Dr Paisley has called an "extraordinary" approach to this crisis.

Why do farmers need our support? It is not merely a matter of jobs or individuals. We are faced with the

possible death of our rural communities and traditions. It has been said here today that we must protect the social fabric of the rural economy. David Ford said that it is about post offices, banks and market towns — our rural economy and people.

We must protect them. Many a farmer would call me a city slicker, but this is not a matter of the rural-dweller versus the city dweller. We must not forget that when farm incomes are cut and the young men and women of farming families have to leave, this sparks rural depopulation, thus putting pressure on cities. Calls are made in towns and cities for the green belt to be protected. In spite of this, more accommodation is needed because rural areas are being depopulated. This is not a matter of country versus city. No matter where we live, all of us in Northern Ireland must recognise that the farming community has to be helped.

Paddy Roche talked about the main causes, and I should like to dwell on these for a moment. There is no doubt that the two main causes are the fallout from the BSE crisis and the strength of sterling. I ask the Assembly and the farmers whose fault this is.

Let us turn to the BSE crisis. I know all about this, for I was involved in the European Commission at that time. The Government did not stick to the rules on BSE set down by Europe. They bent those rules and farmers are now being expected to accept responsibility for that.

Who is to blame for the strength of sterling? It is not the fault of the farmers. What can they do? Perhaps we could look more seriously at allowing Northern Ireland to enter the Euro-zone as a pilot project. Perhaps farmers would support that.

Neither of these problems is the fault of farmers. The Government must accept responsibility. We cannot accept Nick Brown or Tony Blair saying that farmers must diversify. We have heard about the golf courses and the bed-and-breakfast businesses. That is not good enough. We need a concerted approach to protecting the rural community.

I should like to send a message of support to farmers and their families. I support this motion. As I close, I should like to remind the House of Dr Paisley's words this morning. These farmers are

"decent people from both sides of the community."

We must do something for them.

**Mr McCartney:** Everyone in the House is united on this issue. All the interesting and informative speeches have illustrated the grievous plight of the farming industry. They have explained in great detail the reasons for that plight. What are we going to do about it? It is all very well for each of us to say that the plight of the farmers is awful. The crisis exists, and the reasons for the crisis are the strength of sterling and BSE. That does

nothing for the farmer, though it may exorcise the guilt we feel at our impotence.

The truth is that this Assembly can do very little to alleviate the effects of the farming crisis, which is due to many circumstances totally beyond our control. Perhaps the best statement made was on what the people of Northern Ireland can do for themselves. It is true to say that any industry, including the farming industry, which relies on the munificence of the Government for its future is on a hiding to nothing. What we can do is focus the attention of the entire community on the fact that if it does not support its own producers then it is unlikely that anyone else will. Interposed between the consumer and the farmer is the retailer. The retailing industry in Northern Ireland has been transformed over recent years by the introduction of the multi-national supermarket chains. They came here when things were getting better. They supplanted the local traders who had kept business going throughout 30 years of internecine warfare in Northern Ireland, but the introduction of the large supermarkets has laid waste to a great many small traders in a number of small towns.

The real question is: what can we do to ensure, insofar as it is possible, that those retailers support the produce of the people from whom they are extracting their profit? Anyone who goes into Tesco's or Sainsbury's should know that it is acknowledged throughout Europe generally that the major food chains in the United Kingdom are making far higher profits than their counterparts in Europe, and they are making those profits largely at the expense of the producers. They go through the fraud of labelling their goods "Sourced in Northern Ireland" — not "Produced in Northern Ireland" — but "Sourced in Northern Ireland". That covers a multitude of sins, including purchasing from agents who are in Northern Ireland but who source their produce from abroad.

If this Assembly can do one thing, it can alert the electorate to the fact that if they do not support their own farmers and buy produce clearly labelled as being produced by farmers in Northern Ireland, then they are destroying a large part of their own economy.

In broad terms, Europe does what suits the major members of the European Commission. They can forget about the fines that were levied on Italy for milk quota frauds. They can turn a blind eye to Spain injecting capital directly into Iberia Airlines. They can do whatever they want, and unless we ensure that we back our own people then, as some of the Members have said, Northern Ireland will be turned into a farming waste land. Golf courses and other leisure amenities will dominate the countryside, but the farmer will be destroyed.

11.30 am

**Mr Armstrong:** It is good to see some familiar faces from the farming community in the Galleries today. I know that it is not every farmer who can afford to leave his livestock for a few hours to attend rallies and listen to debates in the Assembly. I recognise the sterling work done by Will Taylor and Douglas Roe of the Ulster Farmers' Union.

Agriculture is the largest single industry in Northern Ireland. However, figures released yesterday show that total farming income has fallen by 79% since 1995 — an astounding statistic. Farmers in less favoured areas are realising an average annual income of £179. Our farmers now owe approximately £523 million to banks, and this figure continues to increase. Farm incomes in Northern Ireland decreased by 22% in 1999, compared to an estimated 1% in the UK as a whole. We can clearly see that Northern Irish agriculture does not get a high priority with the UK Government, and we cannot let this situation continue.

Approximately 60,000 people are employed in this vital industry. Since £572 million has been removed from Northern Ireland's economy over the last five years, it must be brought home to the Government that Northern Ireland is no less important than any other region. Other parts of the UK are more industrialised, and agriculture is less important to them. The Government do not value this industry or consider it worth saving. Other major industries receive financial help in times of crisis.

Northern Ireland has always had high health and welfare standards, dating back to the days before the EC. We had stringent legislation on the importing of agricultural products. When we became part of the European free market, products of lower quality came into Northern Ireland. We are well known for our excellent traceability records and distinguished levels of health, welfare and efficiency, as well as for the high genetic value of our livestock.

Northern Ireland farmers have complied with all the EU legislation on health and welfare standards. They were promised a premium for their products, only to find inferior products from other parts of Europe on our supermarket shelves. Fancy packages and low prices seem to appeal more to the consumer. Premium prices were not realised, and all hopes of recovering the money invested have been dashed.

Furthermore, UK companies have imported certain products whose health and welfare standards do not match our high standards, and that has created unfair competition. These products have also been cheaper. In Northern Ireland we had only six cases of BSE in 1999. France recognised about 30 cases in 1999. We had only 27 cases in 1997, yet the French refuse to buy British

beef. It is totally unfair that our high-quality products cannot be exported across Europe. It is time that we were treated as a low incidence area for BSE.

We are all aware of Holland's lucrative market for bull calves. As an exporting area, it has been very important and beneficial to us to export products that are in short supply in other countries. At present, these calves are worth £70 to £100 in the Irish Republic and are being exported from there to Europe. It could be said that there are more cases of BSE in the Irish Republic.

I am particularly concerned about our pig farmers. They have not been able to cover their costs for the last 20 months. Many face debts of £200,000; some owe as much as £500,000 to the banks and meal companies. None of the Government bodies seems to want to do anything to alleviate this problem. The importing of pork and bacon products which are of a lower standard than similar products produced in Northern Ireland should be discontinued. There should be a level playing field.

The Minister met some young farmers in my constituency three weeks ago. The farmers revealed their private, painful stories and personal bank statements.

**Mr Speaker:** Order.

**Mr Armstrong:** I must close then —

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

**Mr McGrady:** As has already been said, all parties in the House will support the farming community in this emergency. I fear that the fact that it is an emergency has not been communicated properly to the community. I can repeat, as can every other Member, the horrendous statistics on the fall in incomes, the lack of revenue and the higher costs which have been reproduced for the first time, almost coincidentally, throughout all sectors of the community.

Political representatives and representatives of farmers' unions have failed to convey the enormity of the situation to the general public — the consumers. First, as Mr Roche has said, farming is a base industry involving 10% of the civil population and accounting for 8% of GDP. What other country would allow that volume of industry to be sacrificed? Secondly, the farming community is the custodian of our heritage, rural communities, land and environment. Are we going to jettison those as well? The problem is that the same criteria are being applied to Northern Ireland's agriculture as are being applied to agriculture in the UK, where it is not an important economic factor — and Members need to face this. The Government's response reflects that.

In some respects that is why we have failed to inform the European conscience of our drastic situation. Our local Minister and the Department of Agriculture and



Rural Development must put pressure on Whitehall to insist that the national Government take this issue seriously and save this base industry by a special dispensation or arrangement within the EU to reflect our special circumstances. That must happen as a matter of urgency. Europe knows that this is a huge problem. The recent Eurostat report indicates quite clearly that Northern Ireland incomes, and indeed UK incomes as a whole, fell dramatically in the years from 1995 to 1998. Europe knows this from its own statistics, so it really is time to "kick in that door", as one Member so elegantly put it.

There is no point in Members debating the statistics, horrendous though they may be. The forecast for 1999-2000 is of net loss to farming incomes throughout the community. Members, and the farming community, cannot tolerate that. The community can tolerate loss for only one or two years at most. The rescue package must then be in place to help the community out of that morass and into prosperity.

Members should not adopt the pessimistic attitude that nothing can be done. Similarly, the repetition of statistics will not energise us. We must make suggestions. There should be special arrangements in Europe to address a special problem. Other national Governments can do it, so our national Government should also be able to do it. The agri-monetary compensation must be claimed and released to farmers in proportion to their requirements, particularly in this region.

The reassessment of the green pound has already been mentioned, and that should be done. At home, the financial institutions, which are servicing the £520 million deficit must give special consideration to farmers. For decades, the high street banks have ridden on the gravy train thanks to the Agriculture and other industries; now it is their turn to feel some pain as well. Arrangements to rescue the farmers need to be agreed.

Restructuring may be required. The agricultural retirement scheme, which is available in the Republic of Ireland, must be made available here to allow good economic restructuring to take place. I would like to see a task force established immediately in Northern Ireland involving representatives from the relevant Government Departments: Agriculture and Rural Development; Enterprise, Trade and Investment; Health, Social Services and Public Safety; and Environment.

It should urgently investigate this issue on a cross-departmental basis and produce a plan to alleviate the problems. Merely tinkering with the problem of diversification or environmental improvements will not help. We must be more dramatic in our approach.

**Mr Speaker:** Order. The time is up.

**Mr Poots:** I do not intend to concentrate on the agriculture industry's problems — they have been well

covered already. We are all aware of the £520 million farming debt and the fact that only 7% of farmers are under the age of 35. What we need are solutions. The Permanent Secretary is in the House, and although we do not know what the future of the Assembly will be he will still hold his position whether Alf Dubs or Bríd Rodgers is the Minister. There is more responsibility on the Permanent Secretary's shoulders than on anybody else's.

The Department of Agriculture and Rural Development needs a radical shake-up. Farmers have had regulations imposed on them over the years, regulations that have been implemented and policed by the Department, yet the same Department has not managed to deliver a full lifting of the BSE ban. We need to see that we get low-incidence status quickly. Is it right that the Irish Republic, which has many more cases of BSE than Northern Ireland, can export calves and get £130 per head when farmers from Northern Ireland have to pay to get their calves slaughtered? How can France continue to export beef when they have more incidences of BSE than Northern Ireland? It is time that the Department of Agriculture and Rural Development put the case of the Northern Ireland farmers to Brussels and Strasbourg. Farmers have applied all the regulations; now it is time for the Department to deliver.

The European sheep meat regime should also be looked at. Has the Department ever asked Brussels to look at it? The Government in the Irish Republic have asked for the regime to be changed. Last week, it was announced that sheep farmers are to get an annual subsidy of £13.48. Given that lamb prices are lower than they have been for five years, I would have expected that that subsidy would have been over £20. However, because the system under which the sheep meat regime operates is unjust, we are given less compensation than we should.

We need a strong implementation of policy on the importation of potatoes. Northern Ireland is presently importing potatoes that are of a lower standard than those produced here. Disease standards are not being maintained. The imported potatoes are not subject to the same standard scrutiny for brown rot disease as is applied to Northern Ireland potatoes. There is a danger that this disease could be brought into Northern Ireland and ruin the local potato industry.

The Department has handed out money in FEOGA grants to two firms to expand their potato marketing operation. They have imported thousands of tonnes of potatoes from Scotland and Europe, and this has driven down the price of potatoes in the Province. Farmers now have to sell potatoes at £20 per tonne, because the Government have paid for these firms to build cold stores. It is not the Department's role to improve the



marketing conditions of firms in Northern Ireland; its role is to improve the marketing conditions for farmers in general.

The Department must get its act together and work on behalf of the Northern Ireland farmers. Time and time again new regulations are introduced. I can recall the introduction of the Maedi-Visna regulations. There was no need for those regulations to be introduced, but, as there were obviously surplus staff in the Department's veterinary service, this was a good way to keep them occupied. We are spending more on the administration of agriculture than farmers make in profit. It is time for the Department to get its act together. The farmers are doing their bit. No more regulations should be imposed on them, for they cannot afford to implement the regulations. The Department should go to Brussels and fight the Northern Ireland farmers' case. There is no point in blaming others; the main reason for our problems is the Department's inadequate representation of the farmers' case.

11.45 am

**Mr J Kelly:** Go raibh maith agat, a Chathaoirleach. Like my Colleague Gerry McHugh, I support the motion. At the outset, Mr Speaker, I would like to say that the philosophy of "ourselves alone" has been well ventilated this morning, so I will not dwell on it.

The crisis in the agriculture industry is very real — not for me, but for the farmers and their families who are suffering as a result of it. I welcome the farmers and their families who are here this morning.

Much has been made of the connection between the North and the South. I am not trying to make a political point, but had the agriculture industry in Ireland acted as a single unit, 10, 15 or even 20 years ago, then the present agriculture crisis would not be as severe as it is. One has only to look at the agriculture industry in the Free State to know that they milked the system, very astutely and acutely, while we were tied in to British agricultural policy within the EU. Consequently, the only people who suffered were the farmers of the North of Ireland. Had we gone forthrightly into the agriculture sector in Europe as a single unit, then we would not be facing the crisis that we face today — or at least it would not be as bad. Agriculture is in crisis universally, but I believe that we would not be facing the crisis that we are facing had we acted as a single unit.

I would like to turn to the schemes that were inaugurated to help farmers — the ESA scheme in particular. Prior to Christmas, I was inundated with calls from farmers who had still not received their ESA payments. These were due in August, and by December they still had not been paid. It was the people on small farms who were suffering. They needed the money not only to buy fodder, but to run their homes. When one of

them rang the Department he was told that the payments had not been made because the computers were down. So there is a new excuse being given now. It is no longer "The cheque is in the post"; it is "The computers are down". That was the excuse given. Those schemes need to be seriously and rigorously looked at to ensure that if farmers are participating in such schemes they are paid the amount of money that has been guaranteed to them — and on time.

The situation in respect of rural planning is a disgrace, and something must be done about it. Time after time the Department refuses planning permission to the sons and daughters of farmers who are seeking to develop their own land, because this does not fit into the environment. What other environment is it going to fit into? They are living in the country. Is it spoiling the countryside? What is the real reason? I accept that there must be planning controls, but those controls should not be so rigorously applied in relation to rural planning.

Additionally, when a farmer who has a small piece of useless ground seeks planning permission for it in order to sell it — there is nothing wrong with that, because the land is useless, and he is looking for some other form of income — he is refused. That is an issue that needs to be looked into urgently.

My Colleague and others have mentioned the issue of consumers paying top prices for bacon, beef, lamb, poultry and other agricultural produce while producers receive the lowest prices. Someone, somewhere has to put in place a mechanism which investigates this, and one which puts some controls on the prices that consumers are paying as compared with the money that producers are receiving. Realistically these are things which should be looked at now, and a way should be found to alleviate the problems that exist in the farming community in the short term.

To link the agricultural crisis with the present political crisis is a crass piece of political opportunism. We are talking here about an industry that is in crisis. We are talking about a whole population that is in crisis and a countryside that has been denuded of its population. We should be trying to address life-support measures — and addressing them seriously — not trying to make a political point.

**Mr Leslie:** When addressing problems in the agriculture sector we must do so in the context that it is, in most respects, the last-state controlled industry. The snag is that it is not state-owned, and therefore the state is not responsible for the wages or costs of the industry. But the state controls the output prices by way of a mixture of policy, action, inaction and the subsidy process. The common agricultural policy has essentially distorted the market in agricultural produce, and not always to our disadvantage. Sometimes the markets have been distorted to the farmers' advantage, and the

subsidy system tries to correct that, but it distorts the market further.

When the Agenda 2000 proposals were originally produced they were flagged up as being an attempt to address these distortions and gradually restructure the industry to make it more responsive to market forces. Unfortunately, such an outcome did not emerge from the negotiations this time around. While there was some short-term relief, I question whether there will be a long-term benefit. A House of Lords Select Committee looked at the problems in the agriculture sector and said

“If the long-term prospect of adjustment to globally competitive agriculture is not to cause great and prolonged hardship, it is critical that the reorientation of the industry to a position where it can compete successfully is commenced as soon as possible. If not, change may be thrust upon the industry at an unnecessarily painful pace.”

It seems that we are in the latter scenario. It is a great pity that the expertise that was available when the report was made is no longer available to the House of Lords.

The Treasury is no friend of the common agricultural policy, which consumes over half of the total European Union budget. As the United Kingdom is a net contributor to that budget, the only way it can see its net contributions falling is if it can reduce expenditure on the common agricultural policy. Therefore the interests of the Treasury are completely contrary to those of the farmer. Unfortunately, the Treasury is much more powerful.

I urge the Minister to address the restructuring of the industry to see what the Department can do to help this process. She should also address the £45 million of the Department's budget, which is flexible and which relates to teaching, advisory and technical services. We are turning out very competent farmers, but we may have made them competent in a sphere from which they cannot make money. I urge the Minister to see whether the curriculum is able to produce the right skills for the market into which agriculture is moving.

The words “restructuring” and “diversify” are used too loosely. There are some opportunities, but it is hard to see that there will be enough for everyone. I welcome the Culture, Arts and Leisure Committee's intention to look into freshwater fishing. Farmers fortunate enough to have land along a river bank might want to turn to that as a possible source of future revenue.

I mentioned earlier that farming is essentially the last nationalised industry. When the steel industry, the car industry, and the coal industry were restructured and returned to the private sector the Government provided a very considerable cushion for the workforce. The situation is analogous to agriculture, but because farmers are self-employed, there is no onus on the Government to provide any such cushion. The Government should look very carefully at their duties in this regard, because they control much of the output price, and that

is what governs the success of the industry. That is why Mr Savage presented his “soft loan” scheme — not to subsidise farmers, but to help soften the process of change. The Government must also provide a cushion and an incentive for the farming industry.

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

**Mr Gallagher:** The farming industry needs practical and financial support, and it needs it now. Otherwise the family farming tradition, so typical of Northern Ireland, will fade away, and we will have other consequences to contend with. Members know that, owing to the fall in farming prices, this crisis impacts on the wider community. Farmers have less disposable income.

In the last three years more than £100 million has been lost to the local economy as a result of this crisis. It is causing particular difficulty in my constituency of Fermanagh and South Tyrone, as farming has always been a more difficult enterprise there because of the climate and the soil. Indeed, 30% of the County Fermanagh workforce is involved in agriculture. Members will agree that that is a much higher percentage than in any other part of Northern Ireland.

In the UK, the average percentage of the workforce involved in agriculture is a mere 2%. We have a large number of small farms and a small number of large farms. Farm incomes are measured in terms of standard gross margin (SGM). The SGM for farmers in County Fermanagh is 14·7, in County Antrim 25·5, and in County Down 22·3. But all farming communities need alternative employment opportunities and part-time employment opportunities.

I commend the Minister for beginning to put in place a new strategy for agriculture and rural development. I reject what Mr Roche said with regard to the present Minister for Agriculture and Rural Development and her record. He was talking nonsense. The Minister needs the support of the Executive and she needs to link in to other Departments in order to provide more opportunities for those who run our farming industry.

Until now, worthwhile ideas coming from the farming community have had little encouragement from the Northern Ireland Tourist Board. Look at the importance of tourism in Fermanagh and the importance of good co-operation between the farming community and those promoting tourism.

Another employment agency responsible for small businesses is LEDU. Why have better links not been developed between LEDU and the farming community? Why have some of the good ideas for enterprises on farms not had LEDU's support? This needs further investigation by the Executive.

It has already been said that rural planning policy is a major obstacle. However, it is not just in relation to

housing, as my Colleague John Kelly said. Any farmer who wants to embark on a new enterprise runs into an obstacle right away when he seeks planning permission in rural areas. He is invariably told it cannot be done.

The Minister and the Executive can iron out many of these problems. Both anti-agreement and pro-agreement Members will have failed to live up to their responsibilities under the agreement if there is a return to direct rule, for our farmers will suffer more than they have ever done.

12.00

**Rev Dr William McCrea:** I have listened with care to the debate so far, and we have all heard the Prime Minister say that he is going to tell farmers that they will have to diversify, but I do not know how many of them are going to be able to diversify. Many will be bankrupt, so what are they going to diversify with?

Farmers want to farm their land; that is what they were brought up to do, and they should be able to get on with it. They understand the problems of other sectors of industry. Take, for example, the textile industry. Many farmers' families are also feeling the pinch there, because many of their children have worked in the textile firms that are closing down. The farming industry in this Province is haemorrhaging seriously, and the Department is seeking to put a sticking plaster over the problem.

The crisis in pig farming has been going on for many months. We do not have to gather the facts; they are already there. If officials in the Department do not know the facts about the pig industry, something is seriously wrong, and it is about time that they vacated their positions and let others take over. We have to take this matter to where it really counts.

In the midst of this crisis I am sick, sore and tired of hearing from one person after another that there is nothing they can do. With the greatest respect to the Minister, I know she did not make the problem, but she now has the responsibility for handling it — we do not need the parroting of official lines. All we hear is that there is nothing that Europe allows the Minister to do. Why can nothing be done? What are the French doing? Are they not supposed to be the great Europeans? They are saving their farming industry. They are pouring money into it, and they will save their pig and other sectors. Of course, we hold up our hands and self-righteously say "There is nothing that Europe will allow us to do." That is absolutely disgusting.

We do not have just the strong pound problem, the BSE problem, the offal payments, the differential in meal, electricity and water costs; we also have the unfair differential between the price our farmers get for their products and what others get in the remainder of the United Kingdom. We are fed up with people telling us that there is nothing they can do. There must be a

financial package for this. Farmers are going to be totally bankrupt. Many of them have gone as far as they can possibly go, and all we are saying to them is that there is nothing we can do.

I heard it said today that tax-raising powers would be the answer. Whenever there is a problem and a factory is being closed, are taxes raised to bring in the money? Not at all; money is sought from the Exchequer. Gordon Brown's Exchequer is filled with money ready for a general election — they have to hand out the goodies and buy people off at election time. The money is there — you do not have to raise taxes to get the money; the money is already in the coffers. The problem is this: they are unwilling to cover pound for pound, and the farmers are going down. It may seem funny to some people, but I have had farmer after farmer sitting in my constituency office crying about his situation, and no one is willing to do anything about it. The Minister should go to Europe and say that we were told that everyone was dying to help us in Ulster because we have this Assembly going. Let them put their money where their mouths are. Let them prove themselves by backing us and allowing farmers to survive instead of going under.

Gordon Brown told us that he was urgently looking at offal charges, that he was willing to back us and that he believed that he could do something about them. Farmers were given the same answer, but we are still awaiting his help.

What about the special BSE status? Nick Brown said that he would back our Minister if a presentation were made. My party leader, representatives from the SDLP and the Ulster Unionist Party and I were told by Nick Brown that he would instruct his officials to work with our officials to get that presentation.

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

**Mr Molloy:** A Chathaoirligh, go raibh maith agat. I agree with the motion, and I support it. It is important to recognise that there is a crisis in the entire industry. I agree with Dr Paisley that the British Prime Minister's call for people to diversify is not the answer. It may be the answer for some, but not for everyone. What would they diversify into? Where will the money come from? Is the Prime Minister prepared to ensure that the money going into industry will be transferred to agriculture? Will he make sure there is money available for farmers who want to diversify and that they will get the planning permission, which Mr Gallagher talked about, to set up an industry in the rural community?

Farmers want to be on the farm, and they want to be producers. To most farmers diversification into some other industry of which they have no experience is not an option. Diversification, if it is to take place, will have to be into something associated with land and farming.



The main problem — and I am not making a political point — is that we in the Six Counties are linked to Britain. Britain is an industrial country, and it does not have any great interest in agriculture. It has an industrial base, which it wants to preserve. Britain has not made the case for our farmers in Europe, as was best illustrated during the BSE crisis when they failed to represent farmers. It is important to recognise that we will have to work within our own base. No one else will speak on our behalf.

As Dr Paisley said, we need to make the link with those who have exploited Europe to the full — the Twenty-six County Government. They have shown how to get the most out of Europe — by putting the least in, as some people would say. We must ensure that the Irish Government, as a European Member, produces and markets Irish goods, whether they are from the North or from the South. We should be asking the Irish Government to do more to ensure that that happens. It can be achieved within the North/South Ministerial Council in the form of a common agricultural policy.

Many farmers in border areas have paid a very heavy price because of currency differences. We need to ensure that this does not happen. Currency differential affects not just the border areas and farmers but also imports and exports. The fact that Britain is not part of the European single currency has had a detrimental effect on farmers.

All aspects of farming are now affected. In the beginning the problem may have been BSE and the beef crisis, but it is now expanding across the farm spectrum. Beef farmers, milk producers, pig producers, sheep farmers, potato growers and now mushroom growers are all affected. The fact that mushrooms are being imported from Europe and beyond is flooding the market, causing the price to drop. Cheap poultry imports will mean that another part of the industry will begin to fail. A situation similar to that which is happening in relation to the meat plant in Dungannon will occur. Imports will come in, and nothing will be produced here.

We have the basis for resolving this matter. We are paying the price for European membership. We have been part of the European Community but with our hands tied behind our backs. Because we are linked to an industrial nation we have not been able to exploit membership in the way other countries have. We need to make a link with a nation that is agricultural so that we can start to make agriculture work as they have done in the Twenty-six Counties.

We also need to remind ourselves that not all the money in the Twenty-six Counties went to the farmers. A lot of it went to meat plants and various associated bodies, and some of it went astray. Meat plants should

put back into agriculture some of the money they have benefited from.

If we are serious about reversing the situation we must do something about it. We need to pull together a common agricultural policy for the island of Ireland, not just for Europe.

**Mr Hussey** *rose.*

**Mr Tierney:** On a point order, Mr Speaker. Could the time allocated to the motion be extended? A number of Members wish to speak, and if the time were extended by half an hour most of them would be able to do so.

**Mr Speaker:** I regret that it is not possible to do that. First, half an hour would not cover it. The Business Committee made the decision about the amount of time which was available, and it was clear. However, the Member is correct, and I was going to say this in any case before the Minister spoke. A substantial number of other Members have indicated their desire to speak and undoubtedly have made preparations to do so, but I regret that it will not be possible.

Members must understand that we have further business today which is also time-limited and which is urgent. It is important that those in the Assembly — as well as people outside — know that many other Members wished to speak in this debate but were unable to do so because of time constraints.

**Mr Hussey:** This crisis — and it is well defined as such — has been thoroughly debated in this Chamber. The fact that £600 million has been lost to the economy over the last five years speaks for itself.

Mr Roche highlighted the importance of the wider industry — the agri-food industry — to Northern Ireland. It accounts for 10% of all civil employment and 8% of gross domestic product, and it is three times more important in Northern Ireland than in the United Kingdom overall. Therein lies some indication of where our central Government are coming from.

In 1997 a farm income averaged at a mere £3,093. I dread to think what the situation is now. At that time 38% of farms were showing a loss. What is the percentage today?

Dr Paisley highlighted the amount of money that farmers owe to banks, feed suppliers and hire-purchase companies. If these companies had any sense of generosity or gave any thought to where their past profits came from, they would offer assistance.

This crisis affects all sectors of the industry: pigs, sheep, poultry, milk, beef — the list goes on. Farmers have been left to defend an industry that is worth millions to the economy. What have Departments done in the past? They have followed United Kingdom



policy. If the Assembly is to mean anything the Minister of Agriculture and Rural Development must adopt a Northern Ireland policy — one that truly reflects our needs. It is only a matter of time before there is a chain reaction to this crisis, and it will expand beyond the rural community to affect the high streets of villages, towns and cities throughout Northern Ireland. This crisis will impinge on us all.

Despite all of this it is obvious to me that there remains a deliberate Labour Government policy of non-involvement in the agriculture industry. The crisis continues to deepen, and the Government must take exceptional measures. Central government must identify genuine and meaningful solutions — not the response given by the Prime Minister that has been well castigated by other Members.

It is time to introduce a differential low-risk BSE status for Northern Ireland. It is well-documented that the Republic and Great Britain have both had a much higher incidence of BSE than Northern Ireland. This was reported in 'The Irish Times' today.

12.15 pm

The traceability scheme which is in place in Northern Ireland means that our produce is the best authenticated in the world — a fact that has not been properly recognised or promoted.

The Government have made some mistakes in the past at great cost to the industry. Think of their decision to discontinue the calf processing aid scheme. That was wrong. William McCrea quite rightly highlighted the non-use of finances and the agri-monetary compensation which could be introduced. Mr McGrady mentioned the agricultural retirement scheme, and there are many other possibilities.

There are also wider issues: the millennium trade round, which takes over from the Uruguay trade round; the European model of agriculture, which will be under attack at World Trade Organisation discussions; disparity in the implementation of animal welfare legislation; the strength of sterling; the inexplicable differences between prices on the farms and those at shop counters; the lack of proper labelling — the list goes on.

Give our farmers a level playing field, and they will be able to compete with anyone.

**Mr Speaker:** Order. The time is up.

**The Minister of Agriculture and Rural Development (Ms Rodgers):** I wish to thank all Members for their contributions and to apologise in advance for the fact that I shall be unable to respond to every point today. Outstanding issues will be dealt with in writing.

I understand the anger of Members and the farming communities, and I understand why they are having a peaceful protest today. They have the right to engage in peaceful protest, and I welcome their action.

I have arranged to meet a delegation of farmers and their wives after this debate. I note that Members spoke of the men in the farming community, but I am very well aware that many women also work there in support of their husbands and on the farms as well. This is a people industry.

I have great sympathy with the farming community. Since taking over as Minister of Agriculture and Rural Development I have become very aware of the huge decline in their incomes in recent years. This is why I have been working so hard in the Assembly and in London and Brussels to achieve something on their behalf.

The income figures released yesterday were a result of circumstances beyond my control, beyond the control of the Executive and, I stress, beyond the control of my Department, which has been unfairly criticised today for not doing enough and not caring. That is not true. I am impressed by the caring attitude that the officials in my Department display towards the farming community for whom they are working, as I am, in very difficult circumstances and with all of the constraints of the European regulations and the financial implications that surround us.

The strength of sterling, world markets and other factors have been referred to by many people. I am conscious of the burden that I carry in representing the farmers, and I intend to do everything in my power to help them — and I stress "in my power".

Dr McCrea said that I should let someone else take over if I am not able to do the job. We all enjoyed his rhetoric. He is good at that. We also note, however, that although there was an opportunity for someone else to take over responsibility for this industry, Rev Dr McCrea's party decided not to take on that very difficult challenge.

But I am not afraid of challenges, and I will do my best in the circumstances in which I find myself. However, I do not like to be preached at by people who tell me that I could do better and should do better but who were not prepared to do the job themselves.

I am not going to have time to deal with every issue, but the Executive and I are doing everything that we can. The fact that we recently put £6.7 million of the reallocated money towards making up for the budgetary shortfalls of my Department is an indication of our commitment to helping the farming community. In spite of some ill-informed commentary, both at that time and since, the vast majority of that money has gone to the farmers.

I was in Brussels last week lobbying Commissioner Fischler on behalf of Northern Ireland pig farmers. I have also had meetings with Nick Brown. I am told that, in his speech today in London, the Prime Minister said

“In areas such as the pig industry, which is the most parlous at the moment, I do not rule out further measures to help. It must, however, be linked to a strategy which provides a long-term framework.”

I welcome that statement. I am, however, both anxious and interested to know what he has in mind. I hope to have a meeting with Nick Brown very shortly, and I shall certainly be anxious to hear about this and discuss it.

Members have referred to the agri-monetary compensation available to the UK which has not been paid, and I know that the Ulster Farmers' Union has briefed some Members on this. The matter has been raised by Mr Savage, Dr Paisley, Dr McCrea, Mr Hussey and others. I agree in principle that moneys available to farmers should be paid to them. It is wrong that our farmers should suffer because of fiscal policies developed for other reasons. These policies should not put UK farmers at a disadvantage in comparison with those in other member states.

Northern Ireland farmers, as other Members have pointed out, are doubly disadvantaged, as they share a land border with the Republic. I have demanded an urgent meeting with Nick Brown to discuss agri-monetary payments. I do, however, recognise that he is constrained. I do not underestimate the resistance from the Treasury, but I would like some other Members of the House to assist me as I do my best to make the case for Northern Ireland pig farmers.

I shall briefly refer to some of the points made before I go on. I am very aware that I shall not have time to do everything. Dr Paisley raised the question of help for new entrants. There is provision in the rural development plan for new entrants. It is one of the optional schemes, and we shall look at it. I shall deal with all of these matters in consultation with both the Agriculture Committee and the industry itself, which I have consulted many times already during the past two months.

Dr Paisley has made comparisons with the Republic of Ireland on European money. These are false comparisons, since the Republic is not under the same financial constraints that we are, and whether we like it or not, we must operate under UK financial arrangements.

I have every reason to suspect that Dr Paisley and, indeed, Mr Poots, who raised the same issue, are not suggesting a more radical solution to our problems.

**Rev Dr Ian Paisley:** Stop bringing politics into it.

**Ms Rodgers:** I am merely making a point, and I think that it is a fair point.

I have been to Brussels, and I have left Commissioner Fischler in no doubt about the problems in our pig sector. I have further meetings planned with Commissioner Byrne and him, and I am meeting the chief executive of Malton's later this week. I shall also be meeting retailers.

Although Mr McCartney is no longer here, I shall respond to his point. I am aware of the problem of local sourcing. Mr Savage made the same point, which is of great importance. As I have said, I shall be meeting retailers and impressing upon them the need to source locally and to recognise that our pork is produced under conditions conducive to animal welfare. Indeed, I have written to all public-sector purchasing bodies in Northern Ireland making the same points. Together with Joe Walsh in the Republic, I have set up an investigation into pig-processing capacity on the island of Ireland.

I also welcome and support what Mr McCartney said about local people supporting local produce. The £400,000 which has been made available for pig-meat marketing will be a help in proceeding along those lines. We also have £2.5 million for the red-meat marketing strategy. It is extremely important that my Department has made this provision. Many of the problems in the market at the moment have been caused by the BSE crisis and the resistance to red meat.

We need to explain to the people, not just in Northern Ireland but also further afield, that Northern Ireland beef is the safest on these islands. I am determined to pursue low incidence BSE status for Northern Ireland. I have made that one of my priorities. Mr Savage, Mr Bradley, Mr Roche, Mr Armstrong and Mr Poots, and perhaps others, have referred to this. I spoke to Nick Brown about it again last week, and I have his, and Joe Walsh's, support. We are making progress, but I am not unaware of the potential difficulties. I know that the idea does not command 100% support, even within Northern Ireland, and there could be major hurdles in London and Brussels. I am determined to do all that I can for the beef farmers of Northern Ireland.

I realise that I am about to run out of time. Mr McGrady referred to the early retirement scheme. That scheme would be extremely costly. If we could afford it, it would be welcome to the farmers. One of the things that have been impressed upon me by the industry is that, whatever money that is available, there should be maximum winners and minimum losers. The early retirement scheme would mean minimum winners and maximum losers.

I will reply in writing to the other points.

**Mr Speaker:** I emphasise again that many Members wished to speak. The Minister could have done with more time to give answers. That is an expression of the concern of the Assembly.

I now call Mr Kane to wind up the debate.

**Mr Kane:** First, I would challenge the Minister about the millions of pounds of additional money. This money went to the Department to pay off bad debt. She has failed to respond to all the prescriptive measures.

The demonstrations converging on the grounds of this building today are the result of neglecting the primary producers of that upon which life depends — food. Let nobody in the House think that farmers are crying wolf or that the agriculture crisis is something affecting only farmers and their families. An 80% reduction in farm incomes must translate into a colossal reduction in purchases from the multitude of suppliers who surround agriculture. The devastation will be widespread if it remains unchecked.

An array of factors are cited as having contributed to the collapse of the value of agri-produce. The strength of sterling, a world surplus, and a worldwide ban resulting from the discovery of BSE in our cattle have all been mentioned. The strength of sterling in comparison with the strength of other currencies is obvious. A world surplus of agricultural produce is a likely factor, since other non-members of the EU are also experiencing problems in agriculture. The weakest of reasons for explaining what is happening to this industry, arguably Northern Ireland's staple industry, is the export ban. Scientists have concluded that, our beef is safe to eat. We already knew that. Subsequently the ban was lifted. However, despite the scientific evidence and the European Commission's removal of the trade embargo, the French Government have imposed their own embargo, thus contravening European law.

With the price of its agricultural produce, Northern Ireland is fast becoming the poor man of Europe, and we do not need any further disadvantages imposed. The farming industry requires immediate financial aid, for its survival. Circumstances make our farmers the poorest in Europe as well as the least well-off in the United Kingdom. In the week ending 22 January 2000 the average steer price in Northern Ireland was 158·6p per kilo, while in Great Britain the average price was 176·7p per kilo.

*12.30 pm*

That is a difference of £63·35 on a 350-kilo carcass, representing a considerable margin between the two

producers. It is a similar situation with lamb. In the same period the Great Britain price per kilo was 185·5p, as opposed to 176·07p in Northern Ireland, and that means a disadvantage to the Province of over £2 on a 21-kilo carcass. These examples highlight the disparity between the regions.

Producers here have also had a reduction of almost one third in the price of milk. This, combined with the removal of the calf processing scheme, produces an animal welfare problem as well as a financial one.

Despite pleas to the Government and the new Department of Agriculture and Rural Development, the pig industry is disappearing even as we speak. The industry does not perceive the reduction contained in the Agenda 2000 CAP reforms as a means of increasing prices. Rather, it is seen as a method of curbing production in an already distressed market. A 4% cut in suckler cow quotas, or a 2·5% cut in premium levels through modulation, can do nothing but further damage an industry already on its knees.

Yet, with the resolve of the UK Government and the Northern Ireland Minister of Agriculture and Rural Development to push for low incidence BSE status for Northern Ireland, we could regain our exports of beef to the continent.

**Mr Speaker:** Order.

**Mr Kane:** Farming can continue no longer —

**Mr Speaker:** Order. The Member will resume his seat. The time is up.

**Mr Kane:** I commend the motion to the House.

*Question put and agreed to.*

*Resolved:*

This House contends that the cuts in farm incomes, the market pressure on each sector of agriculture and the lawlessness of the French Government constitute a serious crisis in the Northern Ireland agriculture industry and calls on the Northern Ireland Executive to recognise this and take emergency measures to save the industry.

*The sitting was suspended at 12.32 pm.*

*On resuming —*

## DECOMMISSIONING: REPORT OF COMMISSION

1.30 pm

**Mr Speaker:** A substantial number of Members wish to speak in this debate. I have discussed the matter with the Business Committee, and the view was expressed that the same arrangements as those earlier today should apply. The Member moving the motion will have 10 minutes, with five minutes for winding up. Each Member wishing to speak will have five minutes. I trust that that is in accordance with the Assembly's views.

*The following motion stood on the Order Paper in the name of Mr Trimble:*

To take note of reports from the Independent International Commission on Decommissioning.

**The First Minister (Mr Trimble):** Not moved.

**Rev Dr Ian Paisley:** Is this not a matter for the leave of the House?

**Mr Speaker:** The First Minister has said "Not moved." Had the motion been moved and had there been a speech, it would have required the leave of the House to withdraw it. The statement "Not moved" means that the motion falls and cannot be debated.

In the circumstances I do not feel that I can move to the Adjournment debate, because the Member who is to open that debate and the Minister who will respond have not been forewarned. I propose to suspend the sitting for 30 minutes to ascertain whether at least the Member and the Minister can be available earlier. Standing Orders were not suspended to a particular time, and I think that it would be possible to have the Adjournment debate earlier.

**Rev Dr Ian Paisley:** On a point of order, Mr Speaker. Many Members will know that the Adjournment debate is from 5.00 pm until 6.00 pm. It would hardly be fair to them to start the debate early simply because the First Minister could not get his act together and give Members proper notice. He has run

away again. My party could not even table an amendment, otherwise we could have done something about this. This is another example of contempt of the House — bringing Members together and then suddenly saying "Not moved."

The Adjournment debate should begin at 5.00 pm. Keep Executive members here till 5.00 pm so that everyone wishing to take part in the debate can do so. Why should Members be penalised for the way in which the First Minister has acted?

**Mr Speaker:** The proposition was for a 30-minute suspension so that I could ascertain whether the Member who is to speak on the Adjournment and the Minister who will reply could be available earlier. I may return in 30 minutes to say that the matter cannot be addressed until 5.00 pm. However, in the interests of the House I should at least try to ascertain if the matter can be satisfactorily dealt with before that time.

**Mr Dodds:** This is a deplorable situation, given that there was a debate this morning on agriculture — the most serious crisis affecting —

**Mr Speaker:** Order. Is this a point of order?

**Mr Dodds:** Yes, and, of course, it will be for you to rule on it.

This morning's debate was curtailed. Many Members wanted to speak but could not because there was further business. The First Minister has now withdrawn that business, having denied those Members that opportunity. That is deplorable. He is once again running away —

**Mr Speaker:** Order.

**Mr Dodds:** — from the issue of decommissioning.

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

He was right when he said that I would rule on whether it was a point of order. It was not a point of order.

**Mr C Wilson:** On a point of order, Mr Speaker.

**Mr Speaker:** Is it a point of order?

**Mr C Wilson:** I understand that it may be.

**Mr Speaker:** I admire the Member's honesty, but his comment means that it is not a point of order.

*The sitting was suspended at 1.37 pm.*



*On resuming —*

## ASSEMBLY BUSINESS

2.07 pm

**Mr Speaker:** Order. I have consulted with the Minister and with the Member who is to speak on the Adjournment motion. The Minister was in a position to move ahead, but the Member was not. The sitting will be suspended until 5.00 pm, and we will have the one-hour Adjournment debate then.

**Mr Dodds:** On a point of order, Mr Speaker. Given the unsatisfactory nature of what has transpired and the First Minister's decision to run away from the debate that was to be held on Gen de Chastelain's reports on decommissioning, can you indicate to the House when you were informed by the First Minister of his decision to withdraw from this debate? This does have an effect on the number of Members who were denied an opportunity to speak during the agriculture debate this morning. The Ulster Unionist Party has withdrawn from the Chamber again. It is probably ensconced in an office somewhere so that it does not have to face the decommissioning issue that we wanted to raise.

**Mr Speaker:** I cannot tell the Member how many Members were not able to speak this morning. Having indicated to parties the amount of time that was available, some did not even put the names of Members who wished to speak forward, because they knew that there was no point. For that reason I cannot answer that question.

It is not in order for me to respond to the other part of the Member's question save to say that I am as open as I possibly can be with the Assembly. I cannot say more than that. If the Member wishes, he may discuss with his representative on the Business Committee the meeting that we had at lunchtime. It would not be proper for me to go further at this stage.

**Mr Wells:** On a point of order, Mr Speaker. Many dozens of people have travelled from throughout Northern Ireland to be present for this debate. Now that Mr Trimble is not here, many of them are — *[Interruption]*

**Mr Speaker:** Order. This does not appear to me to be a point of order, and therefore I cannot take it.

It may well be that Members have travelled some distance to attend the debate, but the Member's Colleagues will tell him that from time to time they make the journey to Westminster to make a statement and are not given the opportunity to do so. Life is often hard.

**Mr C Wilson:** Mr Speaker, we have been denied the opportunity to debate decommissioning — an issue which the entire community is concerned about. Perhaps you will give me some guidance on the correct procedure for initiating an emergency debate once the report is in the possession of the First Minister and Assembly Members. Maybe you will refresh my memory.

**Mr Speaker:** I refer the Member to Standing Orders. I do not think it is necessary for me to read out the relevant parts. I appreciate that the Member may well have wanted to put his request on the record.

**Mr Paisley Jnr:** I wish to raise a point of order.

**Mr Speaker:** I wish to be assured that this is a genuine point of order and not an attempt to make a speech.

**Mr Paisley Jnr:** It is not such an attempt, and I appreciate your allowing me to make the point.

Can you confirm under which Standing Order the First Minister withdrew this motion, and, in relation to Mr Dodds's point of order about Mr Trimble's decision to chicken out of this debate, can you indicate whether you are prepared to bring the matter before the Business Committee to find out if there is any way of preventing the like of this from happening again?

**Mr Speaker:** This is not a matter for Standing Orders, but rather for Erskine May. It is entirely in order in Erskine May. It is not uncommon in other places for business to collapse in this way. There is no point in bringing the matter before the Business Committee since it is in order. Had it not been in order, as the Member is aware, I would not have permitted it to happen. Of course, that may not be to the satisfaction of all Members.

*The sitting was suspended at 2.12 pm.*

*On resuming —*

*Motion made:*

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

## DISRUPTION IN SCHOOLS

5.00 pm

**Mr S Wilson:** There has been widespread consternation in schools across the Province over the last two months since the appointment of the Minister of Education. Furthermore, his party has been actively engaged in the disruption of schools, disruption which the Minister has not condemned. He may like to run away from the fact that his appointment caused such anger, but the truth is that there have been unprecedented occurrences in schools since then.

We have witnessed whole schools being called together to debate this matter, schoolchildren voting not to have the Minister near their school, boards of governors meeting and resolving that he will not be invited to their schools and, indeed, on some occasions, protests. He may wish to forget all this, along with some other matters to which I shall come in a moment. The fact remains, however, that his appointment has been an embarrassment for the Department of Education and for the party — and I note that most of its Members are absent today — that was responsible for the setting up of an Executive which included Sinn Féin.

The Minister said yesterday that he wanted a quiet life. He said that he wanted a Dobermann to sit at his feet. He thought that I was going to do that. He must have mistaken me for someone else — the “pup” from East Belfast who is occasionally given to licking the Minister’s hand. Let me assure the Minister, however, that I do not intend to sit at his feet. In fact, I have made it quite clear that my role in the Assembly will be to snap at his ankles and, when I can, sink my teeth into his ministerial calf. We have set ourselves the task of opposing Sinn Féin, not co-operating with it.

When the First Minister announced the draft programme of legislation yesterday he said that he would be introducing a Dogs Bill. This Dogs Bill was to give the courts or resident magistrates discretion in all circumstances, including the circumstances of an attack, in determining the fate of a dog. I do not know if the Minister of Education had any say in having that included in the legislation. Perhaps he was merely preparing himself for the future. Perhaps, as we all suspect, members of IRA/Sinn Féin have their own methods of dealing with those who oppose them. They wish to hold on to their guns, because the tried and

tested Republican methods of dealing with dissent are still close to their hearts.

I wish to look at the various ways in which schools have been disrupted. First, this disruption has been caused by anxiety at the Minister’s appointment. The Minister would love to believe that this was orchestrated, that it was politically motivated by parties with a point to make. Of course, he must believe this, for to accept otherwise would be to accept that there is widespread loathing of him because of his background and because of what he and his colleagues have done to the people of Northern Ireland. He chooses to believe that this disruption was not spontaneous but orchestrated.

My party has made it quite clear that we do not believe that youngsters should disadvantage themselves because of the appointment of a Sinn Féin Minister. They are quite right to make clear their opposition, as are parents, boards of governors and teachers. However, children should not be disadvantaging themselves by damaging their education.

The Minister’s appointment has caused widespread disruption. Of course, since then his party colleagues have been causing disruption in schools without any condemnation from him. Sinn Féin disrupted the school in Pomeroy because it dared to invite a duchess. The Minister has said that he will try to sort this out, but he has not condemned it because he is not against intimidation. One has only to look at the behaviour of Mr McElduff in Carrickmore to see that Sinn Féin is not opposed to intimidation. What he was annoyed about was that the behaviour of the ignoramuses in Pomeroy held IRA/Sinn Féin up to ridicule among their own.

The argument went something like this: as she is a duchess, she must be a member of the royal family and must therefore oppress Catholics. It is a bit like saying “Your name is Gerry, so you must be a German and a Fascist.” I suppose the first and last parts are right, but not the middle part. That is what they were angry about.

Look at what happened in the Assembly yesterday. The Minister made it quite clear, in response to Mr Weir, that he is not against intimidation or interference in schools. He admitted that he pulled his youngster out of a class because the RUC was present. That gives the green light to all the Finbar Conways that lurk in the towns around Northern Ireland, under the guise of Sinn Féin. It will not be too long before they will be taking the lead from the Minister and pulling their children out of school, or maybe other people’s children out, or maybe the teachers. The Minister has said that if the RUC is in a school, it is OK to go in and disrupt it.

**Rev Dr Ian Paisley:** Does the Member not agree that that is the act of a hallion?

**Mr S Wilson:** That must be a country term. I do not know what a hallion is.

It is quite clear that the Minister has laid himself wide open and that his party has been encouraged to behave in this way. It is no wonder that his activities have been condemned by teachers' unions, by principals and by parents. It is significant that he will not publish what schools he intends to go to. That could be a relic of his secretive past when he was used to, as he bragged on his first public engagement, flitting from safe house to safe house. Now he is going to flit from safe school to safe school in secrecy. He knows that, because of his record, he is not accepted in this Province or in many of its schools.

The Minister has promised future disruption of the school system in Northern Ireland. He has promised to dismantle what is best about our education system. Yesterday he attacked the school system — a school system which, incidentally, people in other parts of the United Kingdom envy.

Ironically, the same Minister has praised our school system this very day in his statement about improved school performances. He said that 56% of pupils achieved five or more A to C grades at GCSE, compared to pupils in England, only 48% of whom reached that standard in 1999. I will not be able to go into this as my time is nearly finished, but he intends to disrupt a system, which is the envy of other parts of the United Kingdom, in his pursuit of socialist ideology. He and his colleagues have been good at levelling for the last 30 years. They have levelled towns and villages all over this Province. Now he wants to level down our education system, with all the disruption that that would cause.

The Minister of Education does not have the confidence of those whom he claims to administer. He does not have that confidence because of his behaviour and that of his colleagues, and he does not have that confidence because of what he is threatening to do to the system.

Two months ago the leader of the Ulster Unionist Party told us that in setting up an Executive which includes Sinn Féin he had got the best deal for Northern Ireland. Within two months we were to be rid of guns when we had Sinn Féin Ministers in Government. They would be poachers turned gamekeepers — all would be well. He has given the poachers the run of the estate. He himself has run away today from the debate on disarmament that he had promised the House. He did not deliver a good deal for the people of Northern Ireland. He delivered a rotten deal, and with it we have got a rotten Minister, who ought to go.

**Mr Speaker:** At the commencement of the debate I had almost no names of Members wishing to speak,

save for Mr Wilson and, of course, the Minister, who will respond to this debate. Since then I have received a number of names. There has been no time limit, for I was unable to set one, not knowing the situation. I propose to the Assembly, so that those whose names are down can have an opportunity to speak, that we limit each Member to five minutes. I seek the leave of the Assembly on that.

**Rev Dr Ian Paisley:** On a point of order, Mr Speaker. How long will the Minister have to reply?

**Mr Speaker:** The Minister will have about 10 minutes. It is normal practice to give the Minister 10 minutes for each hour. As you will recall, the last Adjournment debate lasted three hours, and the Minister had about half an hour to respond on that occasion. Do I have the leave of the Assembly to restrict Members to five minutes?

**Mr Kennedy:** Further to that point of order, Mr Speaker. Will you exercise a little discretion in time allocations so that Members need not confine themselves exactly to five minutes? If they were halfway through an important sentence would you cut them off?

**Mr Speaker:** The difficulty is that I am very much aware that in such circumstances Members, seeing the time limit coming up, have the capacity to produce the longest sentences. They speak in paragraphs then. If Members know they have five minutes, they can watch the clock. If there is no limit, there will be arguments saying that one Member got more time than another, and so on. I ask the leave of the Assembly to restrict speeches to five minutes so that those Members whose names are down will have an opportunity to speak.

5.15 pm

**Rev Dr William McCrea:** Further to that point of order, Mr Speaker. Will my hon Friend get any winding-up time?

**Mr Speaker:** I am tempted to suggest that there was a fair bit of winding up in the first speech. There is no winding-up time in an Adjournment debate. I will therefore restrict all Members to five minutes. I advise them to watch the stopwatches and to match the length of their last sentence to the time they have left.

*Leave granted.*

**Mr Kennedy:** I am grateful for the opportunity provided by Mr Wilson, the Member for East Belfast, to speak in this important debate. The appointment of the current Minister of Education generated a very negative response in the entire community, and particularly in the Unionist community. This reaction was inevitable given the public persona and background of the individual concerned. Many people, including parents, governors, teachers, educationalists and pupils, expressed concern about the implications of the appointment.

Those concerns were manifest in the number of school protests, petitions and letters of protest by school children throughout the Province. Many representations were made to me as Chairman of the Education Committee, and I attempted to assist in what was an extremely difficult situation. I, along with Mr Wilson, the Member for East Belfast, met with groups of pupils, teachers and parents. I publicly appealed for restraint to be exercised by everyone, including the new Minister.

Many of the Minister's actions and public statements were unhelpful — in particular, his reference to his having been on the run in County Leitrim. I am very satisfied, however, that most of the protests were spontaneous events organised by pupils and not orchestrated by any political party, as alleged at the time. I pay tribute to the important restraining influence exercised by teachers and parents in that emotive period. Their great common sense ensured that the issue did not adversely affect the long-term educational prospects of the children, who, understandably, felt very strongly on this issue.

My party has always believed that sectarian politics should be kept out of schools at all costs, and I believe that this view is strongly supported by parents everywhere. It was a matter of great regret that in January the disruption in schools took a very different turn with the events in Pomeroy. This episode proved to be remarkable in many respects. It was not so much an Aesop's fable as a Grimm tale. It was deadly serious, and it could almost be told in the language of a fairy story — so let us have a go.

Once upon a time, not so very long ago and in a place not so very far away, there lived a man called Mr Finbar. Mr Finbar had red hair, and he appeared to eat well. He rested a lot in a comfortable armchair where he thought thoughts and heard voices. One day Mr Finbar heard voices tell him that a royal princess from a neighbouring land was coming to see some local children. Mr Finbar hated the royals from this land, but he had no objection to carrying around some of their pictures in his wallet. Mr Finbar objected to the visit of the royal princess and said that she was not wanted by local children. However, it turned out that the royal princess was not really a princess — she just knew some members of the royal family.

**Mr Speaker:** I draw the Member's attention to the fact that the debate is about disruption in schools, not entertainment in schools.

**Mr Kennedy:** Thank you very much.

However, she was a very nice person who had a famous ancestor who was good at writing. She wanted to tell all the boys and girls about him. In fact, a local man called Seamus, who was good at verse, liked her

and helped her. But Mr Finbar would not budge. He stopped the visit, and all the local children were sad.

**Several Members:** Ah.

**Mr Kennedy:** Sadder than that. *[Laughter]*

Mr Finbar did not care, for he had an important friend called Martin, whom he sometimes saw. He knew that Martin would support him. But Martin had been very busy lately, for he had a new job and lots of new friends. He was very busy. But even though lots of people complained about Mr Finbar, Martin would not criticise his dear friend. So the very nice lady went off to other schools to tell the children about her story. And Mr Finbar and his friends lived not happily ever after but in an atmosphere of sectarian hatred, malice and spite.

**Mr O'Neill:** I believed that we were here to debate a real problem in education, in a real way. I did not know that it was to be a highjacking of the Minister of Education or a party political table tennis match. There is a real problem, and educationalists who understand the situation in schools recognise it. However, since other Members have decided to go down a political-point-scoring route and ignore the serious nature of this problem, I would like to take the few minutes allocated to me to focus on that problem and on the plight of teachers, parents and children involved in it. I refer to the growing problem of disruption in schools.

This problem is not centred in Northern Ireland; it has European dimensions and is related to the changing nature of our society. We are moving from an old authoritarian, almost militaristic, way of dealing with education to a more democratic way and to a more democratic society. We are moving from a system that had strict diktats, order and discipline in the classroom to one which is more open and co-operative. In the old system, corporal punishment was used to attain and maintain control. As our society has changed, we have had to look at methods other than the use of force to get the attention of children. We are now trying to work with people and give them the support that they need. The teacher in the classroom is hard-pressed to cope with this changing situation.

There was an old academic argument about the origin of the word "education". It was accepted that it came from Latin. But there are two Latin words: "*educere*", which means "to drive", and "*educare*", which means "to lead". The new way of looking at education during the last few decades has been to try to lead the children to education. Society, however, still expects a disciplinarian approach — the old system — and that has led to conflict in the classroom.

I appeal to the Minister and his Department to examine this problem and not be diverted by the sort of political foreplay we have witnessed today. They should look at the matter seriously and try to find the resources



that are required, for resources are needed. If action is not taken to deal quickly, and in a proper, supportive way, with a disruptive child in the classroom, the problem can grow. I do not particularly subscribe to the old adage that one rotten apple turns the rest of the barrel bad, but it certainly has an effect. One can see this when one is trying to maintain control for the benefit of the other 99% of the children, whose quality of education suffers because of the disruptive pupil. There is a great need to put those resources into place to help teachers. This is real disruption in education.

Our present system includes social workers and a whole stratum of other people to help. The children who need specialist help continue to fall between two stools. They fail to get the attention they deserve and the support they need simply because the necessary resources and expertise are not available. I appeal to the Minister and to the Department to ensure that they are made available.

**Mr Shannon:** The Member for South Down said that this is a very important issue. It is a very important issue for all who have a particular interest in the education of our children. It is also an important issue for many of us who believe that the protests that were held over the last few weeks were held for a purpose — and that purpose was not just to grab the headlines. There were spontaneous protests by secondary school children, who took it upon themselves to show where they stand on these matters. We need to understand why they did that.

We all know that the Sinn Féin spokesman, on his first school visit, used the words “fun on the run”. This was highly publicised in the media. Of course, it was all right for him to grab the headlines on his first school visit but to grab them by telling children about the time when he was hiding from the security forces, glorifying terrorism itself. Is that what a Minister should be doing? After that can anyone really say that it is wrong for schoolchildren, many of whom were supported by their parents, to protest? I say “No.” I am concerned that the Minister masquerades as a respectable person and a respectable Minister, when the reality is that he is anything but that.

Some criticism has been levelled by members of the Ulster Unionist Party, the SDLP and the Alliance Party about the protests that have taken place. Certain Ulster Unionists are symptomatic of a party that has made political ideals out of capitulation. They have said “We will go along with the process even though we know it is wrong.” I exclude the Member who spoke today on behalf of the Ulster Unionist Party, for he has obviously taken a stand on this issue. The party’s decision-making body has become so used to surrendering principles that when individuals dare to stand up for justice they are heckled and in some cases ridiculed.

Pomeroy is an example of the so-called acceptable face of Sinn Féin. The Minister finds himself in a position where his own party members are trying to make capital out of a visit to a school by a friend of the royal family.

**Mr Weir:** Does the hon Member agree that, given Cllr Conway’s in-depth knowledge of the royal family, it is just as well that the school was never given a concert by Duke Ellington or Count Basie?

**Mr Shannon:** I thank the Member for his comments.

**Dr McDonnell:** Will the Member give way?

**Mr Shannon:** I will not give way. The Member will get a chance to speak in a moment.

**Dr McDonnell:** On a point of order, Mr Speaker. Is it appropriate for Mr Shannon to attempt to misrepresent the situation? It is well known that he was an orchestrator of all the protests around some of the schools. Surely that is not —

**Mr Speaker:** Order. That was not a point of order.

**Mr Shannon:** That is not true. All the protests held in our area were organised by the schoolchildren themselves. If the Member had any knowledge of Strangford he would realise that, but he has no idea what goes on there.

5.30 pm

**Mr Speaker:** Order.

**Mr Shannon:** The Member has no knowledge of Strangford, and his contacts in the area are obviously giving him wrong information. All the children from all the secondary schools in the area protested. Why? Because the Minister is not acceptable to them. They were concerned, and most of them were supported by their parents. That is the good thing. They were not on their own in this.

Those children who did go out showed a political awareness of what was happening far beyond that displayed by some of their parents and elders. They are not merely teenagers who decided to take a couple of hours off school. After the protests had taken place, they went back to classes. We want to see them excelling — that is important — but the Minister who is responsible for education is not acceptable to them. This group of mature young people deserve to be congratulated; they give us hope for generations to come.

Schoolchildren should be given the opportunity to put forward their points of view, and it is disgraceful that the Minister was appointed against their will.

**Mr Speaker:** Order.

**Mr Molloy:** This is a disappointing debate. As Mr O'Neill said, it was unfortunate that Mr Wilson did

not use his time to talk about the real disruption in classrooms and about how principals and teachers can maintain authority in schools to benefit and educate our children. One of the failures of the whole system has been — *[Interruption]*

Mr Speaker, does someone else want to speak? No? I thought that perhaps I had given way.

If a teacher like Sammy Wilson were really concerned about children's welfare, we would be having a debate on the very relevant points raised by Mr O'Neill. Today's debate is about the protests, and, of course, the DUP was the driving force behind them. If the television cameras were at a protest, so was a DUP councillor, and some DUP councillors have children at the schools. They were at every protest, raising issues on behalf of the children. I have no problem with people having protests as part of the process.

**Rev Dr Ian Paisley:** Is it right for a Member to misrepresent the situation so blatantly? I ask him to name one councillor who took part in the protests in my constituency of Ballymena.

**Mr Speaker:** It is a known fact that Members express their views in the Chamber whether they are leading, misleading or otherwise. That was not a point of order.

**Mr Molloy:** If the Member looks back at the film footage taken at the time he will see that several DUP councillors were involved in protests in various locations. I will leave the Member to do the research; he is good at doing research at other times.

Mr Wilson has failed to bring this debate around to what we are supposed to be talking about — disruption in schools. Although he is a teacher, he has failed to give his views on how we should be dealing with the disruption. It is difficult to educate pupils when there are no jobs for them to look forward to.

**Mr Speaker:** Order. We are supposed to be debating disruption in schools, not demonstrating disruption in the Assembly.

**Mr Molloy:** That is a very good point. The DUP has not set a very good example either in the Assembly or around the Building, where its visiting thugs were intimidating people, including Members.

**Rev Dr Ian Paisley:** Is it in order for a Member to say that any Member who signs a visitor in is signing in a thug? This debate is getting out of hand. A Member who signs a visitor in is responsible for that person. The Member is talking about thugs. He should name them. I will tell him one thing: they were not armed, unlike some of the people he brings in.

**Mr Speaker:** It is not in order for the Member on his feet to make claims about others and not name them, or for the Member intervening to make claims about other

Members' guests and not name them. We should all concentrate on the debate.

**Mr Molloy:** The approaches that were being made in the Building today were unparliamentary. Attempts were being made by visitors to intimidate people, including Members.

**Rev Dr William McCrea:** On a point of order, Mr Speaker. Have you had any reports of intimidation or of threats being made in the Building? If so, what action have you taken?

**Mr Speaker:** I have received a number of reports. I have asked the Keeper of the House for a full report, and he is currently preparing it.

**Rev Dr William McCrea:** Will that report be brought before the House?

**Mr Speaker:** It will not. Such reports are never brought before the House. They are brought to me, and I try to deal with them appropriately myself or in consultation with, for instance, the Commission.

**Mr Molloy:** The debate should be dealing with the points that Mr O'Neill made. Some young people are not attending school; others do attend but disrupt classes, thus depriving others of the chance of a good education. If we were able to come up with a system to deal with that, if we were able to give pupils the chance of a career and a job to look forward to, that would be a great help to them.

I would like to congratulate St Patrick's Girls' Academy in Dungannon, which, for the second year running, has come top of the schools league tables. This is an example of a good school with good pupils, good teachers and a good educational system which has provided its pupils with good prospects. I would like to put on the record the Assembly's congratulations to the school.

I hope that what I am saying will, if nothing else, send a signal to DUP Members that they cannot engage in street protests or disruption and then deny others the right to protest.

Mr Conway has come in for much criticism today. I am not here to defend him, but he is not here to defend himself either. All he did was request that the principal withdraw an invitation — *[Interruption]* Neither he nor the parents disrupted the education of the pupils in any way.

On the subject of disruption, surely the DUP should be setting a good example by not causing disruption when people are speaking.

**Mr Boyd:** Some of the jocular comments made today take away from what is a serious issue. The people of Northern Ireland are totally outraged at the appointment of a Sinn Féin/IRA Minister of Education. A large part of the blame must lie with the Ulster Unionist Party and

the other pro-agreement parties who allowed them to get into the Executive and have never signed a motion to exclude them.

I have to warn the Sinn Féin/IRA Minister of Education that, despite his assertion that he aims to visit all schools, he is not welcome in all schools, particularly those in Unionist areas. He is certainly not wanted in my constituency. His visits will be opposed by parents and the general public alike. Many principals, boards of governors, parents and pupils to whom I have spoken are absolutely outraged at his appointment. In my constituency, some people whose children go to Methodist College have withdrawn their voluntary contributions in protest at the school's invitation to the Minister. Pupils were put in the nauseating position of having to stomach Martin McGuinness in their classrooms. The Sinn Féin/IRA Minister sat beside pupils, and they were almost physically sick. Fortunately, Methodist College does not reflect the thinking of other schools, as can be seen by the spontaneous protests of their pupils, and its head must be condemned for his actions.

**Mr C Wilson:** I agree with my Colleague's comments about the activities of Mr McGuinness and his colleagues over the last 30 years, given the disruption they have brought to schools throughout the Province. I know children, including my own, who have had to dodge bombs and broken glass from the fronts of buildings in the centre of Belfast year after year. It caused disruption in schools, and parents had difficulty leaving their children off to school, wondering if they would be safe at the end of the day. These are things that the people of Northern Ireland will not easily forget.

With regard to the use of children in protests against the Minister's appointment, I must say that these protests have come from people who may have more sense than their peers. The young people of this Province are not totally isolated from the reality of what has happened.

I notice that we have with us today the cheerleader of the Northern Ireland Office, Mr Quintin Oliver, who used schoolchildren to get the agreement accepted. I hope that he is ashamed when he sees what that agreement has done to the Province and its people.

**Mr Speaker:** In fairness to Mr Wilson's party colleague who had the Floor I must say that this was more than an intervention. It was a speech, and unfortunately it has used up a good deal of his Colleague's time.

**Mr Boyd:** I concur with everything that my party leader has said. Anything that Unionists do by way of peaceful protest is considered to be abusing and exploiting children, yet for 18 months we have had

children, who are not even old enough to read the placards, standing outside Castle Buildings.

On any day, over 400,000 pupils in the United Kingdom — 5% of the school population — are absent, 50,000 of them playing truant. In many cases the parents are aware that their child is not attending school, and many think that his education does not matter. Government figures suggest that 80% of parents fail to turn up when asked to appear in court after their child has been absent for a considerable time.

However, the Sinn Féin/IRA Education Minister is hardly a suitable role model for reducing truancy, having spent part of his school days on the run. In fact, in today's 'News Letter' it is reported that he kept his own son off school. Why? Because the RUC was giving a talk on road safety. We have had 30 years of disruption, bombs and bomb scares throughout our towns and cities. We have had schools wrecked by explosions, yet Sinn Féin/IRA Members have the cheek to talk in the House about disruption in schools.

On an academic level it is more likely that truants will leave school without qualifications. Only 8% of persistent truants obtain five GCSEs or more, compared to 54% of those who have never played truant. What sort of example does the Sinn Féin/IRA Minister give to the young people of Northern Ireland? In an Audit Commission report entitled 'Misspent Youth' it was suggested that 23% of people sentenced in court had engaged in truancy at a significant level. The police have indicated that almost 40% of street robberies and 20% of criminal damage is caused by 10- to 16-year-olds.

How can a Member who is inextricably linked to a terrorist organisation hold this position? The people of Northern Ireland will not tolerate it. He must go.

**Mr Wells:** I would like to respond to the scurrilous remarks of Members opposite about the nature of the schools protest. I want to nail the lie that this was organised, manipulated or even encouraged by members of my party or any other Unionist party. As one who visited the first protest, when 400 children from Kilkeel spontaneously left their classes in protest against the appointment of a Sinn Féin/IRA Minister, I emphasise the facts.

I was in a meeting at Translink with the Minister for Regional Development when I got a telephone call telling me that the children had been out for two hours and wanted me, as their local Assembly Member, to come down, collect a petition and address them. I told them that having made their protest, they should go back to their classes and that when the school bell rang I would meet them to collect their petition and speak to them. That is exactly what I did, because I was concerned that some of them were outside the school



grounds. The Sinn Féin/IRA Minister knows that. I took their petition, which I know has the support not just of the children but of their parents as well.

5.45 pm

A few weeks earlier in Kilkeel we had unveiled a memorial to 11 members of the security forces murdered by Sinn Féin/IRA. The nieces, nephews and grandchildren of those people were in that school. As citizens of this Province, they have a right to protest against this individual's being the Minister of Education.

We must remember that this individual's organisation murdered bus drivers in front of school children, murdered a headmaster in front of 40 seven-year-olds, murdered people who were delivering to and building schools and murdered ancillary workers in schools. The individual no doubt knows the names and addresses of those who carried out these deeds. Has he given them to the security forces? He has not. There is a great deal of anger throughout the Province. The Minister is not welcome in any state school in South Down. The only way he can come to these schools is if he forces himself upon them, as he did with Methodist College —

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

**Mr Wells:** I certainly will not give way to terrorists.

If he tries to force himself on the people of South Down he will realise that he is not welcome. He can go to all the St Louise'ses and St Patrick'ses of this world, but he is not welcome in the controlled sector.

**Mr Weir:** Does the Member agree that having Sinn Féin in charge of the Education and Health Departments is like having King Herod and Dr Crippen running them — except that Dr Crippen would have put in a more competent performance at health Question Time yesterday?

**Mr Wells:** His Colleague Ms de Brún — Ms Brown — rivalled his incompetence in her dealing with Assembly questions.

Immediately after the Kilkeel protest we were told by the First Minister, Mr Trimble, not to worry. Our strong Scrutiny Committee would be able to bring this man to heel and control what he did. We learned yesterday that under this agreement the Minister can do what he likes. There is nothing the Committee or the Assembly can do to stop him. The Assembly has handed total and absolute control of our children's affairs into the hands of this man — a man who boasted during his first visit to a school in Londonderry that when he was on the run in County Leitrim he met a certain lady who was the cousin of the headmaster. What a thing to be proud of. We would like to know what he was on the run from.

**Mr Hussey:** I would like the Minister to comment on the massive damage caused by a bomb attack on buses

parked in school grounds in Castlederg, on the disruption caused when pupils attended the funerals of five past pupils of the same school and on the deaths of 22 others who had relatives in the school. Bus drivers have been attacked on four occasions, and staff on three. One of these attacks resulted in the early retirement of the headmaster.

**Mr Speaker:** Order. The Member will resume his seat. He has taken up Mr Wells's time.

**Rev Dr Ian Paisley:** On a point of order, Mr Speaker. When Mr Cedric Wilson was addressing the House the clock was stopped, and Mr Boyd got his full time.

**Mr Speaker:** The Member is incorrect. I kept my eye on the clock. I noticed how much time was passing, which is why I intervened. The Member's eye was not on the clock — he was making reference to someone in the Gallery. This is becoming a habit. It is not appropriate to refer to people in the Gallery or to civil servants in the Boxes.

**Mr C Murphy:** Go raibh maith agat, a Chathaoirligh.

I congratulate the Minister, Martin McGuinness, for the efficient and professional way he has carried out a very difficult job to date. I also congratulate him for taking the time to attend the debate and the manner in which he has responded to what was obviously a shoddy attempt by the DUP to have some sort of rant. However, he took the time to attend and showed respect to the House — respect that was not shown earlier today by people who claim to be defenders of the democratic principles. Those people showed up to lead us all a merry dance, to pull a motion and to leave us all high and dry.

I congratulate him for doing what the Assembly mandated him to do, and that is to carry on with his job at a very difficult time when others are threatening to pull the institutions down around us.

It is not just DUP stunts that have disrupted schools. Jim Wells may have shown up spontaneously at Kilkeel school, but the television cameras just happened to show up along with him. Perhaps the pupils had their own PR operation. However, it is not only the silly protests which the DUP organise that are disrupting schools. There have been instances in my own area, an area with which the Chairman of the Education Committee should be quite familiar. At Forkhill Primary School a helicopter flying overhead to a British Army base, which dwarfs that primary school, dropped its full cargo in the playground. At St Paul's in Bessbrook, O level and A level students were forced to protest publicly on the road outside their school about disruption during their exams caused by the constant hovering of helicopters above the school. *[Interruption]*



It may hurt some people to hear this, but there are two sides to every story.

Last December a heavily armed British Army foot patrol entered the grounds of St Joseph's Primary School, Bessbrook, much to the distress of children who were leaving the nursery. In January this year another British Army foot patrol entered school grounds during class time, and when they were challenged by the staff —

**Mr Kennedy:** Does the Member not accept that the terrorist warfare organised and instituted by Sinn Féin/IRA, particularly in an area such as south Armagh, has caused all these things? It is very important that security considerations be met and that there be a response to the security requirements. These situations were brought about entirely by the actions of Sinn Féin/IRA and the Republican movement.

**Mr C Murphy:** The Member is well aware that in the last four years, since the ceasefire has been organised, there have been no such events in that area, and I am not aware of any allegation that the nursery school children of Bessbrook primary school were carrying out activities against the British Army.

When the school staff challenged members of the foot patrol about walking through school grounds they were met with indifference and hostility. Sadly, the Chairman of the Education Committee — I am glad he intervened — found this case a source of great amusement when it was brought to his attention in the council chamber. He did not even express concern that this should be happening in a primary school in his own constituency. However, that does not surprise me, given his 'Alice in Wonderland' speech earlier. It seems that he is not attached to this planet by very much.

Another case is that of Glassdrumman Primary School. The British Army decided to build a spy post close by and fly dozens of helicopter flights above it daily. The parents organised themselves in order to oppose this. They have banded together and taken their case to the NIO Ministers, but so far it has fallen on deaf ears.

To add insult, in December last year the RUC asked if they could attend Glassdrumman Primary School. When the principal told them that they would not be welcome the RUC turned up and forced their way on to the school grounds. This incident was brought to the attention of the media, but for some strange reason they did not find this a worthy news story. I have to compare that with the hullabaloo they created around Pomeroy, Carrickmore and other such places.

It is unfortunate when time in Adjournment debates is wasted, and I regret that I had to put the counter to the disruption that the DUP talked about by raising the matter of the disruption that happens from their friends in the military. I agree with Francie Molloy and Eamon O'Neill. Time in the Chamber should be spent on

debating the important issues in education — issues that cause real disruption in schools.

Once again I congratulate the Minister for not being deterred by such silly motions or by so-called spontaneous protests organised in schools, but for getting on with the job that the Assembly mandated him to do.

**The Minister of Education (Mr M McGuinness):**

A Chathaoirligh, I am grateful to Mr Wilson for raising the issue of disruption in schools and providing an opportunity for discussion of this important issue. I was appointed Minister of Education as part of the implementation of the Good Friday Agreement, which, as we all know, was overwhelmingly endorsed by the electorate, both North and South.

That agreement created new political arrangements under which locally elected representatives of all parties can work together to create a better future for all of our people, and I intend to play a full part in that.

I understand that many people continue to carry pain and hurt from all that has happened in the past and that many have fears and concerns about the future. These uncertainties affect all of us. However, I would like to stress, as I have done on a number of occasions since my appointment as Minister of Education, that I am totally committed to promoting the interests of all our children and ensuring that they are treated in a fair and equal manner. I will do my utmost to ensure that our education service continues to improve the standards of teaching and learning for all.

While I recognise the concerns of some parents and pupils, I was disappointed that pupils in a minority of schools decided to leave their schools to protest against my appointment. I support the right of young people to express their views through protest, but I am also concerned at the effect that these disruptions may have on the education of the children involved and at the risk potential when pupils are out of school without authorisation and supervision. These disruptions have caused considerable distress and anxiety to staff in the schools affected. They have worked hard, and with considerable success over the years, to keep the focus within schools firmly on education. They have done, and continue to do, a fantastic job, and I would like to express my thanks for and admiration of their work.

For their sake, and for the sake of the pupils, I am glad that these disruptions have ended. It is regrettable, however, that those politicians who mysteriously appeared within minutes at the supposedly impromptu protests did not bear these considerations in mind. One wonders whose interests they really have at heart.

Of course, not all pupils who protested chose to leave school; others took a more constructive approach and wrote to me. They protested, and they set out their concerns. Some of them actually asked to meet with me,

and I was pleased to discuss the issues face to face with young people from a controlled secondary school. We had a productive and civilised exchange of views. That, I believe, is the way in which these matters should be resolved.

It is dialogue that my visits to schools are intended to promote. As a new Minister, I have a lot to learn about education, but I am learning fast. I am anxious to learn about the issues from those who are at the chalkface, those who are delivering the service in the schools, as well as from my departmental officials and others involved in the administration of education.

I intend to visit as many schools as I can, and I have many outstanding invitations. However, I will be visiting only schools to which I have been invited. My visits to date have been extremely enlightening. I have seen the excellent work which teachers are doing, often in difficult circumstances and in poor conditions, and I have listened to the issues that concern them and their pupils. I intend to build on this constructive dialogue so that collectively we can ensure the best education possible for all our children.

A number of issues were raised. Sammy Wilson's contribution was generally good-humoured, and I thank him for that, although he did somewhat confuse the towns of Carrickmore and Carrickfergus. Nevertheless, I totally agree with him that the performance tables which were published today by my Department are good news. They show a steady rise in standards. I would like to congratulate all in the education system, both teachers and pupils, for their hard work and success.

The issue of the proposed visit by the Duchess of Abercorn to St Mary's Primary School in Pomeroy was raised by Sammy Wilson. I believe that I made it clear during Question Time yesterday that who visits a particular school is a matter for the school principal and the chairman of the board of governors. This is a well-established departmental policy, and it will continue.

6.00 pm

Where there is a disagreement over a visit, I hope that it will be settled amicably by the people directly involved. As Members will be aware, I have spoken to the principal of the school, and I am confident that this matter can be resolved satisfactorily.

**Rev Dr Ian Paisley:** On a point of order, Mr Speaker. Was this debate not to close at six o'clock?

**Mr Speaker:** I said at the start that I would give five minutes to each Member and 10 minutes to the Minister.

**Rev Dr Ian Paisley:** Can one run after six o'clock if that time is on the Order Paper?

**Mr Speaker:** Yes. I shall run after six o'clock, since, as I said, the time that points of order take does not come out of the time allocated to Members.

**Rev Dr Ian Paisley:** I am quite happy, but I would not wish anyone to think that one could do that for the Minister and not for others.

**Mr Speaker:** Indeed. On Mondays the requirement is for interruption at six o'clock. That is in Standing Orders. As the Member will be aware, Standing Orders were suspended today, so time is not quite so tight. In any case, it is a Tuesday.

**Mr M McGuinness:** I should also like to thank Danny Kennedy for his contribution. I do not imagine that he will ever win the Pushkin Prize, but I look forward to hearing many more of his yarns at the Education Committee.

Eamonn O'Neill made a particularly thoughtful contribution on discipline in schools. This is an important issue. Each school is required to have a policy for the promotion of good behaviour and discipline among its pupils. The content of a school's discipline policy and its rules and sanctions are matters for the school. Guidelines on what should be included are in preparation and will be issued later this year. Resources have been made available for the development of pupil referral units to help schools deal with particularly disruptive pupils.

Norman Boyd raised the issue of my visits to schools. As I said earlier, I consider school visits to be an important aspect of my job, since they give me an opportunity to listen to the views of teachers and pupils. I shall visit only those schools to which I am invited, and I have had invitations to schools of all management types.

There are many challenges facing the education system as we move into the twenty-first century. We have to deal with low achievement; there are challenges in the school estate; we want to increase access and participation; and we want to promote a culture of tolerance and respect for diversity among our people. In addressing these challenges, I shall be guided by the principles of promoting excellence, providing choice, enhancing accessibility and ensuring equality.

It is indeed vital that our schools provide the skills and knowledge which children need to enable them to be fulfilled and to succeed in life. The economy and society need them to in order to thrive. That is the agenda to which I am working. It is an education agenda. It is an agenda for all our children, and I hope that Members will judge my success as Minister of Education against it. Go raibh maith agat.

**Mr Wells:** On a point of order, Mr Speaker. It is in order for the Minister to mislead the House? My party

made it very clear that it was not involved in organising the protest against his appointments.

*Adjourned at 6.03 pm.*

**Mr Speaker:** Order. That matter was raised earlier, and I ruled that it was not a point of order.





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# NORTHERN IRELAND ASSEMBLY

Monday 7 February 2000

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

*Members observed two minutes' silence.*

## ASSEMBLY MEMBER: DECLARATION OF INTEREST

**Mr Speaker:** At the last sitting of the Assembly, Mrs Robinson asked on a point of order whether Mr Benson should have declared an interest when tabling his question to the Minister of Education. I have taken advice on this matter from the Clerk to the Committee on Standards and Privileges, and I believe that there are grounds for Mrs Robinson's point of order. I am therefore referring the matter to the Committee.

As Mr Benson is in his place, he will have heard what I have just said. Mrs Robinson is not present, so I shall write to her about the matter.

## ASSEMBLY BUSINESS

### *Motion made:*

That Standing Orders 10(2)(b) and 10(6) be suspended for the sitting of the Assembly on Tuesday 8 February 2000. — *[Mr Morrow]*

**Mr Speaker:** Members will note the motion under Standing Order 70, which is item two on the Order Paper. Business motions of this kind are not subject to amendment or debate. The purpose of this motion is to suspend the Standing Order relating to Adjournment debates and breaks on Tuesdays, which are from three o'clock until six o'clock. Should the motion, standing in the name of Rev Dr Ian Paisley and Mr P Robinson, in respect of exclusion receive sufficient support to be debated tomorrow without our changing Standing Orders, there would have to be a recess from three o'clock until six o'clock, despite there not being a subject for the Adjournment. This does not seem a particularly profitable way of proceeding, and it would not allow proper time for the debate. That is the basis on which this business motion stands.

**Mr Morrow:** I moved the motion on the clear understanding that it is to facilitate debate.

*Question put and agreed to.*

### *Resolved:*

That Standing Orders 10(2)(b) and 10(6) be suspended for the sitting of the Assembly on Tuesday 8 February 2000.

## EQUALITY (DISABILITY, ETC) BILL

### Second Stage

**Mr Speaker:** Assembly Bills that refer to reserved matters, as defined in schedule 3 of the Northern Ireland Act 1998, require the consent of the Secretary of State before we may proceed under section 10 of the Act. It is my intention to seek approval for all such Bills after their introduction. In future, when a Bill contains provisions on reserved matters, its Second Stage appearance on the Order Paper will signify that the Secretary of State's consent has been obtained.

The Bill that we are about to debate contains a number of such reserved matters. On 25 January I wrote to the Secretary of State seeking consent to proceed with consideration of the Bill. This was granted on 26 January. If the arrangements for the future are clear I will now proceed and call the Member in charge of the Bill to move the motion.

**The Deputy First Minister (Mr Mallon):** Before addressing the important business before the Assembly I should like, on behalf of the Executive Committee and the Assembly, to express shock and anger at last night's bombing in Irvinestown. This Assembly, along with the other institutions, was established as a result of a process designed to end violence on these islands, and last night's act was a calculated attempt to place them in jeopardy.

I beg to move, on my own behalf and on behalf of the First Minister,

That the Second Stage of the Equality (Disability, etc) Bill (NIA 4/2000) be agreed.

The Second Stage provides an opportunity for a general debate on the Bill and for Members to vote on its principles. The Good Friday Agreement promised equality of opportunity for all, and this Bill is the first legislative step by the new Administration and the new Assembly towards delivering on that promise. It is my fervent hope that it will not be our last.

The agreement's promise of equality has engendered high expectations. At last, with the institutions of the agreement up and running, we have the chance to deliver on this promise and to live up to those expectations. Many people in this Chamber, myself included, have complained about how the delay in establishing the institutions has hindered the equality agenda. I ask some of the people involved in that delay — and they know who they are — to reflect on the high price that we will all pay if the institutions designed to implement that agenda are suspended because of the outdated dogma of the organisations to which they may be related. Throughout our society there are those who are marginalised, those who cannot participate and those whose voices go unheard. These people will be

sold short if this Administration is unable to get its work under way.

In any event, the Bill's main purpose is to expand and strengthen the disability functions of the Equality Commission for Northern Ireland, and its provisions closely mirror those of the Disability Rights Commission Act 1999 in Britain. It will ensure that disabled people in Northern Ireland have access to a disability rights enforcement body. To appreciate the significance of the Bill, we have to look back to the Disability Discrimination Act 1995. That Act gives disabled people real and important protections against discrimination. Nonetheless, it is flawed. Perhaps the greatest and most controversial flaw is that it did not establish a body to enforce the new rights that it conferred on the disabled. At that time the Fair Employment Commission could enforce fair employment law. The Equal Opportunities Commission could enforce sex-discrimination law. Later the Commission for Racial Equality was established to enforce race relations law. Yet no similar body was created to enforce the rights of the disabled.

Instead, the Act established the Northern Ireland Disability Council. However, the council was merely an advisory body; it had no real powers. Despite this, it did excellent work in raising our awareness of disability-related issues, and I would like to pay tribute to its members for their hard work and commitment to disability rights.

In October 1999 the Fair Employment Commission, the Equal Opportunities Commission, the Commission for Racial Equality and the Northern Ireland Disability Council were merged into one body: the Equality Commission. This served to highlight the inequity of the situation. The Equality Commission was able to give assistance to those complaining of sex or religious discrimination but was powerless to do anything for the disabled.

This Bill seeks to remedy that inequity. It is a measure of the commitment that this Administration attaches to the cause of the disabled that we placed it at the top of our recently announced legislative programme. Yet the groundwork for it has been well laid. Indeed, it represents the culmination of many years of hard work and campaigning by disabled people, their representative organisations, Northern Ireland MPs and Assembly Members.

The Bill, like the Disability Rights Commission Act, reflects proposals put forward by the UK Disability Rights Task Force on the role and function of a Disability Rights Commission. The Labour Government established the task force in December 1976 to advise on how comprehensively civil rights for disabled people could be achieved and how enforceable they could be.

Monica Wilson, chief executive of Disability Action, represented Northern Ireland's interests on the task

force, and I would like to take this opportunity to thank her for her valuable contribution to its work.

In March 1998 the task force put forward proposals on the role and functions of a Disability Rights Commission. These formed the basis of the White Paper 'Promoting Disabled People's Rights — Creating a Disability Rights Commission fit for the twenty-first century', which was launched in July 1998. The White Paper made it clear that the Equality Commission should have powers similar to those of the proposed Disability Rights Commission in Great Britain.

Interested organisations in Northern Ireland commented on the White Paper's proposals and had an opportunity to discuss them at a special consultation conference in Belfast in October 1998. At that conference there was widespread support for the principle of a commission to enforce disability rights.

This Bill represents the outcome of that process. It is all the more important when one considers that it is estimated that there are more than 200,000 disabled people in Northern Ireland. One in six adults in Northern Ireland has a disability. That represents 17%, compared to 14% in Great Britain.

The Bill makes provision for the Equality Commission for Northern Ireland to assume a number of vital functions. First, it would oblige the commission to work to eliminate discrimination and promote equal opportunities for the disabled as well as to encourage good practice. This is crucial, given the low awareness of disability issues in Northern Ireland and the formidable problems faced by the disabled in their day-to-day lives here. Research by the Northern Ireland Disability Council shows that 50% of disabled people face difficulties in accessing services that the rest of us take for granted. Things that everybody should be able to do, such as going to the cinema, eating out, and going shopping, are difficult for them. Even more disturbing is that 78% of those who experience difficulties are offered no help.

Secondly, the Bill would allow the commission to help vindicate the rights of the disabled in practice by offering advice and support in taking cases and undertaking investigations. These new functions recognise basic realities. Disability discrimination law is too complex for many to understand, and litigation is often too expensive for many to afford.

*10.45 am*

Thirdly, the Bill would enable the commission to perform a number of functions that would be good for the disabled and good for those who employ them or provide them with services. It would allow the commission to provide information and advice to employers and service providers and to prepare statutory codes of practice providing practical guidance on how to comply with the law. It would also allow the

commission to arrange independent conciliation between service providers and the disabled. Because the Bill is aimed simply at ensuring that the existing law is complied with, it imposes no regulatory burdens on business.

Fourthly, the Bill would oblige the Equality Commission to keep the Disability Discrimination Act under review. This is important, since we know that the Act has many shortcomings. These were identified by the Disability Rights Task Force in its second report 'From Exclusion to Inclusion'. Already our junior Ministers have written to all Ministers in the Executive asking them to consider the task force recommendations and report back.

It is my hope that the Assembly will be able to take these recommendations forward. Indeed, I wonder if it is desirable for the Assembly to consider equality laws more generally. We now have one Equality Commission, yet we have four separate equality laws. It might be better for us to create a new, single equality Act covering all forms of discrimination, based as far as possible on the highest standards of protection. But that is a matter for another day.

Finally, in this Bill we have also taken the opportunity to include some miscellaneous clauses in relation to the powers of the Equality Commission. The first is to provide for the terms and conditions of appointment of additional commissioners appointed to carry out formal investigations; the second is to enable the Equality Commission's annual reports to be made on a financial-year basis, in line with its accounts; and the third is to amend the Fair Employment and Treatment (Northern Ireland) Order 1998 to enable the Equality Commission to continue investigations initiated by the Fair Employment Agency under the Fair Employment (Northern Ireland) Act 1976. The first two clauses require the consent of the Secretary of State. That consent has been obtained. All three clauses are technical in nature, and none is controversial.

All parties in Northern Ireland are committed to strengthening disability rights. The Equality Commission supports the legislation, as do Disability Action and other voluntary bodies in this field. Our aim is to have this new legislation come into force in Northern Ireland on the same day as in Britain: 25 April 2000. The Office of the First Minister and Deputy First Minister has worked to give this Bill priority, as has the Executive. I would be grateful if the Assembly were to do likewise.

I ask the Assembly to approve this Second Stage of the Bill and to support the motion which will allow the Committee of the Centre to take the Committee Stage.

**Ms Lewsley:** This is the first opportunity the House has had to consider the important issue of disability. I

am conscious of the time, but I must tell the House that I will return to many of the issues I am touching on today.

The Good Friday Agreement had the foresight to affirm, in the human rights section,

"the right to equal opportunity in all social and economic activity, regardless of class, creed, disability, gender or ethnicity."

The inclusion of the disability issue in the agreement was ground-breaking for Northern Ireland. For the first time it shifted the definition of disability away from being a health issue, which it is not, to being one of human rights and equality. It is disappointing that the medical definition of "disability" has not been replaced by something more acceptable. The challenge for this House in the future will be to ensure that when discussing policy and legislation relating to disability, Members look at things from a very different perspective than that applied by civil servants when they were taking decisions in the past.

I welcome the establishment of the Equality Commission. However, I am sure that the House will agree that, given the umbrella nature of the Commission, some safeguards will need to be put in place relating to the funding and structure of the new body, safeguards that will ensure that specific problems relating to disability are not lost or subsumed in the wider remit of the commission. Members must ensure that that will not happen.

The Disability Discrimination Act 1995 is already on the statute book. However, for this excellent law to have real teeth in the future it will be essential to establish an enforcement commission in Northern Ireland. Without such enforcement it will not be possible to make serious inroads into the present levels of discrimination.

This House has much to do to empower and liberate disabled people in Northern Ireland. Members have a responsibility to ensure that people with disabilities are able to play as full a role as possible in society. It is incumbent on this House to lead by example. In addressing the needs of the disabled, Members must start by making Parliament Buildings much more accessible. We must remember that disability is not manifested just in people using wheelchairs. The vast majority of disabled people in Northern Ireland have a hidden disability. The time has come for this Building to be made more accessible, both inside and outside. Doorways, ramps, signage for the partially sighted, audio loops for those with hearing difficulties and provision for people with learning difficulties are issues which we can and must address. An audit of the Building has been carried out, but sadly it seems to have been buried somewhere. Why?

It is nearly two years since the Assembly was set up, and a person with a disability still cannot use the front



door. Interpreters have been employed for Irish and Ulster-Scots, but there is no sign language interpreter. The issue of access includes not just physical access to the Building but access throughout the Building.

The Disability Discrimination Act remains a flawed piece of legislation. People with disabilities require full and comprehensive anti-discrimination measures, giving them full civil rights. The Assembly should state that this is its objective and should publish a timetable for the implementation of such a commitment.

Finally, Members should not forget that should the work of the House be suspended later this week, the effect on the disabled people of Northern Ireland will not be mentioned in the news headlines, but the impact of the suspension of the institutions will be immense. As the rest of the UK and Ireland moves ahead with the equality agenda, disabled people here will have nothing in place to assist them. This must not be allowed to happen. In the coming weeks, it is to be hoped, our hopes will overcome our fears so that we can set about underpinning the new beginning by enabling people to have full access to Parliament Buildings and the democratic process — access in the most liberal sense.

**Mr Campbell:** There is no doubt that the Equality (Disability, etc) Bill addresses a great many of the issues which for many years have lain buried beneath equality legislation. Aspects of religious discrimination were addressed in the 1970s and 1980s — whether satisfactorily is a matter for another debate. The gender issue has also been addressed, and progress has been made in that area.

However, before the passing of the Disability Discrimination Act 1995 no serious attempt was made by society either in Northern Ireland or in the United Kingdom to address disability discrimination. There has been substantial progress since 1995. Greater awareness has been shown by employers, and there has been significant progress on aspects of access to public places. However, there is much, much more that can be done.

I welcome what the Deputy First Minister said about the numbers of people involved. Very often society thinks — as was the case in the 1970s and 1980s — that only a small minority of people are affected by disability. The fact is that in Northern Ireland one in every six adults has some form of disability.

It is a huge problem that is only beginning to be addressed, and this Bill will go some way towards doing that. I hope that the Committee of the Centre, in conjunction with Disability Action — I have talked to Monica Wilson of that group — and the other interest groups that are involved can address some of the issues that are referred to, albeit not in sufficient detail, in the Bill. If we are still here and get to the Committee

Stage, I hope that we can bring back a Bill that everyone is able to accept.

**Rev Dr William McCrea:** Does Mr Campbell agree that the issue of leading by example in respect of this Building, as referred to by Ms Lewsley, should be addressed? There has to be a more disability-friendly attitude towards access to Parliament Buildings. We should not put demands on other businesses throughout the Province without giving a lead ourselves. Many people would frown on any other approach.

**Mr Campbell:** I agree entirely. Only in recent years have local authorities begun to make access for the disabled an important issue. If this Building, which is regarded as the premier public building in Northern Ireland, is inaccessible in any way to those with a disability, some people will say “We hear what you are saying, but what action are you taking in relation to Parliament Buildings?” We should look urgently at this matter — it should not have to await the deliberations on the Disability Bill.

Other disabled persons have said that inaccessibility in public places is still a problem. This matter has not seen the progress that it should have since the 1995 Act. Even over the last five years disabled persons have had restricted access to public buildings. Public buildings should be as freely accessible to the disabled as to others. I welcome the Bill. Even if we cannot debate it in full, I welcome its coming into effect in the near future.

**Ms Gildernew:** Go raibh maith agat, a Chathaoirleach.

I welcome the Second Stage of the Equality (Disability, etc) Bill. It is imperative that the needs and the rights of the disabled be fully recognised. I, like other Members, am disappointed that this Building is still inaccessible to wheelchair users.

The Bill does not go far enough, but it will allow us to further the debate and put what we have discussed into practice. Unfortunately, the disabled do not have a strong voice. Often they have to rely on Members to speak for them. I have invited the Southern Forum for Disability to come to the Assembly on 13 March. I know that I should not be plugging this visit now, but I ask all Members to come and meet members of this group and hear what they have to say.

It is regrettable, given that equality is being placed with the Committee of the Centre — and its Chairman has talked about leading by example — that that Committee has not been able to get off the ground because of the inequalities that are practised in it. I find it hypocritical that the Chairman can say that he is leading by example, yet treating members of that Committee in a disparaging fashion.

The disability issue needs to be given more time in the Assembly. Debating this issue is one thing, but

unless we put what we say into practice the Bill will not be worth the paper that it is written on.

Go raibh maith agat.

**Mrs E Bell:** I endorse most of the comments that Members have made, especially those of the Deputy First Minister about Irvinestown. That attack was not just against the people of Fermanagh; it was against the right of every citizen to live in safety.

11.00 am

I formally welcome the Second Reading of this Bill, insofar as it is another belated step forward, as Colleagues have said, in eliminating discrimination against and improving the situation of people with disabilities.

The fact that the legislation is specifically designed to include such areas as employment and access to goods, facilities and premises means that a large section of the community will be supported by the law in their attempts to increase their active participation in public life. It will take much work, as the Deputy First Minister and other Members have said, on the part of the Government, the Equality Commission and, of course, employers and providers of services to ensure that this legislation is complied with by all. I hope that this will happen immediately.

As a temporary occupant of a wheelchair some years ago, I can say from first-hand experience that I could not go anywhere in my area — for example, to the shops — without someone to help me to open doors, and so on. *[Interruption]*

I am sorry, but I cannot hear what I am saying, never mind being heard.

I was made very aware of the shortage of practical support and advice. I hope that this legislation will remove such attitudes and perceptions. I will reserve more detailed comments until the Bill gets to Committee Stage. If the Committee of the Centre gets off the ground, I hope that it will be discussed there. I am not sure whether that will happen, but the matter should be dealt with urgently.

I welcome this legislation, which will consolidate good practice and good conduct towards all citizens, whatever their background or ability.

**Ms McWilliams:** Before devolution, there was a discussion about merging the various equality commissions. My party's argument was that that should not happen. It was our belief, and it remains our belief, that there should be a hierarchy of equality in Northern Ireland. It will probably still be the case that religious and political identity will top that hierarchy, and because of the activism of those involved with sex discrimination we may find that gender and race will come next; disability will come at the bottom of the

ladder. With the merger of existing bodies into the Equality Commission, that is something that concerns us. Indeed, we will scrutinise this new Equality Commission to see that disability is given the treatment that it will have in Great Britain, that it will have its own commission, its own resources, its own secretariat and its own investigatory powers.

I welcome the legislation in that, for the first time, it allows the commission to undertake formal investigations. It is my belief that although people would have paid lip-service to the legislation, without that power they probably would not have done anything to enforce it. For me, it is not just about passing the legislation but also about monitoring, evaluating and enforcing it. There should also be penalties in place when people do not sign up to it. That is the way we can change not only people's attitudes but also their behaviour towards those who are disabled.

I remain concerned about the Committee of the Centre and its current inability to function. I note that there is a proposal to refer the Bill to that Committee, but as it is currently not functioning I do not think we should have to refer it there if we want it passed as quickly as possible.

Those of us in the Health, Social Services and Public Safety Committee thought that it was the more appropriate Committee to which to refer this Bill. However, the Higher and Further Education, Training and Employment Committee would also be appropriate. I can understand that those who were trying to decide which Committee the Bill would be best placed with finally decided that since equality crossed all of those Departments —

**Mr A Maginness:** I accept all the points the Member has made about the so-called hierarchy of concern in relation to various disadvantages in the community, but, given the importance of this Bill, does she agree that it would be a disaster for those who suffer from disability if the Committee of the Centre were unable to deal effectively with the legislation?

**Ms McWilliams:** That is the point I am trying to make. I am greatly concerned that that Committee will be unable to deal with the legislation. There may come a time when the matter has to be referred to another Committee that can deal with it more effectively. Perhaps we should propose that the Health, Social Services and Public Safety Committee take the Bill forward.

Those of us on other Committees will need to look at this matter very carefully. The Committee of the Centre does not have a representative from every party, though those of us in the smaller parties came together in order to facilitate representation on that Committee. The smaller parties need a mechanism for liaising about how other Committees could pick up aspects of this legislation. This is a matter of major

concern. I am putting down a marker that if the Committee of the Centre is not functioning we need to take serious notice of that fact and find a more appropriate Committee to consider the legislation.

Disabled persons should not simply be defended —

**Mr Speaker:** Order.

**Ms McWilliams:** Their rights should be promoted. If we are not in a position to promote the rights of the disabled we will come in for severe criticism.

**Mr Speaker:** It is open to the Assembly to make a different kind of referral at a later stage if it so chooses. This is covered in Standing Orders.

**Mr Shannon:** The Committee of the Centre will meet on Wednesday at 2.00 pm, when there will be a full programme of business. We hope we get this chance. That is what the Committee is for.

I commend this Bill to the Assembly for a number of reasons. Disability affects everyone. Those of us who are in full possession of our faculties are nonetheless very conscious of those who are not. For this reason alone, the Bill is worthy of recommendation.

Our duty as elected representatives is to look after those in society who are less well off and those who need help, and today we have an opportunity to do that. People with disabilities have been ignored for years; the able-bodied have closed their eyes to them or turned their heads. However, some people have worked very hard to bring the disability issue to the attention of the public and their elected representatives, and they should be commended.

Not everyone is able-bodied or has full possession of his or her faculties. It is important, therefore, that elected representatives recognise the Disability Discrimination Act 1995. We want to improve the quality of life of the disabled. That is our goal and our responsibility.

One Member has said that one in every six adults has a disability. This should put the issue into perspective. Our duty is to do our best for these people, whether they are senior citizens or folk with mental, physical or learning disabilities. It is important that every opportunity be afforded to them all.

One thing which concerns me is that the care which has been available over the last 10 years is not as good or extensive as it should have been, and the number of beds in residential homes has decreased. Why? Is it because the Government have been hoping that more people will volunteer to look after those who are less well off?

A number of my friends have children with Down's syndrome. They do not regard their children as having a disability; they look on them as being a special gift.

Perhaps we should be looking at this issue in that way. Those who have this disability and have a real need for help from society should be given the opportunity.

Another big issue which is raised in our advice centre is that of public accessibility, whether of this Building or of other public buildings such as council offices. Ards Borough Council installed a lift as part of its last scheme for the town hall. This made the building disability-friendly, and people who are wheelchair-bound can have access to all its facilities. That is our council's policy, and I hope that many other councils will adopt a similar one.

The third issue that I would like to highlight relates to those who are in need of benefits. Over the years they have been discriminated against in many ways. Through our advice centre we have had the opportunity to hear some of their problems — the problems of people who are in need of benefits and who are not getting all they are entitled to. We want to highlight that issue. The week before last, we heard of a lady who had a disabled brother and who, for 31 years of his life, got no financial assistance whatsoever. There is something seriously wrong there, and we must address such issues. I commend this to Members for their consideration, and I look forward to meeting them on Wednesday and discussing these issues.

**Dr Hendron:** I support Prof McWilliams's point that this Bill should have been referred to the Health, Social Services and Public Safety Committee. The Disability Discrimination Act 1995 came about largely through embarrassment and public pressure on the Conservative Government. For years prior to that, Private Members' Bills were brought before the House of Commons and were either directly opposed by the Government or not given the time or space for discussion.

I very much welcome this Bill. For the first time disabled people have the power of investigation, and the law is on their side. Like the Deputy First Minister, I congratulate Mrs Wilson, who has led this campaign for many years. My Committee, and I am sure every Member in the Assembly, will be very carefully monitoring how the legislation is acted upon on behalf of those who are disabled.

**Junior Minister (Office of First and Deputy First Ministers)**  
(**Mr Nesbitt:** Mr Initial Presiding Officer —

**Several Members:** It is Mr Speaker.

**Mr Nesbitt:** My apologies, Mr Speaker. If that is my only wrong utterance I will be most gratified. There are often errors of a much more substantial nature.

Anyhow, Mr Speaker, I wish to endorse what the Deputy First Minister stated — that we view this Bill as being of such importance that it has been placed at the top of the legislative programme. I wish to put on



record my thanks to Monica Wilson for her contribution. I also note that the Chairman of the Committee of the Centre looks forward to engaging with Monica Wilson in deliberation on the Bill at the Committee Stage.

The whole thrust of the Bill is to add powers to the Equality Commission. I was struck by Ms Lewsley's comment that it was not so much to do with health as with rights. Indeed, there was a thread running through the discussion as to whether this was a health issue. Some Members said that it should be for the Health, Social Services and Public Safety Committee as distinct from the Committee of the Centre.

11.15 am

However, that matter will be deliberated by the Committee of the Centre. The main aim of the Bill is to create a body to which people in Northern Ireland can turn for assistance. Every organisation or entity in Northern Ireland must provide facilities for the disabled. The Committee Chairman, Mr Campbell, said that people hearing our words will be asking what we are doing about Parliament Buildings.

Ms Lewsley raised the question of funding, which is always uppermost in many minds. We are in consultation with the Department of Finance and Personnel about this. The Member is right in wanting the disabled to be liberated.

The Chairman of the Committee of the Centre pointed to the fact that one in six people is disabled. Another Member said that not all disabled people have a wheelchair. We must be very conscious of that. Patricia Lewsley said that the vast majority have a hidden disability, which is also something that we must address. She asked about the timetable too. We hope that the Equality Commission in Northern Ireland will assume responsibility for additional disability rights at the same time as the Disability Rights Commission.

Questions were also asked about this Buildings. One Member said that you cannot even get through the front door easily. The Assembly Commission is currently addressing that matter. It is to be hoped that there will soon be much easier access for the disabled to this Building.

Ms McWilliams raised the issue of funding. She said

“religious and political identity will top that hierarchy”,

and added that disability will come at the bottom. I assure Members that disability will not be at the bottom of the agenda. The Deputy First Minister said that the

fact that this is the first item for the Assembly means that it is at the top of the agenda.

At workshops on inequality I was heartened to hear how people were bringing matters to do with inequality and disability to the fore. I note Members' concerns about bringing all the agencies under one umbrella — the Equality Commission. I also note Prof McWilliams's concern that the remits of the former commissions would be subsumed under the greater body. I assure her that that will not be the case.

I have covered most of the comments that were made. Any that I have not addressed I will determine from Hansard and address them in detail later.

All of this applies because many questions were raised about the Assembly Building. Every public utility and every organisation must make provision for the disabled, so the Bill will apply to the Assembly Building. There is therefore responsibility on us as well as on everyone else. That is why I reiterate what Mr Campbell said: words from this Building are not enough; we must have action on disability.

I want to restate the Assembly's commitment to disabled people in Northern Ireland. We wish to ensure that they have access to a disability rights enforcement body no later than their peers in the rest of the United Kingdom. Enforcing disability rights is another step towards achieving equality of opportunity. That goes to the heart of the Belfast Agreement, which was not just for the able-bodied.

The Bill will reinforce the Disability Discrimination Act by providing mechanisms for rights to be enforced more effectively. It will put the enforcement of disability rights on a par with the enforcement of rights in the other main areas of anti-discrimination law: fair employment, gender and race. There will be equality — no hierarchy of equality but equality of opportunity for all.

I support the motion.

*Question put and agreed to.*

*Resolved:*

That the Second Stage of the Equality (Disability, etc) Bill (NIA 4/2000) be agreed.

*Resolved:*

That the Equality (Disability, etc) Bill stand referred to the Committee of the Centre and that, for this purpose, Standing Order 31 be construed as referring to the Committee of the Centre. — [Dr McDonnell]



## FINANCIAL ASSISTANCE FOR POLITICAL PARTIES BILL

### Final Stage

**Mr Speaker:** As this is the first time a Bill has come to Final Stage I shall explain the procedure.

The debate shall be confined to the content of the measure. No amendments may be made. If passed, the Bill will be forwarded, after review by the Attorney-General, to the Secretary of State, for submission for Royal Assent, as required by section 14 of the Northern Ireland Act 1998.

**Mr Fee:** I beg to move

That the Financial Assistance for Political Parties Bill (NIA 3/99) do now pass.

**Mr Campbell:** Clause 3 states that there is no provision for financial assistance for political parties after 31 March 2000 unless the scheme under the Bill is approved before that date. For that purpose we need a scheme. I therefore support the Bill.

*Question put and agreed to.*

*Resolved:*

That the Financial Assistance for Political Parties Bill (NIA 3/99) do now pass.

*The sitting was suspended at 11.24 am.*

*On resuming —*

## Oral Answers to Questions

### AGRICULTURE AND RURAL DEVELOPMENT

#### European Union Payments

2.30 pm

1. **Mr C Murphy** asked the Minister of Agriculture and Rural Development to address the difficulties arising from current regulations governing European Union payments to the agriculture sector which inhibit flexibility. (AQO 171/99)

**The Minister of Agriculture and Rural Development (Ms Rodgers):** It is not clear what the Member has in mind with this question. EU payments must comply with state-aid rules. Those rules relate to all state payments, whether EU-funded or not, and to industry in general. They apply across the European Union, and their purpose is to prevent member states putting their industries at an unfair advantage by paying state subsidies. Northern Ireland Ministers will be able to influence decisions on the reform of state-aid rules as they fall due for such reform, but at the moment, we have to work with them as they presently stand.

**Mr C Murphy:** In the rural farming community there is a real sense that the rules and regulations coming from Brussels are unduly inhibiting and are resulting in a decrease in the amount of money going into that community. Will the Minister assure us that in any negotiations with the European Union she and her officials will do what other member states do — try to negotiate as much flexibility as possible into the delivery of European payments? There is a real sense that money is being lost, and although these may be small grants, when taken across the industry as a whole they add up to a substantial sum each year.

**Ms Rodgers:** As I have already stated, when the next round falls due, I will ensure that our voice is heard. Flexibility is not a route that is open to us at present. Once the rules have been agreed, they apply equally across the European Union, and we have to be careful that we do not fall outside them. Were we to do so, we would be penalised, which would leave us in a worse situation.

**Mr Poots:** Does the Minister recognise that the current rules governing the sheep meat regime actually work against farmers in Northern Ireland? The sheep annual premium is calculated on a European-wide basis,

as opposed to a regional basis, and consequently farmers are losing £7 to £8 per head. Does she intend to support the Irish Government, who have already asked that the rules in the EU regime be changed?

**Ms Rodgers:** I am not sure that I heard the last part of the question clearly, but I know that it was about the sheep premium. I am aware that there are difficulties here, and, as I have stated, the rules are as agreed. We have no option but to follow them. When it comes to the next round my officials and I will be arguing the case which Mr Poots has mentioned.

**Mr Bradley:** The first payment on the suckler-cow premium and the beef special premium paid out in November 1999 was reduced from 80% to 60%. Was this a European decision, or was it made by the British Government or locally?

**Ms Rodgers:** It was a European decision.

**Mr Paisley Jnr:** The Minister must recognise the problems facing the agriculture community, in terms of both young entrants to the industry and established farmers unable to receive compensation. Will the Minister commit some of the £30 million of additional money secured under the modulation scheme from 2001 to 2006 to the development of an early-retirement scheme for farmers or to a young entrants' scheme for those not yet on the farm?

**Ms Rodgers:** Under modulation it is open to me to have an early-retirement scheme, but if I were to use the modulation money for such a scheme, there would be nothing left for anything else. The industry has made it clear to me that it wants the maximum number of winners and the minimum number of losers. If I were to opt for the early-retirement scheme most of the money would be going to a small number of farmers — about 740, I believe — leaving 29,000 out. Much as I would like to have such a scheme, I believe that the industry itself would consider it on the whole unfair when taken across the board.

### Less-Favoured Areas

2. **Mrs E Bell** asked the Minister of Agriculture and Rural Development to set out the environmental benefits the less-favoured area scheme is intended to deliver.

(AQO 169/99)

**Ms Rodgers:** The new scheme, which will be based on land area, should make a positive contribution towards reducing the risk of environmental damage from — for example, on-farm pollution or the overgrazing of land. Importantly, the new payments will be conditional on adherence to statutory environmental obligations and to standards of good farming practice. Payments will be reduced where breaches of these

conditions are established through on-the-spot inspections of the land.

**Mrs E Bell:** I thank the Minister for her response. I am not an expert on livestock farming, but does the Minister agree that most urban dwellers wish to see the environment being protected by direct grants to farmers to help them to improve their land rather than having them depend on an uncertain side effect of a change in regulations?

**Ms Rodgers:** I am not sure what the Member means by “an uncertain side effect”. The change in the regulations is intended to ensure that environmental considerations are balanced with farmers' needs and the necessity to compensate them. I do not accept that it will be harmful. The new regulations will work in the interests of both the environment and the farmer.

**Mr Dallat:** Does the Minister accept that the farming community is critical to the future environmental well-being of the community?

**Ms Rodgers:** I certainly do. The interests of the farming community and the interests of environmentalists coalesce. They are complementary, as should be recognised.

**Mr Wells:** Does the Minister accept that these changes are extremely welcome, in that they will continue to put money into the agricultural and rural community and also protect the environment? Is there not a need, however, to combine the policies of the less-favoured area scheme with the environmentally sensitive area (ESA) scheme to provide a single package which would put money into the rural economy and protect the environment at a higher level?

**Ms Rodgers:** The ESA schemes and, indeed, the countryside management schemes are geared towards protecting and enhancing the environment while, as the Member says, putting money into the farmer's pocket. These things are encouraged to go hand in hand. Both matters are dealt with under the direction of the Department, and this will help both the environment and the farmers.

### Local Agricultural Produce (Public-Sector Catering)

3. **Mr Armstrong** asked the Minister of Agriculture and Rural Development what she has done to encourage public-sector catering establishments to use more locally produced agricultural products.

(AQO 147/99)

**Ms Rodgers:** I have recently written to local public-purchasing bodies in Northern Ireland highlighting the excellence of locally produced pig meat and pointing out that our pigs have been reared in welfare-friendly conditions and have not been fed with mammalian meat-and-bone meal. I appreciate that purchasing bodies have to take many factors, particularly

value for money, into consideration when purchasing, but it is to be hoped that my approach will encourage a greater uptake of domestic product.

**Mr Armstrong:** Does the Minister feel that we are being hypocritical today by saying that we should support our own industries when we do not even know what type of food we are eating in the staff restaurant?

**Ms Rodgers:** I am not quite clear what the Member means by saying we do not know where the food comes from.

**Mr Armstrong:** We do not know if the product we are eating in the restaurant is produced in Northern Ireland. Even today there are two new cases of BSE in France. I am told that there is a lot of French meat coming into our Province.

**Mr Speaker:** I have to rule that question out of order. It is properly a question for the Assembly Commission, not for the Minister of Agriculture. The Member may wish to redirect his question.

**Mr Shannon:** Can the Minister confirm if an officer has been appointed within the Department of Agriculture whose sole purpose is to liaise with supermarket chains and the catering industry to promote Northern Ireland produce? I understood that a person was to have been appointed, but that has not happened so far.

**Ms Rodgers:** There has not been an officer appointed specifically for that purpose. With regard to the matter of locally sourced produce, I have arranged meetings with the retail sector to discuss this and to point out the importance of using locally sourced products.

**Mr McMenamin:** Can the Minister tell us what other steps she has taken to help primary producers?

**Ms Rodgers:** I have done a number of things since I came into office. The most important step that I have taken to help the primary producer is that I am working on achieving low-incidence BSE status. I have had meetings with the Minister of Agriculture, Fisheries and Food, Nick Brown. I have twice met Commissioner Fischler. I have spoken to the Prime Minister and also had a meeting with Mr Mandelson to put forward the case for low-incidence BSE status.

Nick Brown has already accepted that Northern Ireland has a compelling case for low-incidence BSE status, and he has said so. My officials are already working on a proposal that might be brought forward. I have also spoken to Commissioner Fischler about the problems within the pig sector. I have put views and proposals to him on aids to private storage and on increased export refunds, and I am awaiting his response. I have taken forward initiatives on a number of levels to ensure that something is done to help farmers in the short term, and I have also set up a strategic review group to look at the situation in the long term.

**Mr Foster:** In the public sector there is evidence that the supermarkets are increasing their own profits — little of which are ploughed back into the local economy — at the expense of producers in all areas of the agriculture industry. I call on the Minister of Agriculture and Rural Development to initiate an investigation into supermarket practice and pricing policy versus farmgate prices to help stop the destruction of many small producers.

**Ms Rodgers:** I recognise the tension in the industry about the equality of profit throughout the food chain. The Member will be aware that the Competition Commission is looking at that particular issue. There should be a report shortly, and I await that report.

**Rev Dr Ian Paisley:** Does the Minister agree that it would be a good thing if she were to consult with the three MEPs? The MEPs could perhaps go along to her next meeting with the Commissioner.

**Ms Rodgers:** I have not had any approach from the three MEPs. Clearly, if there is an approach from them I will consider it.

**Mr McHugh:** Does the Minister agree that the achievement of low-incidence BSE status will be an almost impossible mountain to climb for the farmers of this country so long as we are tied to the very high level of BSE in Britain?

2.45 pm

Could more be done by way of labelling produce to help us to define what is local and what is foreign and not produced to the same welfare standards, and will the Minister be raising this issue in Europe?

**Ms Rodgers:** The Member has asked two questions — one relating to BSE, and the other to labelling. The issue of labelling was discussed at the last agriculture council meeting which I attended, and my hope is that it will be brought to a conclusion in August. This should help consumers to know precisely what they are buying and where it was sourced.

With regard to low-incidence BSE status, this is a very difficult mountain to climb, but that is no reason for not attempting to climb it. That is what I am trying to do. Nick Brown has already accepted that there is a compelling case, which is a little step in the right direction. I hope to take that forward, and Joe Walsh has said that he will support us if we bring the matter to Europe.

The Member has asked a constitutional, political question about the North/South issue. My views are no secret, but we are working under the Belfast Agreement, within which there are opportunities for enhanced co-operation between North and South. I will ensure that under the new structures, everything that can be done to help the agriculture industry will be done.

## Farming Industry Crisis

4. **Mr McCarthy** asked the Minister of Agriculture and Rural Development what approaches she has made to the Executive Committee and the Department of Finance and Personnel to persuade them that extra funds are needed to alleviate the current crisis in the farming industry.

(AQO 168/99)

**Ms Rodgers:** Since my appointment I have taken every opportunity to secure additional resources for Northern Ireland agriculture. I was pleased to secure an additional £6.7 million in the December public expenditure monitoring round. During the forthcoming expenditure review and during the collective discussion of our programme for government I shall be pressing the Minister of Finance and Personnel to treat agriculture and rural development as a priority to which extra resources must be committed.

**Mr McCarthy:** I welcome the Minister's response. Does she accept that, while the UK Government have a role in seeking assistance such as monetary compensation, there is also a desperate need for local action? Will she make a start by transferring modulated funds under the rural development regulations from her Department's core expenditure into schemes that directly benefit our farmers?

**Ms Rodgers:** The European component of the modulation funds comes with specific conditions and can be used only in four prescribed areas: early retirement, forestry, less-favoured area schemes and agri-environmental schemes. I do not have the freedom to use it for anything else. I reiterate that all those schemes pay money directly into the farmers' pockets.

**Mr Byrne:** Given that Northern Ireland needs to export over 70% of its agricultural produce, does the Minister accept the need for a task force to examine all aspects of production, including the associated food-processing sector? Such a task force should also examine the marketing of the finished food products and make sure that they are safe and of the highest quality.

Does the Minister accept that all sectors of agriculture in Northern Ireland need Government support to rebuild confidence in the future of farming in the context of the European Union's Agenda 2000 common agricultural policy proposals?

**Ms Rodgers:** I agree with much of what the Member has said. In my view, one of the problems is that Northern Irish agriculture has been trying to manage crisis after crisis. I have set up a strategic review group to look at all areas of the industry. This is made up of people from the industry and some from outside who will be able to take a strategic, non-sectoral view. I hope that they will come forward with a broad, balanced view

of what is required for both the farmers and the agri-food industry at this time. I agree that it will have to be broad-based and look at all aspects of the industry.

**Rev Dr William McCrea:** Can the Minister detail the percentages of the additional moneys that have gone directly to the farmers' pockets, to rural development, to her Department and to the processors? Will additional moneys, if agreed by the Executive, be allocated in a similar fashion? Does the Minister agree that at present it is the farmer who is in greatest need?

**Ms Rodgers:** I do not have the figures requested in the first part of the question to hand. I will try to obtain them and give them to the Member later. As regards the second part of the question, I do not think that the agri-food industry, the processors or the farmers should necessarily be seen as being in competition with each other. One of the problems for pig farmers at present is the lack of processing capacity following the burning of the Lovell & Christmas factory. Therefore if the processors are moving and improving, opportunities are being created for the farmers. I see them as being complementary rather than in competition. I see all these aspects as being worthy of assistance from my Department.

**Mr Leslie:** I wish the Minister every success in her efforts to elicit further funding for the sector. However, does she agree that the agriculture industry will be best served in the long term if any extra funding is used as an incentive for lower production, as excess production has been the principal cause of the output pricing problems and a major cause of environmental damage?

**Ms Rodgers:** One of the current problems, particularly in the pig sector, apart from the collapse of world markets, is overproduction. That aspect of the problem will be one of the issues that will be looked at by my strategy review committee to see how it can be addressed.

**Mr Speaker:** Question No 5 has been withdrawn.

## Agri-Environment Schemes

6. **Mr Ford** asked the Minister of Agriculture and Rural Development how her Department intends to fund the increased uptake of agri-environment schemes.

(AQO 167/99)

**Ms Rodgers:** The agri-environment schemes will be supported from existing baselines and funds raised from modulation. While existing budget baselines are sufficient to support the continuation of the environmentally sensitive areas scheme, meaningful development of the organic farming scheme (OFS) and the countryside management scheme (CMS) depends largely on the additional funds delivered by modulation. I will also be seeking additional funds for a range of agricultural priorities in the year 2000 spending review and the programme for government.



**Mr Ford:** I thank the Minister for her response, and I note very clearly her comment that if CMS and OFS are to be expanded, the money will have to come from additional modulated funds. Can she explain, in the light of her reply to my Colleague Mr McCarthy, how using modulated funds for her Department's forest service will directly benefit farmers?

**Ms Rodgers:** There has been much confusion relating to the reallocation money, particularly that given to the forest service. I did not give money to the forest service. There was a shortfall in the budget, as expected revenue from the forest service was not realised. This was because of the high price of sterling and the damage done to the forests by the 1998 storm. A shortfall occurred in that budget, and that had to be rectified. Therefore what looked like giving money to the forest service was really using money to plug a gap in the budget. This had to be done.

**Mr Kane:** At what stage does the Minister anticipate a payback for farmers from rural development initiatives? I ask this question in the light of the gravity of the economic crisis and the urgency with which a solution must be found.

**Ms Rodgers:** I would like to think that there will be, as the Member has said, a payback to farmers in the area of rural development. The money from the modulation funds that relates to the rural development regulation will increase in the next few years up until 2006, and during that time, I expect to see money going back into the farming community.

**Mr Gibson:** Does the Minister accept that there is an urgent problem in respect of drainage in rural areas? Some 15 or 20 years ago a great deal of improvement work was carried out on drainage systems in rural areas, but due to the clogging of the systems, all this good work has now been undone, and water is pouring out on to the roads, thus causing a great deal of damage. Would the Minister be prepared to co-operate with other relevant Departments and introduce an agri-environmental scheme to restore the good work that was done some 15 or 20 years ago? Water on the roads is causing millions of pounds' worth of damage, and the drainage system should be improved urgently.

**Ms Rodgers:** That was a lengthy question, and I did not quite hear a part of it. The acoustics in this Chamber are not the best — unless it is my hearing. Will the Member please repeat the question.

**Mr Speaker:** This is not the first time a Minister has found it difficult to hear a Member. There is no difficulty hearing what some Members have to say — they are absolutely clear — but others are much less clear. I appeal to Members to speak clearly and to use the microphones — which is difficult if their heads are down in their papers. When asking supplementary

questions Members should not need the assistance of papers and written notes. Perhaps on this occasion, for the benefit of the Minister, Mr Gibson will repeat his question.

**Mr Gibson:** Some 15 or 20 years ago a great deal of improvement work was done on drainage systems in rural areas. Many of these drains have now become ineffective. Water is pouring off the land and on to the surface of the roadways, causing great damage. Will the Minister help remove this excess water by increasing land-drainage grants?

**Ms Rodgers:** I will consider what needs to be done to improve this situation. I cannot give an exact answer today. I will consider the matter, but I will not make any promises, as I will have to look at the expenditure and the benefit to the environment.

**Mr Speaker:** The next question for oral answer was asked as a supplementary to a previous question — not best practice. We will therefore move to the following question.

### Over-30-Months Scheme

8. **Mr Savage** asked the Minister of Agriculture and Rural Development how long after culling farmers have to wait until they receive payment under the over-30-months scheme.

(AQO 146/99)

**Ms Rodgers:** The Intervention Board Executive Agency operates the over-30-month slaughter scheme. It is therefore outside my responsibility as Minister of Agriculture and Rural Development. I have referred the Member's question to the chief executive of that agency, and I have asked him to provide an answer direct to the Member.

**Mr Savage:** I understood that when this contract was put out the payment to the farmer was to have been made in less than four weeks. I know for a fact that many of these payments take two months to issue. That is totally wrong. Three months ago they seemed to be on top of the problem, but now, whenever people have their cattle taken away and they enquire about the delay in payments, they are told that the computers were down. That is not a valid excuse, and it needs to be investigated very seriously. I understand that the firms that lift the cattle get the cheque but hold it back for a time and use the money for themselves. That is the information I have been given, and I have no reason to disbelieve it.

3.00 pm

**Ms Rodgers:** I understand the Member's concern. However, it is not within my remit, and for that reason it is a matter for the Intervention Board. I have asked the Intervention Board to respond to the Member.

**Mr Speaker:** Given that the Minister has made it clear that this is not within her remit, it is difficult to pursue the question.

### Fishing Industry

9. **Mrs Nelis** asked the Minister of Agriculture and Rural Development whether she will address the inequalities in licence fees for drift-net fishermen compared with their counterparts in the Republic of Ireland and if she will investigate the decline in the traditional fishing industry in the Foyle area.

(AQO 195/99)

**Ms Rodgers:** Drift-net licence fees in the Foyle area are higher than those in the Republic of Ireland, but there are good reasons for that. Fishing during the permitted period is very intensive and effective, so the number of licences is limited in the interests of conserving and protecting salmon stocks. The Loughs Agency has done much to enhance the productivity of the Foyle system to the benefit of all fishery interests in that catchment area. The fee also reflects the agency's need to meet as much of its running costs as possible.

**Mrs Nelis:** Go raibh maith agat, a Chathaoirleach.

I thank the Minister for her response and appreciate the information she has given. Small fishermen are penalised in comparison with the larger ones. I understand that the SPARD deal and the licence fees are about £150.

Go raibh maith agat.

**Mr Speaker:** The time is up. I can ask the Minister to respond in writing only to the part of the question that was asked within the time.

## CULTURE, ARTS AND LEISURE

### Act of Union

1. **Mr Davis** asked the Minister of Culture, Arts and Leisure what plans his Department has to mark the bicentennial of the Act of Union.

(AQO 188/99)

**The Minister of Culture, Arts and Leisure (Mr McGimpsey):** My Department will play a full role in celebrating this important event. I intend to establish a working group to co-ordinate activities organised in connection with the bicentenary — *[Interruption]*

**Mr Wells:** On a point of order, Mr Speaker. We cannot hear the Minister.

**Mr McGimpsey:** I could shout.

**Mr Speaker:** It sounds as though that may be what is required.

**Mr McGimpsey:** Shall I go back to the beginning?

**Several Members:** Yes.

**Mr McGimpsey:** My Department will play a full role in celebrating this important event. I intend to establish a working group to co-ordinate activities organised in connection with the bicentenary to ensure the historical accuracy of information that will be collated for the celebrations. The group will also take an overview of the relevant artefacts associated with that period in history.

Furthermore, the National Museums and Galleries of Northern Ireland and the Public Record Office of Northern Ireland are currently involved in an Act of Union virtual library project. This is an initiative to increase public awareness and understanding of that important event in Irish history.

**Mr Davis:** I thank the Minister for his response. Who sits on that project team, and why is the Ulster Museum not staging a major exhibition as it did when it commemorated the 1798 rebellion?

**Mr McGimpsey:** I will take the second part of the question first. The museum has little artefactual evidence of consequence, and that is its difficulty with staging an exhibition along the lines of the '98 exhibition. However, that is one of the areas to be looked at by the working group I am establishing.

We are aware that some artefacts are available — for example, the Broighter Horde that was discovered in the River Bann in the 1890s, which is in the National Museum in Dublin. We will be looking for an opportunity to display that. Interestingly, that display is in the National Museum as a result of the intervention of Edward, Lord Carson, who persuaded the British Museum to send it back to Dublin, whence it had come. The Public Record Office of Northern Ireland also holds a large collection of Lord Castlereagh's papers.

Furthermore, we are aware that a table purchased by the Northern Ireland Government in 1957, on which it is likely that the Royal Assent to the Act of Union was given by Lord Cornwallis, the Lord Lieutenant of Ireland, is available. It is in storage and in the possession of this Administration.

Those are some of the artefacts that we have been able to discover so far. I intend to ensure that the working group explores what can be collated for display.

With regard to the virtual library project, the membership has already been established. This was completed before the current Executive and Administration took over. The membership comprises the Public Record Office, Queens University library, the Linenhall Library and the National Museums and Galleries of Northern Ireland. They are working on the production of a virtual library project and in doing this they are receiving assistance with digitalisation from

experts in Northern Ireland and the British Library. It is believed that this is a powerful way of telling the story of the Act of Union.

**Mr McMenamin:** Does the Minister agree that a special exhibition of the magnificent artefacts originating from Northern Ireland, which is currently held in the National Museum in Dublin, could be brought North to a suitable venue? Given our historical divisions, surely this could be part of the healing process.

**Mr McGimpsey:** I concur with the Member's sentiments. I have referred to some of the things we are looking at in relation to the Act of Union, and during a recent visit to Dublin I spoke to Miss de Valéra about the possibility of migrating various exhibitions. The reason for my trip was to open an exhibition called "The Way We Wore", which, I believe, is as relevant to people in Belfast as to those in Dublin. My suggestion about migration met, I believe, with a favourable response, and there is no reason why some of the very important artefacts held in the National Museum should not also migrate for exhibition in Northern Ireland.

### Odyssey Project Science Museum

2. **Mr Dalton** asked the Minister of Culture, Arts and Leisure what provision his Department has made in its budget for the science museum in the Odyssey project.

(AQO 172/99)

**Mr McGimpsey:** In the financial year 2000-01 my Department has made provision for £5,040,000, which represents capital funding for the Odyssey project. Provision has also been made for £150,000 to go towards any operating deficit at the science centre should it be required.

**Mr Dalton:** Will the Minister join with me in welcoming this development? Does he agree that it will have great potential benefit for Northern Ireland and especially the city of Belfast? Will the Minister also provide details of the total cost of the project, explain how it will be financed and state what revenue stream is expected to be generated by the project?

**Mr McGimpsey:** I welcome this development, which will produce such a wide variety of resources for Northern Ireland. The cost of the project is £91.1 million. Private funding accounts for £16.9 million, and the balance will come from a variety of sources. The Department of Culture, Arts and Leisure will put in £16.9 million; the Millennium Commission will contribute £45 million; Laganside Corporation £9.25 million; and the Sports Council £2.5 million.

These are very considerable sums. In terms of development, this money will provide a covered arena for indoor events including those of a sporting nature. The arena will seat more than 10,000 people. A state-of-the-art science centre will be a high-technology

venture, and it will tell a science story with an educational impact. There are also a number of entertainment provisions including cinemas and IMAX centres.

**Mr Dallat:** Does the Minister agree that given the difficulties, including those of a financial nature, facing the Millennium Dome in London, we should exercise extreme care to ensure that this great project for Northern Ireland does not face the same problems? How sure is the Minister that this public money is being wisely spent, and will the project be economically viable?

**Mr McGimpsey:** It would be unwise to give an opinion, since this was a provision that was made long before the Department of Culture, Arts and Leisure was established. It is a very considerable sum of money, and there was a great deal of debate about the provision. The Millennium Commission determined that this was the bid best suited to Northern Ireland, and I am a great believer in not looking a gift horse in the mouth.

There are possible revenue consequences for us, and the Department has budgeted for deficit funding of up to £450,000 a year for the science centre. This is based on a total visit of under 3 million for the outlets and facilities in the Odyssey project, and in respect of the science centre, we are looking at a figure of 221,000 a year. We are not clear at this stage how much of that will be concessions to school-children, and so on, and how much will be attributed to fee-paying customers. The figure of £450,000 is a guesstimate of the total liability to the Department. The others are expected to be operated as private ventures by private operators and will not represent a drain on the public purse.

**Mr Speaker:** I commend to questioners and respondents alike the commendably concise and brief responses of the Minister of Agriculture and Rural Development.

**Mr S Wilson:** Will the Minister confirm that the amount of public money which has gone into the Odyssey project is about £45 million at present? Will he also elaborate on whether the £450,000 subsidy a year, which he mentioned — I may have missed this — extends only to the public-sector parts of the project? Or is it intended that, for example, the arena will need public-sector subsidy, or, indeed, the bus service which is to bring people from all around the city to the facility, which has, I understand, inadequate car-parking?

**Mr McGimpsey:** The figure of £450,000 is our projected worst-case scenario after year five. We anticipate that the deficit will be £150,000 in year one. When it has begun to operate we will be in a better position to judge.

As regards transport, we do not anticipate having to fund public transport to and from the Odyssey project, nor is it anticipated that there would be any form of revenue consequence regarding the operation of the



arena, the pavilion or the IMAX theatres. Our total revenue consequences will relate only to the science centre.

**Mr B Hutchinson:** In an earlier answer the Minister said that the contribution to Laganiside was £9 million. Is that public money, and from which Department does it come?

**Mr McGimpsey:** I mentioned a figure of about £45 million, which is roughly the investment to date. The total investment will be £91.1 million. That is made up of £45 million from the Millennium Commission, £9.25 million from the Laganiside Corporation, £2.5 million from the Sports Council, £16.9 million from the Sheraton Group, which is a private-sector organisation that will operate the IMAX theatre, a matching £16.9 million from the Department of Culture, Arts and Leisure and an Odyssey Trust Company deficit-fund contribution of £550,000. Of the £91.1 million, only £16.9 million will come from outside public funding. The remainder will come from a variety of public-funding sources.

3.15 pm

**Mr B Hutchinson:** The Minister misunderstood my question.

**Mr Speaker:** We must move on to the next question.

**Mr B Hutchinson:** I was asking which Department the Laganiside money is coming from.

**Mr McGimpsey:** I understand that Laganiside Corporation money comes out of the budget, but from which Department it comes I am not qualified to say. Under the new arrangements it may come from the Department of Social Development. The Member would probably know the answer to that better than I.

**Mr Speaker:** When a Minister is not clear in a response, he or she will normally write to the Member.

### Football: Sectarianism

3. **Mr McCarthy** asked the Minister of Culture, Arts and Leisure if he will introduce legislation similar to the Football (Offences) Act 1991 in a bid to combat sectarianism in football in Northern Ireland.

(AQO 143/99)

**Mr McGimpsey:** I will be considering proposals for the introduction of legislation on safety at sports grounds in Northern Ireland in line with the rest of the UK. In so doing, I will take into account the provision of the Football (Offences) Act 1991. Similar legislation here would make it an offence to engage in unruly, indecent and sectarian behaviour at sporting events and would seek to deter unacceptable and disruptive behaviour among those attending sporting events.

**Mr McCarthy:** Does the Minister believe that it is vital to make our main sports arenas neutral environments, where people from all traditions can enjoy a diverse range of sporting activity without threat of intimidation? Does he agree that sectarianism in Northern Ireland is equivalent to racism in football grounds across the water and is amenable to similar solutions?

**Mr McGimpsey:** I am not prepared to equate racism and sectarianism. However, I agree with Mr McCarthy that this is a problem which needs to be addressed. The Sports Council and the IFA are currently discussing this issue and looking for ways and means of addressing it. As I said, we will be looking at the Football (Offences) Act 1991, which is applicable in the rest of the UK. We will also be looking at another Order, which came in a few years later, making it illegal, for example, to throw any object towards the pitch or a spectator area without lawful authority or excuse — I am surprised this is not the case at present — to take part in indecent or racist chanting or to go on to the pitch without lawful authority.

Under the 1999 amendments it is also an offence for an individual to engage in racist or indecent chanting, either alone or in concert with others. It is clearly a matter for legislation and also for those who operate the grounds. There are 20 football grounds, seven Gaelic grounds and one rugby ground. There has never been a problem in the rugby ground. There can be in some of the others, but most grounds are free from such behaviour and such chanting. It is essentially a management problem in the various stadiums, but we will be looking at legislation where appropriate.

**Mr O'Neill:** I welcome the Minister's statement on the legislation. However, does he not agree that there is much more to be done outside the legislative process in terms of education, not just in schools but in adult education as well? This could perhaps be in the form of a PR presentation to try to get the damage that sectarianism does to our society across to the community at large. Might it not also be a further argument in favour of creating a neutral national stadium in which at least the international competitions could be run without the blight of sectarianism?

**Mr McGimpsey:** Sectarianism is not simply a matter for sport. Sadly, it is an obscenity throughout areas of society. We all want to contribute to its eradication and to see it disappear. With regard to the sports grounds, I have already said that that this may be a management problem in the stadiums where it exists. The IFA, for example, takes this seriously and is currently working with the Sports Council, discussing the issue and looking at ways to address it outside the legislation which the Department might consider appropriate in due course.

I have asked for an update, and when I receive that I shall be happy to write to the Member.



**Mr Gibson:** Is the Minister aware that in my constituency of West Tyrone there is cause for alarm with regard to the allocation of money from the Millennium Fund by the Sports Council? Only 3% of that funding has gone to football, whereas 49% has gone to the GAA. Would he admit that that could be a cause for concern, if not dissent, among a large number of people? Will the Minister investigate that and say what redress he hopes to provide in the next tranche of funding?

**Mr McGimpsey:** I cannot address that question. I will make enquiries and write to the Member about it. In terms of local provision, from the figures and the breakdown between football, Gaelic games, rugby, cricket, and so on, I am satisfied that the grants that I have so far looked at are equitable and fair. Perhaps Mr Gibson is highlighting a West Tyrone problem that the Department and I do not know about. I will ask questions and write to the Member in due course.

**Mr Speaker:** I caution Members against moving well outside the terms of the original question, which is on football legislation. Supplementary questions about tranches of money take the Minister in a completely different direction, and he would be quite entitled to say that that is not pertinent. I encourage Members to stick to the subject of the question.

**Mr C Murphy:** Go raibh maith agat, a Chathaoirleach.

I am sure that the Minister is aware of a debate, largely through the media, a month or two ago between officials from the FAI and IFA about the tendency for young Nationalists to opt for the FAI and to play for the Republic of Ireland rather than Northern Ireland. It was suggested that perhaps the FAI was engaged in some underhand tactics to poach young players. Does the Minister agree that a more likely explanation is the sectarian atmosphere of Windsor Park, which many people from a Nationalist background find a completely hostile venue for either playing or watching?

**Mr McGimpsey:** I am not able to fully respond to that, other than to say to Mr Murphy that the current Northern Ireland soccer team clearly does not have a problem about attracting young Nationalists to play for it. The question was about the ability of the IFA to attract young footballers from a perceived Nationalist background to play for the Northern Ireland soccer team, but it is quite clear that the IFA's capability to do that is one of its strengths. I do not agree that a sectarian element is impeding the Northern Ireland soccer team from performing to the best of its ability.

The Member mentioned a perceived chill factor in Windsor Park. I repeat that sectarianism at any sports ground — it is not just in soccer grounds, as the Member is aware — is unacceptable to us all. I repeat that the IFA and the Sports Council take this matter

very seriously and are currently working together to find ways to address that problem over and above any legislation we may deem to be necessary.

### Lough Erne Salmon

4. **Mr J Wilson** asked the Minister of Culture, Arts and Leisure if he will undertake to make representations to his Irish counterpart regarding unfair allocation of Lough Erne salmon between Northern Ireland and the Republic of Ireland.

(AQO 189/99)

**Mr McGimpsey:** There is no allocation of adult salmon between Northern Ireland and the Republic of Ireland. I assume that the Member is referring to work carried out under the EU-funded Erne salmon management programme. Of the 7 million juvenile salmon stocked into the Erne catchment area under this programme, the distribution was 33% in Northern Ireland tributaries, 40% in Republic of Ireland tributaries and 27% in tributaries which lie in both jurisdictions.

Irrespective of the jurisdiction of the placement of juvenile stock, smolts will descend to the Upper and Lower Lough Erne, and adults should return to these Northern Ireland fisheries. The objective of the Erne salmon management programme is to reintroduce a self-sustaining population of wild salmon to the Erne to support a quality salmon-rod fishery. I am aware that there is a problem with returning adults to the system, and I will address this with my counterpart in the Republic of Ireland when I see the final results of the study.

**Mr J Wilson:** I tabled the question in the knowledge that there have been problems in the Erne for a number of years and that management operations are very unfair. The Minister gave some figures. I too have some figures. Will the Minister comment on the widely held view that it is unfair that in 1997, 1.2 million salmon ova and fry were stocked in Erne feeder streams in Northern Ireland and that in 1995-96 just over 1,000 adult salmon were recorded as having returned to the Erne system. I do not have any more up-to-date information—it is hard to come by.

Is it fair that adult salmon have difficulty moving upstream through the power station? Is it fair that great numbers of salmon are trapped in the Erne estuary and in the river and that Donegal netsmen — not Northern Ireland netsmen—have a rich harvest at the expense of the Northern angler?

**Mr Speaker:** Order. It is for the Ministers to give information, not for questioners to supply it.

**Mr S Wilson:** Even the Ministers do not do that very often.

**Mr Speaker:** It is important that questions should not provide information. Questions should seek information.

**Mr J Wilson:** May I finish?

**Mr Speaker:** I think the Minister has more than enough to answer.

**Mr McGimpsey:** I think the question concerned the stocking of the Erne catchment area with approximately 1.7 million fry. With a normal migration return of 10% one would expect there to be 170,000 coming back. The figures show there are a very small number coming back into the Erne estuary. The salmon management programme is meant to investigate why the wild salmon fishing industry has virtually collapsed in the Erne catchment area over the last 35 years.

At roughly the same time in the 1960s the Ballyshannon hydroelectric dams were introduced. While they had proper fish traps to allow the salmon to migrate, there is concern that this is why the smolts are not able to leave the system and get into the sea and why, when they make the return, they cannot get into the Erne catchment area.

The salmon management programme is under way, and I expect a report by June this year. The report should confirm the belief that there has been a dramatic reduction in migration. This is the reason for the lack of salmon in the lakes. The next stage will be to investigate the reasons. We hope this investigation will be carried out with the co-operation of the Electricity Supply Board around the area of the Ballyshannon hydro-works. This contributes roughly 1% of the electricity in the Irish Republic and appears to be contributing to the reduction in the wild salmon runs in the lough.

### Local Museum and Heritage Review

5. **Mr McGrady** asked the Minister of Culture, Arts and Leisure when the local museum and heritage review will be completed and if he will make a statement.

(AQO 124/990)

**Mr McGimpsey:** The local museum and heritage review is currently in progress, and I expect to receive initial proposals from the review steering group by the end of June 2000.

It has long been recognised that the existing multiplicity of museums and heritage facilities managed by a disparate range of organisations lacks co-ordination, co-operation and strategic direction. The aim of the review is to strengthen the arrangements for the preservation, interpretation, promotion and educational use of Northern Ireland's heritage in accordance with the principles of quality, access, complementing each other and value for money.

The review will produce an inventory of heritage facilities in Northern Ireland, a policy framework and a strategy for development. The steering group appointed to oversee the review is chaired by a senior official from my Department and includes representatives from the Department of the Environment, the museum and heritage sector, local government, education, and the voluntary and community sector. Consultation will be an integral part of the review process.

3.30 pm

**Mr McGrady:** I thank the Minister for his reply. Even in his short time in office he will have realised the absence of a proper museums policy in Northern Ireland. Does he intend to adopt the recommendation of some years ago that there be a category-two or regional museum in Northern Ireland? Will the Down County Museum, which preserves, receives, educates and researches — indeed, everything that a central museum does — be designated a regional museum, notwithstanding the rather bizarre answer he gave to me in writing on 12 January 2000? This contradicted the museum report of 1978, which recommended regional-museum status for museums which carry out a full range of activities, such as the Down County Museum.

**Mr McGimpsey:** A number of museums are operating regional services as defined by the Northern Ireland Museum Advisory Committee Report, and I can confirm that the Down County Museum is among them.

**Mr Speaker:** Order. The time is up. Perhaps the Minister will provide Mr McGrady with another letter.

### OFFICE OF FIRST MINISTER AND DEPUTY FIRST MINISTER

#### Government Departments: Decentralisation

1. **Mr Fee** asked the Office of the First Minister and Deputy First Minister whether, in the light of the Irish Government's intention to decentralise Government Departments, they will ensure that a review is undertaken to identify the potential benefits of a similar policy for Northern Ireland.

(AQO 165/99)

**The Deputy First Minister (Mr Mallon):** Responsibility for the provision of office accommodation and the policy on the dispersal of Civil Service jobs falls to the Minister of Finance and Personnel. He appreciates the contribution which public-sector jobs can make to the economic and social development of local communities. He therefore proposes that, as part of the programme of government, a Civil Service office-accommodation strategy should be developed, incorporating a review of the current policy on job dispersal.

**Mr Fee:** I thank the Deputy First Minister for his answer. He will be aware that the Irish Government's policy on decentralisation may place up to 10,000 public-sector jobs in rural constituencies and border areas, where their impact on the local economy will undoubtedly be massive. Can he assure us that the review in Northern Ireland will seek to spread similar benefits to rural and border constituencies? Can he confirm that the number of public-sector jobs in Belfast in particular is wholly disproportionate and has been to the extreme disadvantage of district towns such as Newry, Armagh and others in the constituency we share? Can he also confirm that on the Civil Service register of applicants for transfer, Newry is the most popular destination sought by public-sector employees?

**The Deputy First Minister:** I am indeed aware of the intentions evident from the Irish Government's recent announcement about relocating up to 10,000 public-service jobs out of Dublin to the western, midland and border counties. This will come on top of the 4,000 which have been relocated since 1986. I am sure that this will have a very positive economic impact on those regions.

The Member asked specifically about the Northern Ireland staffing levels in Belfast, Newry and Armagh. Staffing levels, as he knows, are given by district council area. Belfast City Council has 14,715 Northern Ireland Civil Service staff in its area, constituting 62%. Armagh has 247, which is 1%, and the Newry and Mourne area has 336, which represents 1.4%.

The Member's knowledge of working population statistics for those areas mentioned will enable him to identify the disparities properly. He will also be aware that the North/South Ministerial Council recently announced that the headquarters of the Trade and Business Development Body would be in Newry. This will lead to approximately 40 jobs. The North/South Ministerial Secretariat is already established in Armagh, and the number of civil servants to be located there is under the consideration of the respective Ministers of Finance.

Finally, I am aware of the attractions of Newry, Armagh and all the other rural towns throughout the North of Ireland.

**Mrs Carson:** Can the Minister confirm that some towns, including Londonderry and Omagh, already have a share of Civil Service jobs?

**The Deputy First Minister:** I can confirm that. The Member mentions Derry specifically. The figure for Derry is 1,142 or 4.8%. Omagh has 545, which is 2.3%. Four hundred of the jobs that have gone to Derry have gone there recently. The lesson that we should all learn from this is that we must look at it in its totality and in terms of what should be considered when deciding the location of government functions. We need to try to ensure that decentralisation is managed equitably.

**Mr McMenamin:** Does the Minister agree that as a matter of priority the Assembly must recognise how neglected West Tyrone has been in the past and put it on an even footing with more advantaged parts of the North? Is he aware of how important the positive economic impact of relocating Civil Service jobs will be for border areas such as Strabane, the town that I represent?

**The Deputy First Minister:** I do. As I have already said, responsibility for the location of offices within the Northern Ireland Civil Service is a matter for the Minister of Finance and Personnel. The Member, like others, will also be aware that equality and the new TSN are factors to be taken into account in future accommodation planning, as are such factors as the regional planning strategy, service delivery and cost. I fully appreciate that the Strabane District Council area, with 105 Civil Service jobs — less than 0.5% — feels that it has a case to make. Many other towns — not only border towns — also have cases to make, and I look forward to hearing them. The decision to locate the North/South Implementation Bodies' headquarters in Enniskillen, Newry, Derry and Omagh indicates recognition of this.

**Mr K Robinson:** Does the Minister agree that considerable caution needs to be applied in any relocation of government offices to avoid dislocation of the families of civil servants who may be affected? Does he agree that there is under-representation of Government offices in Newtownabbey, which is the fourth-largest borough in Northern Ireland?

**The Deputy First Minister:** Newtownabbey has 163. That is 0.7% of the population — not quite the lowest, but verging on it.

I appreciate the Member's point that there should not be relocation at the expense of families or people. This has been one of the factors that have been applied in the Republic of Ireland. Those moves have been made on a voluntary basis with no compulsion on staff, and that must happen here. The implication of the Member's question is that there are many places in the North of Ireland that have to be looked at, including Newtownabbey. When potential members of staff and members of the Civil Service look at the attraction of all of those areas, they may look upon any relocation very favourably.

**Ms Gildernew:** Go raibh maith agat, a Chathaoirleach. Given the commitment to equality in the Good Friday Agreement, will the First Minister and the Deputy First Minister guarantee that many more Government jobs will be decentralised, allowing the people of Armagh, Derry and especially Fermanagh and Tyrone to access them properly in order to help redress the discriminatory employment practices of the past?

**The Deputy First Minister:** Equality and new targeting social need are factors to be taken into account in future



accommodation planning, as are other factors, such as the regional planning strategy, service delivery and cost. The Department of Finance and Personnel new draft targeting social need action plan includes proposals to enhance statistical information on Civil Service location and possible host areas for job relocation. We have to translate that statistical information into the concrete reality that the North of Ireland and its administration are for all of its people, wherever they live within Northern Ireland.

### **Economic Development Policy**

2. **Mr Byrne** asked the Office of the First Minister and Deputy First Minister to explain how the economic policy unit will be involved in devising and implementing a radical economic development policy.

(AQO 164/99)

**The First Minister (Mr Trimble):** The role of the economic policy unit is to assist the First Minister and the Deputy First Minister in a number of strategic economic tasks. These include co-ordinating the Executive's economic policies and monitoring the effectiveness of public spending in achieving the Administration's economic goals.

The economic policy unit is currently engaged in assisting the Executive Committee in developing the programme for government. That document will enable us to define both the nature of our economic development policies and the most effective form of co-ordination that is needed to achieve the agreed goals. Already a number of Ministers are working together on areas of common concern. The programme for government will help us to agree other areas where we need to develop new approaches. In this work the economic policy unit will play an important role.

If we are to make a difference, if we are to strengthen our economy while ensuring opportunities for all, it will be essential for Departments and agencies to co-operate on common objectives and deliver new, focused policies. The economic policy unit will be central to this new approach.

**Mr Byrne:** I thank the First Minister for his answer. Does he agree that the biggest challenge facing everyone in Northern Ireland, including the Assembly, is to devise an enterprise-driven regional approach to the economy? Does he accept that the economic policy unit has a central role in co-ordinating that and making sure that we have better value-added production so that we can lessen our dependence on public transfer payments?

**The First Minister:** I agree entirely with the Member. The challenge is to shift away from subsidy-based activity, from the public sector to the private sector, and within the private sector to higher-value-added areas. This is the key objective for the future. The work of the

Administration needs to be focused on that. We need the capacity to co-ordinate policies across Departments to avoid the silo effect that has slipped into some elements of the Administration.

**Mr McClarty:** Does the First Minister agree that we need to focus on radical new economic development policies?

**The First Minister:** I agree. This is largely the same point that Mr Byrne was making. It is essential that we refocus the economy in that way. The best cure for social exclusion is a well-paid job.

**Dr McDonnell:** Does the First Minister accept that while the role of the economic policy unit is to assist him and the Deputy First Minister, its funding appears to be a matter for the Department of Finance and Personnel? Will he say to which of the House Committees the economic policy unit will be accountable and explain how we will deal with the complicated matter of communication between the economic policy unit and the Department of Finance and Personnel?

**The First Minister:** I do not foresee any great difficulty in communication. The two elements will work closely together. In essence, the economic policy unit, which has a co-ordinating role, is located in the Centre and consequently is subject to oversight by the Committee of the Centre. It is clear that the Administration needs something equivalent to the Cabinet Secretariat in Downing Street, which has a Minister. However, I would not like to draw an analogy between Mr Haughey and Mr Nesbitt on one hand and the Cabinet's Minister of State for Enforcement on the other.

3.45 pm

**Ms Morrice:** The stress that the First Minister has put on the need to co-ordinate policies is appreciated. Can he explain in more detail to the House how the economic policy unit will interact with the Department of Enterprise, Trade and Investment and, in particular, the Enterprise, Trade and Investment Committee? We want to avoid duplication and allow as much co-ordination and co-operation as is possible.

**The First Minister:** It should be borne in mind that the economic policy unit does not have an administrative function. It is there as a source of advice for the First and Deputy First Ministers and to assist co-ordination.

**Mr Davis:** The First Minister has given very comprehensive answers. What resources will the economic policy unit have?

**The First Minister:** It is essentially a small think-tank with research budgets, and it will work with Departments to provide better co-ordination. The staff of the Public Service Office, who work on improving public service efficiency and effectiveness, are part of the team. However, for the new responsibilities, such as economic



policy and co-ordination on European matters, four senior staff have already been recruited, and we are starting to recruit more.

### **‘Publicly Funded R & D and Economic Development’**

3. **Mr McGrady** asked the First Minister and the Deputy First Minister what assessment they have made of the recent publication by the Northern Ireland Economic Council entitled ‘Publicly Funded R & D and Economic Development in Northern Ireland’, and if they will make a statement.

(AQO 126/99)

**The Deputy First Minister:** While the Office of the First and Deputy First Ministers has responsibility for appointments to the Northern Ireland Economic Council and for its funding, this recent report has implications for several Departments. Since its focus is particularly on economic development, it is of most relevance to the work of the Department of Enterprise, Trade and Investment and the Department of Higher and Further Education, Training and Employment. I understand that the Ministers, Sir Reg Empey and Dr Farren, have already met to discuss it. They will be putting a joint report to the Executive Committee. This will enable us to come to a collective view on how its recommendations might fit into the new programme of government.

**Mr McGrady:** I thank the Deputy First Minister for his reply. Is he aware of the comments made by the chairperson of the Northern Ireland Economic Council on 18 January? She stated

“Research and Development (R&D) will be critical to determining Northern Ireland’s economic success in an increasingly global and knowledge-driven economic environment.”

In his answer to my question, he indicated that a team is operating to produce a report. Will he ensure that that team follows the advice of the Economic Council that an effective partnership be developed between business, the Government and the universities, with public and private investment, on research and development to spearhead economic progress?

**The Deputy First Minister:** We will be encouraging the Departments involved along those lines. Perhaps one way of doing so, as the Member has suggested, is to encourage much greater collaboration between universities and industry and partnerships between the universities, industry and the Government, so that research can be placed in the technological chain which leads to development and entrepreneurship. It has worked in less-developed regions in Europe, and it can, and will, be made to work here.

The Member will be aware that we have inherited a level of university research funding that is low in comparison with that in other regions. However, our universities are now benefiting from substantial new

investment in research across the United Kingdom. In the current academic year this includes an additional £1.5 million for research infrastructure, £2 million of university challenge money and part of the investment of £10 million towards the Northern Ireland science park.

This additional new funding is helpful, but Northern Ireland is lagging behind, as the council has pointed out. We will have to ensure that industry, the private sector, the public sector and the education sector are equipped to deal with research and development because, in today’s world, we will not stand a chance of competing without it.

### **Freedom of Information**

4. **Mr Maskey** asked the First Minister and the Deputy First Minister if there are any proposals to provide for freedom of information.

(AQO 166/99)

**The First Minister:** The Freedom of Information Bill, which is before Parliament, extends to Northern Ireland. This measure provides, for the first time, a statutory right of access to information held by a wide range of Northern Ireland public bodies in the transferred field, including Departments, district councils and executive and advisory non-departmental public bodies. It also provides for the enforcement of that right of access and for an appeals procedure.

The extension of the Bill was agreed following a consultation exercise in Northern Ireland last year. However, freedom of information is a transferred matter, and it is for the Executive Committee to decide whether to introduce separate legislation on freedom of information in Northern Ireland. It is hoped that the Executive will discuss freedom of information in the near future.

**Mr Maskey:** A Chathaoirligh. I thank the First Minister for his reply. Does he agree that this issue is of immense importance, given that one of the key principles of these institutions is openness and transparency? Good governance means that everyone should have access to information. I suppose the First Minister has already answered the question in that he said he hopes that the Executive will deal with this as a matter of urgency.

Go raibh maith agat.

**The First Minister:** The legislation going through Parliament at the moment is very similar to that introduced in the Republic of Ireland and in a number of Commonwealth countries. We will have an opportunity to look at it and consider whether its provisions need to be extended.

**Mr S Wilson:** Does the First Minister remember that on 9 January 1999 he wrote to members of his party a letter stating that the North/South bodies would be

minimalist and completely accountable? Is he aware that the agendas for two North/South Ministerial Council meetings held last week were put in Members' pigeon-holes only today, or possibly on Saturday? Does he agree that that does not smack of accountable government? Will any Freedom of Information Act that is introduced in the Assembly ensure that, instead of being told of the agendas for North/South Ministerial meetings after they have taken place, Members are informed in advance?

**Mr Speaker:** Order. As far as I am aware, the papers were in Members' pigeon-holes last Thursday. The First and Deputy First Ministers and their Department cannot be held accountable for any administrative delay. I will, however, check whether there was such a delay.

**Mr S Wilson:** The meeting took place on 1 February.

**The First Minister:** The Member knows — or ought to know — that there is more openness about North/South Ministerial Council material than about the rest of the public administration. This was deliberately arranged by us. As to his comment about knowing the agenda in advance of the meetings, if his Colleagues bothered to attend the Executive meetings they could take part in the discussions that take place in advance of the North/South Ministerial Council meetings.

**Several Members:** On a point of order, Mr Speaker.

**Mr Speaker:** Order. Members know that I cannot take points of order until the end of Question Time.

**Sir John Gorman:** Does the First Minister agree that freedom of information should also apply to the families of those victims of terrorism whose remains have yet to be recovered? Does he agree that it would be contemptible if paramilitary organisations and their political backers were to withhold such information from the victims' loved ones?

**The First Minister:** Of course I agree. There should be freedom of information for all the victims of terrorism, and the various paramilitary organisations, along with those who established and assisted them, have a lot of explaining to do.

**Mr A Maginness:** Does the First Minister agree that for the healthy development of any democracy it is necessary to have a Freedom of Information Act? When is the legislation at Westminster likely to apply to Northern Ireland?

Further to that, in relation to the Freedom of Information Act in the Irish Republic to which he has previously referred, are there any provisions in that Act that we could usefully include in any legislation here? What does the First Minister think of that legislation?

**The First Minister:** I understand that the Freedom of Information Bill that is before Parliament is likely to be brought into operation in mid-2001. The legislation in the Republic of Ireland is broadly similar. There may be differences in detail that we could usefully examine. Indeed, the Committee of the Centre could do likewise.

**Mr Beggs:** Does the First Minister agree that in order to have freedom of information people must have freedom to meet without harassment or intimidation and that some political parties and, indeed, terrorist organisations should respect that principle?

**The First Minister:** The Member's point is very well made.

### Civic Forum

5. **Mr Ford** asked the First Minister and the Deputy First Minister what criteria they will use to determine their nominations to the Civic Forum.

(AQO 144/99)

**The Deputy First Minister:** The Good Friday Agreement includes provision for the establishment of a Civic Forum to act as a consultative mechanism on social, economic and cultural matters. The Forum will comprise representatives of the business, trade union and voluntary sectors and such other sectors as agreed by the First and Deputy First Ministers.

Under the terms of the report which was agreed by the Assembly in February 1999, nominees for the Forum will be drawn from the following areas: business, agriculture and fisheries, trade unions, the voluntary and community sectors, the churches, culture, arts and sports, victims, community relations and education. In addition, as First and Deputy First Ministers, we will appoint six persons and the chairperson. Our nominees will be people who, in our view, have a range of insights, expertise and experiences that will inform the deliberations of the Forum in the social, economic and cultural spheres. We will ensure that the Forum has the appropriate balance to enable it to represent fully all sections in Northern Ireland.

**Mr Ford:** I thank the Deputy First Minister for that response. In the light of the cynicism that now exists about some of the appointments already made — there have been allegations not only about jobs for the boys but about jobs for the entire family — can he give an undertaking that no member of either of their political parties will be appointed to any of the six positions in the gift of himself and the First Minister?

**The Deputy First Minister:** We will apply the principles that I have already enunciated to the appointments that are open to the First and Deputy First Ministers to ensure balance in the Civic Forum. To date, we have embarked on consultation, and the junior Ministers have had discussions with NICVA, Disability

Action, the Rural Community Network and the Women's Resource and Development Agency. I assure the Member that everything will be done in a way that will contribute to the Forum and nothing else.

**Mr Paisley Jnr:** Can the First and Deputy First Ministers assure the House that only genuine victims and their representatives, who know what it is like to suffer at the hand of terrorism, will be appointed to serve in a victims' liaison capacity? Can they assure us that they will consider appointing a representative of Families Acting for Innocent Relatives?

**The Deputy First Minister:** No decision has been or will be made about any sector of the Civic Forum until all the nominations have been received. The Office of the First Minister and Deputy First Minister is very aware of the victims. We have already had a meeting with the Minister of State, who shares that responsibility with us, and we have taken steps to ensure that there is a dedicated sector in the equality unit to deal with the issue.

I want to make a final point in relation about the sting in the Member's question. In many ways we are all victims of the past 30 years, and there are many groups that have suffered in various ways. We will ensure, through the equality unit and the nominations put forward for the Civic Forum, that all groups are represented, in the wider interests of everyone in Northern Ireland.

4.00 pm

**Mr Speaker:** We must proceed to the next item of business.

**Mr Dodds:** Mr Speaker, I have already indicated that I want to raise a point of order.

I am sure that it is in order to point out to the First Minister that, unlike him, DUP Ministers are adhering to their manifesto commitments. I would like you to give a ruling on whether, by urging Ministers to breach their ministerial code and divulge Executive business, the First Minister is giving a green light to Members to breach confidentiality.

This is a very interesting precedent, which we will note carefully in the record. I would like to thank the First Minister for his indulgence in this matter.

**Mr Speaker:** It is not for me to speak about the conduct of Executive Committee business, which is what the First Minister was referring to. There is no question about the need for confidentiality in Committees. That is clear, and I trust that all Members, including those who are Chairmen, recognise that.

## ST PATRICK'S DAY

**Mr McCarthy:** I beg to move the following motion:

This Assembly calls on Her Majesty's Government to proclaim each year St Patrick's Day a public holiday in Northern Ireland.

I wish to explain to the Assembly the words of the motion. Unfortunately, under current constitutional arrangements, the declaring of public holidays remains a responsibility of the British Government. Therefore, regrettably, it is not possible for the Assembly to take a decision on the matter. The only course of action open to us is to lobby our Prime Minister and our Secretary of State directly and hope that the Taoiseach and the Irish Government can also use their good offices to enable us to achieve the desired result. The Assembly does, however, have an important representative role in that it can express the authoritative voice of the people of Northern Ireland to other levels of government.

Why should the Assembly push for St Patrick's Day to be made a public holiday? Put simply, St Patrick's Day is an important day for people throughout Northern Ireland. It celebrates the man who is historically associated with bringing Christianity to Ireland. His importance is recognised by Protestants, Catholics and many others. St Patrick is the great unifier.

St Patrick's Day is also significant in a number of non-religious ways throughout the island. Throughout the world it is regarded as Ireland's national day, North and South. Around the world it is something for people of Irish descent to celebrate. And why not?

In Northern Ireland many people from all traditions wear shamrock. Indeed, shamrock is traditionally presented to the Irish regiments every St Patrick's Day. Sometimes at parades and festivals we have the great traditions of music, Irish food and green Guinness, which are enjoyed by many people. More importantly, religious services are celebrated throughout the length and breadth of the island, and it is also the day on which schools' cup rugby, soccer and gaelic football finals are played.

There is no doubt that St Patrick's Day contributes to tourism in Ireland, both North and South, which is so important to our economic well-being. I welcome the news that the Apprentice Boys of Derry are planning a St Patrick's Day festival this year and are to encourage their members to wear shamrock. That is progress that we can all support. I draw the House's attention to the fact that the Apprentice Boys are set to go green for St Paddy's Day. Who could fault people for that? Quite rightly they are recognising that St Patrick's Day is a celebration for the whole community, and not just for one part of it.

St Patrick's Day is a bigger event in some parts of the world than here, especially where there are large populations of Irish descent. One of the biggest annual parades is in New York, and there are parades in many other American towns and cities as well. The St Patrick's Day pilgrimage to the White House is now an annual event for many of our leading politicians, and they all seem to enjoy the festivities. Surely it is strange that St Patrick's Day is celebrated more enthusiastically internationally than at home and that it remains only a bank holiday, not a public holiday, in Northern Ireland.



Some workers, such as civil servants, bankers and, indeed, Assembly Members, will have the day off and can join in the celebrations. But many others, such as the shipyard workers, the aircraft and other factory workers, will have to plod on. Indeed, many children still have to go to school.

I have spent many years working in industry, and I always felt it an injustice to have to clock in on St Patrick's Day when others were on holiday. In this era of equality all people should be given the same opportunities and privileges. We discussed equality issues this morning. Now is the time to show our sincerity and treat everyone in the same way. To do otherwise would be barefaced hypocrisy.

There are other reasons for St Patrick's Day's being made a public holiday. St Patrick's Day unites all sides of the community in Northern Ireland. We should cherish and promote this in what is otherwise a deeply divided society. The Good Friday Agreement seems to be built on a vision of two separate but equal communities working together with mutual respect. This is not a vision that is shared by us; nor is it sufficient for Alliance. Not only does it ignore the much greater pluralism that exists; it does not encourage the emergence of common bonds and loyalties among our people — something that should concern not just the liberally minded but everyone. Unless the things that unite us begin to dominate those that divide us, it will be too easy for society to be torn apart at some time in the future by those who thrive on suspicion and mistrust.

To counter this danger we need to develop a stronger sense of common regional identity. This should draw upon, reflect and respect the diversity of cultural traditions right across society. It cannot and must not be based exclusively on one or other of the two main political and religious sections. Promotion of what the people of Northern Ireland hold in common is something that the Secretary of State himself touched upon in a speech that he made to the Institute of Irish Studies in Liverpool last Friday. He said that he wanted to see a Northern Ireland with two self-assured traditions but one body of citizens united by

"shared language, shared values and shared land with bonds that are strong enough to encompass diversity of religion, of politics and of custom."

He cautioned against outsiders trying to impose this but recognised that within the institutional framework of the Good Friday Agreement the people of Northern Ireland, and their representatives, can help to shape the values, identities and symbols of our society.

We can now do this by speaking with one voice. A call from the Assembly to make St Patrick's Day a public holiday could be an important first step towards trying to recognise and enlarge our common bonds. However, we must recognise that not every citizen in

Northern Ireland or the Republic of Ireland is of Christian origin. As far as I am aware, St Patrick was neither a Unionist nor a Nationalist, nor was he a card-carrying member of the Alliance Party, the Women's Coalition or any other party, North or South.

All people in Northern Ireland, Unionist and Nationalist and those of us from the centre, should be able to associate with St Patrick, in comfort. It should be open to those from all religious backgrounds — Christian, non-Christian — and none.

This motion gives the Assembly an opportunity to send an important message asking that St Patrick's Day be made a public holiday, and I commend it to the House.

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

**Mr J Wilson:** I beg to move the following amendment:  
At the end add

"and to add that day to the list of official flag days".

I am moving this amendment because I believe that if the Assembly were to support it we would be taking a step towards what is custom and practice in other parts of the United Kingdom. The Union flag is flown in Wales on St David's Day (1 March), in England on St George's Day (23 April), and in Scotland on St Andrew's Day (30 November).

**Mr Deputy Speaker (Mr McClelland):** I intend to allow five minutes for each Member who wishes to speak so that the proposers of the motion and the amendment may have 10 minutes each at the end of the debate.

**Mr McGrady:** It will not surprise the Assembly that I am speaking in favour of the motion, being a native of, and coming from, Dún Phádraig (the fort of Patrick), where his mortal remains and those of St Brigid and St Colmcille lie in the cathedral grounds under the auspices of the Church of Ireland.

Anyone who has taken the trouble to research the history of St Patrick will agree with the proposer of the motion that he should be a unifying force, an important part of the Christian heritage of the people of Ireland. It does not matter that that Christian heritage diversified and has different connotations today — it had a common origin in the preachings of St Patrick and his disciples. Indeed, non-Christians in our community have very high regard for that tradition and would not oppose the celebration of St Patrick in any way, if only because on his day, throughout the world, Irishmen, from North or South, commemorate together their origins in the island of Ireland.

I always find it sad to look across the Atlantic and see the enormity of the celebrations there, and the exodus from this island to America. We should be



celebrating the day here ourselves in harmony and comradeship.

4.15 pm

The Irish diaspora, which is not often mentioned but is very much Patrician, is that which spread from this island, and particularly from the North — Down, Antrim and Armagh — through western and eastern Europe to the Dalmatian coastline of the Adriatic. People from here founded monasteries, towns and all sorts of institutions, and that has never been tapped.

If we want to be commercial about it, we could harness that enormous link with people around the world. The people of Ireland have touched not only the 40 million people in America but huge numbers of people in Western Europe, the Middle East, the Far East and Australia. They would be only too happy to celebrate that wonderful day with us if we got our house in order.

I believe I heard the melodious voice of Sammy Wilson on the radio this morning saying that he intended to oppose the motion. I am not sure if I interpreted him correctly, but it puzzled me somewhat because I remember my esteemed parliamentary Colleague, the leader of the DUP, asking in the House of Commons some years ago that St Patrick's Day be made a public holiday. I support him entirely in that. This should not be a party issue; it should be a matter of us all getting together to celebrate the day.

I would hate to think that this debate might later involve divisive issues. That is not the intention of the motion. The intention is to create something that we can celebrate together without confrontation, a national day that we can invite people from all continents to join with us in celebrating.

**Mr Hussey:** I know that the Member is talking to the motion, but I would appreciate a word about the amendment, remembering that the Union flag incorporates the cross of St Patrick.

**Mr McGrady:** I do not know if I should thank the Member for his intervention. I accept the fact. I have just been handed —

**Mr Deputy Speaker:** I must ask the Member to bring his remarks to a conclusion.

**Mr McGrady:** Let us support the motion. May I invite all Members to Downpatrick in July this year to celebrate the opening of the first Patrician centre in Ireland and in the world — a £6.3 million development which will explain to all of us what St Patrick is all about. Ergo Patricius.

**Rev Dr Ian Paisley:** My views on this subject are well known. I have expressed them in the House of Commons, and I proposed an amendment to a motion

on the matter in the Forum. The amendment was carried. I support the amendment to this motion.

I, like all other right-thinking people in Ulster, regret the sectarian and political label that has been put on St Patrick. Prof Barclay was a well-known historian and a leader in the Irish Presbyterian Church who wrote a book which asked the question "Was the early Irish Church subject to Rome?". He answered "No. The independence of the early Irish Church is one of the most indisputable facts in history". How did Rome come to Ireland? Rome first gained an entrance — *[Interruption]*

**Mr Deputy Speaker:** Order. Members have been reminded before the use of mobile phones in the Chamber.

**Rev Dr Ian Paisley:** Yes. I forgot about it. I humbly apologise to you, Mr Deputy Speaker, and to the House for disturbing my speech.

**A Member:** Perhaps it is St Patrick on the telephone for you?

**Rev Dr Ian Paisley:** St Patrick has such a wonderful place in heaven that he would not return to a place like this.

Rome gained entrance into Ireland in the eleventh century, 600 years after Patrick. When the Danes who had settled in Ireland became Christians they refused to acknowledge the authority and jurisdiction of Patrick's Church and sent their bishops to be consecrated as Roman Catholic bishops.

Rome gained hold of the whole of Ireland because in 1155 Pope Adrian IV, the only Englishman who was ever Pope — and look what he did to you people — gave Henry II of England permission to conquer Ireland to enlarge the bounds of the Roman Catholic Church. I regret that Rome has put chains around St Patrick and said he was a Roman Catholic —

**Mr McCarthy:** Rubbish.

**Rev Dr Ian Paisley:** The Member has not read the history written by the priests of his Church. Otherwise he would know that what I am saying is true.

When he proposed the motion Mr McCarthy did not tell us about the sectarianisation and politicisation of Patrick. If you go to New York you will see the great parade he refers to. Is there anyone in that parade who would give one cent to a Unionist, or to a person wanting to maintain the Constitution? The Member knows there is not. St Patrick has had a Hibernian suit and sash and an IRA suit put on him. An IRA man, well known for his terrorist activities, has led that parade. If that is not making political capital out of a certain figure who was not political at all, I do not know what political capital is.

I refuse to hand St Patrick over to the Roman Catholic Church and the embrace of the Pope, or to the

IRA and Nationalists. He is a figure to be honoured and remembered. He brought the Bible gospel. In his works — the Confession, the Epistle and the Hymn — one finds set forth the simple gospel of Jesus Christ:

“God so loved the world, that he gave his only begotten son, that whosoever believeth in him should not perish, but have everlasting life.”

We should honour St Patrick and have a public holiday declared by the Secretary of State.

**Mrs Nelis:** Go raibh maith agat, a Chathaoirleach. I thank Mr McCarthy of the Alliance Party for moving the motion. I have major difficulty with the part of the motion calling for St Patrick's Day to be made a public holiday that is dependent on the imprimatur of the Queen or the British Government. The Alliance Party was at pains to point out that the wording of the motion was completely out of its control.

I support the spirit of the motion that St Patrick's Day should be for all Irish people. It should be for those people born on the island of Ireland who identify themselves variously as Scots, Scots-Irish, British, Chinese, Asian or of any other ethnic group, who, like those from all races around the world, join with the Irish annually in celebrating St Patrick's Day.

Seamus Heaney, in his poem ‘From the Canton of Expectation’, recalls a St Patrick's Day of his childhood in the North:

“Once a year we gathered in the field of dance platforms and tents where children sang songs they had learned in the old language, and stories were told of the history of Ireland. At the end of the day we sang the National Anthem, and then we went home to the usual harassment by militiamen on overtime at roadblocks”.

The St Patrick's day Seamus Heaney spoke about in his generation is not that different from the present St Patrick's Day for Nationalists.

The Derry businessman Gerry Murray wrote in the ‘Derry Journal’ last year

“For the last number of years the people of the North have looked in awe as the Celtic Tiger of the Republic surged ahead with economic growth of 8%. In the week of the feast day of St Patrick half a million people from all over the world participated in the parade in Dublin, watched by a further quarter of a million.”

The tourist industry in the South, recognising the potential of cultural celebration, made St Patrick's Day a celebration for the Irish economy, so increasing its share of the gross national product to 7%. The North's tourism lags behind at a mere 2%.

As well as in Dublin, St Patrick's Day is celebrated all over the world, from Sydney to New York, from Washington to Paris — the list could go on. Indeed, in recent years we have seen many Members jetting off to the United States to join in the St Patrick's Day celebrations there. If we were to make St Patrick's Day a public holiday here we could give Washington a miss and kick off our tourist season at home by funding and

extending the celebrations — in particular, those denied to people in Belfast and Derry. Over the years, Unionism has made successive attempts to deny Nationalist people the right to their cultural identity and the right to uphold that identity by celebrating St Patrick's Day as a public holiday, but it has only postponed the day of reckoning against the bleak cultural monolith of Six-County Unionism.

What we have seen in the amazing St Patrick's Day parades in Belfast over the last few years is what we know from our history. One can strip a people of everything except their culture. They will still have enough culture buried deep in their psyche and in their imagination and enough skill to bring tens of thousands of people on to the streets of Belfast to celebrate their diversity, their talent, their imagination and their love of the country which gave them birth. If nothing else, the success of the St Patrick's Day carnival in Belfast, despite Belfast City Council's refusal to fund it, should indicate the support in the community for its being declared a public holiday.

What a surprise it must have been to the narrow-minded begrudgers that a few tricolours should appear at the St Patrick's Day parade in Belfast, or that people should resort to wearing green. Sure it happens all over the world.

I wish to congratulate the organisers of the St Patrick's Day carnival in Belfast. Their efforts during recent years have paved the way for this motion. In line with the South, St Patrick's Day should indeed be a public holiday. There are many reasons for this, not least of which is that Nationalists will no longer accept being told how or what they should do to celebrate their identity.

**Mr Deputy Speaker:** I must ask the Member to bring her remarks to a close.

**Mrs Nelis:** I should like to finish by saying that, as St Patrick indicated to the people of Ireland, the shamrock represents the Holy Trinity. It could also symbolise a uniting of Protestants, Catholics and dissenters.

**Mr C Wilson:** In normal circumstances the subject of how St Patrick's Day could best be commemorated, given the saint's legacy, would be an extremely appropriate matter for the House to consider. Patrick was indeed a saint in the true biblical sense. He was a believer in the Lord Jesus Christ and dependent upon Him for his salvation. That is beyond dispute. I am sure that St Patrick would be absolutely aghast if he were here to witness how people currently celebrate his time in this land — with green beer and pagan parades. That has nothing to do with what Patrick believed or how he would have liked to be remembered.

However, this debate seems most inappropriate when we consider that last week the Ulster Unionist

Party Leader, Mr David Trimble, refused the House the chance to debate the most important issue facing this community, one which requires urgent attention: decommissioning and how to remove terrorists and their guns from the democratic process.

**Mr Deputy Speaker:** The Member is out of order. I ask him to confine his remarks to the subject of the debate.

**Mr C Wilson:** Thank you, Mr Deputy Speaker. I shall do so.

**Mr Deputy Speaker:** I also remind the Member that I expect him to sit down when I am on my feet.

4.30 pm

**Mr C Wilson:** I will indeed.

I simply make the point that St Patrick did not have a flag. Regardless of what colour people are trying to attribute to St Patrick, or what flag, be it the tricolour or the Union flag, people here would like to associate him with, he did not have a flag. Those who attempt to politicise Patrick or attribute colours of any hue to him do him and his message a grave disservice. Patrick came to know his Saviour under the banner of the cross. That is the only standard behind which he rallied, and that is what he would wish all in this community, whether Catholic, Protestant, Unionist or Nationalist, to do also.

**Dr Adamson:** As the people of Northern Ireland take their first tentative steps on a new road to a pluralist society and endeavour to come to terms with the divisions which have been created, rightly or wrongly, over the last few hundred years of their history, it is indeed timely to remind them that they have another, more ancient, legacy — a shared historical and cultural inheritance of which most of them are largely unaware. This is embodied in the figure, mythological or real, of St Patrick — Patricius, the “gentleman”.

Among the oldest named population groups of Ireland were the Cruthin, an ancient British people dominant in large parts of old Ulster. Their most powerful dynasty was the Dal nAraidi whose territory became known as Dalaradia. According to legend, Patrick was first brought to Ireland as a slave from Romanised Britain and sold to a Cruthin chieftain called Milchu, a petty king who ruled over part of Dalaradia near Mount Slemish in present day County Antrim. It was later, at Kells and Connor rather than Downpatrick and Armagh, that the cult of Patrick developed in its present form. The story of Christian Dalaradia is not confined to its religious or political aspects but, indeed, embraces a quite remarkable literary tradition. Proinias MacCana, who was reared in the Falls Road area of Belfast and is our finest living

Gaelic scholar, summed up this rich cultural legacy of Ulster when he wrote

“In Ireland the seventh century is marked by two closely related developments: the rapid extension of the use of writing in the Irish language and an extraordinary quickening of intellectual and artistic activity, which was to continue far beyond the limit of the centuries.”

The immediate sources of this artistic renewal were the scriptoria of certain of the more progressive monasteries and their direct agents, those monastic literati, whom the Irish metrical tracts refer to by the very significant title “Nualitride” — the “new men of letters”. While there is no reason to suppose that these individuals were confined to any one part of Ireland, the evidence strongly suggests that it was only in the east, or more precisely in the south-east, of Ulster that their activities assumed something of the impetus and cohesiveness of a true cultural movement.

In this land of Ulster, conservation and creativity went hand in hand. In Ireland the relatively new skill of writing in the vernacular began to be vigorously exploited, not only for the direct recording of secular oral traditions — heroic, mythological and the more strictly didactic — but also as a vehicle for the imaginative recreation of certain sections of that Irish tradition. One may, with due reservations, speak of this region of south-east Ulster, where Members are presently sitting, as the cradle of written Irish literature. It was in Bangor in County Down that there seems to have been an intellectual centre whence the cultural dynamic of the east Ulster region emanated.

As Mr McGrady said, Dalaradia's legacy and Ulster's legacy was not confined to these shores. Not only was there a highly productive relationship with nearby Scotland, but when Columbanus set forth from Bangor on his great missionary travels he was embarking on a journey which was to have profound significance for the rebirth of European civilisation following the collapse of the Roman Empire.

Most importantly, however, the story of Dalaradia and of that British slave who is credited with founding Christianity within it offers us hope that the people of present-day Northern Ireland may one day cease to view their different aspirations of Britishness and Irishness as a constant source of conflict and division —

**Mr Deputy Speaker:** I must ask you to draw your remarks to a close.

**Dr Adamson:** — and begin to celebrate them as proof of their divergent but shared inheritance, one which links all the peoples of these islands. When this symbiosis of their identities is established, it will provide a solid foundation for the peace they so richly deserve.

I commend the motion, and I support the amendment.



**Mr A Maginness:** Congratulations on your new office, Mr Deputy Speaker.

I sympathise with Dr Paisley's remarks about how some people have sought to sectarianise the celebration of the cultural and religious inheritance of St Patrick for political ends. On occasions, the celebration of St Patrick's Day has been a chauvinistic exercise, which any democratic person who is sincerely patriotic would condemn. Those of us who admire St Patrick wish to see St Patrick's Day used to celebrate the diversity of Irishness rather than the narrow identification of Irishness which some would like to impose upon us.

As I have said, I sympathise with Dr Paisley, but, of course, he overreacts. St Patrick's Day is a celebration that we can all enjoy and involve ourselves in. Thanks to St Patrick, this island has traditionally been called the land of saints and scholars referring to its being an island of spirituality and learning. We should try to rediscover those things, and in that way St Patrick could once again be a unifying rather than a divisive figure.

I listened to Sammy Wilson this morning on the radio. He is opposed to this motion, and one of his arguments is that he is not Irish. How absurd. When Mr Wilson was Lord Mayor of Belfast he wore the chain of office that was presented to the city in 1874. That chain, as Dr Adamson will confirm, has a Celtic design with representations of the four provinces of Ireland. It is inscribed "Erin go bragh", meaning "Ireland for ever". The chain was presented by the Protestant and Unionist councillors and aldermen of the Corporation of Belfast because they regarded themselves very much as Irishmen. They regarded themselves as Unionists but as Irish Unionists. Being a Unionist does not mean that one is not Irish or that one should deny one's Irishness. People should celebrate their Irishness. To deny the political connotations is fair enough, but do not deny that cultural inheritance.

I cannot support the amendment. The Good Friday Agreement says about flags and emblems

"all participants acknowledge the sensitivity of the use of symbols and emblems for public purposes, and the need in particular in creating the new institutions to ensure that such symbols and emblems are used in a manner which promotes mutual respect rather than division."

Unfortunately, any flag, whether it be the Union Jack or the tricolour, creates divisions in this society. That is the unfortunate reality. We must move beyond that to a situation in which we either respect both flags on an equal footing or we create new symbols to unite the entire community —

**Mr Deputy Speaker:** Order. I ask the Member to address the Chair rather than Members across the Chamber.

**Mr A Maginness:** Alternatively, we create a situation of complete neutrality, and such neutrality might well contribute to a greater sense of harmony. I regret that this amendment has been moved because it clouds what might otherwise have been unanimous support for the motion.

**Mr Gibson:** I have listened to some of the contributions with interest. I support the amendment, particularly as Members are talking about a person who came from the mainland and who, on his return, brought Christianity to this island. I mentioned in an earlier debate how we, at Christmas, had not acknowledged our Lord's birthday. We were celebrating the second millennium but could not raise our flag in its recognition. That was despicable and irresponsible. The First Minister and the Deputy First Minister abandoned their responsibilities. They should have ensured that the flag was flown. The First Minister pointed out that the flying of the flag is a matter of royal prerogative. For that reason, the flag should have been flown.

This is another occasion on which a unique personality should be celebrated. As Mr Alban Maginness quite rightly said, a contribution was made, not just in these islands, but to the whole of Western Europe through the movement that St Patrick set up. He brought Christianity to the Celts. Those people who are members of the Church of Ireland or, indeed, Presbyterians will have sung 'St Patrick's Breastplate'. It is almost a confession of their faith — a confession that is shared by all of the reformed faith. We should, therefore, unhesitatingly give our support to this remarkable person. He established a culture of scholarliness which, in later centuries, the Roman Catholic system, when imposed, did everything in its power to eradicate. Early Christian writings are rare and extremely difficult to find. The early contributions of many of these people are perhaps the rarest and most important relics of that age.

Dr Adamson referred to St Columbanus, who was a product of the university set up in those days. The Black Death was probably the greatest contributing factor to moving our saints on crusades to evangelise the rest of the British Isles and the greater part of Europe.

However, while recognising St Patrick and acknowledging the great part that he played in our history, in shaping a land of saints and scholars, we know that much has been eradicated and that standards have been lowered. Who can honestly associate green beer with a Christian saint? And I have no more time for a person drinking orange beer underneath an Orange banner than for someone on green beer underneath a green banner. They are lowering the standards set by the good saint who brought us Christianity.



4.45 pm

My constituency has a particular association with St Patrick.

We have a St Patrick's law. We had a monastic settlement from where it is said he borrowed a white horse which he used to eradicate the snakes in Ireland. However, when I look around I know that *Homo sapiens* "snakeanus" remains in abundance.

This is a serious occasion, and if we accept the motion that this day should be a holiday, we have every right to celebrate it in freedom. We should be able to celebrate it without mockery from Nationalism, without mockery and hypocrisy from Republicanism and without anything being imposed by others who appear to have given nothing when their contributions are seen alongside the good man's bringing of Christianity to Ireland.

I support the amendment, and I hope that it will succeed.

**Mr McElduff:** A LeasCheann Comhairle. Cuirim fáilte roimh an rún seo. Mar Phoblachtánach, ní thaitníonn cuid den téarmaíocht liom—ní gá a rá—ach tá mé ar aon intinn le spiorad an rúin. Tá Lá Fhéile Pádraig thaire a bheith tábhachtach dúinn uilig mar Éireannaigh.

I support the spirit of the motion. It serves to highlight the nonsense of St Patrick's Day's not being an official public holiday in this part of Ireland. Why should St Patrick's Day not be a public holiday in the Six Counties? It could only happen in this part of Ireland.

It has been well ventilated, hitherto in this debate, that St Patrick's Day is celebrated throughout the world. It is a day on which people express great pride in being Irish, both in Ireland and abroad, in places like New York, Boston, Philadelphia, San Francisco, Sydney, Paris, Moscow and even Tokyo. St Patrick's Day is a wonderful statement of Irish national pride, inclusive of all religions, exiles and emigrants. It would be an odd state of affairs if Irish people who reside on the island of Ireland could not properly and officially celebrate their national day.

I agree with Mr McCarthy and Mr Maginness that St Patrick is a unifying symbol for all Irish people and that he is an important part of our common heritage, as outlined so well by Mr Adamson. His memory and image are a threat to no one. Any opposition to this motion is rooted in pettiness and in the desire to deny parity of esteem to every class and section of people here.

St Patrick's Day is for the Irish, and it would be reasonable to anticipate cross-party support for the motion. It should not be contentious.

Sin mo mhéid. Go raibh maith agat.

**Mrs E Bell:** As other Members have said, St Patrick's Day should be recognised by all of us as a day for celebration and an opportunity for reconciliation. It should not be hijacked by anyone — *[Interruption]*

**Mr Deputy Speaker:** I ask some Members to my right not to carry on private conversations when others are trying to speak.

**Mrs E Bell:** Thank you, Mr Deputy Speaker. We all have different ideas of equality.

St Patrick's Day should not be hijacked by any one group, church or tradition. Many of us personally identify with St Patrick's Day. I remember as a child putting on shamrock to commemorate our patron saint. In later years, I remember celebrating St Patrick's Day with many of our voluntary organisations and peace groups in the Church of Ireland's Down Cathedral in Downpatrick and then watching the parade pass through the town. It was a wonderful feeling, and I wish that it could be repeated in the future.

I also remember St Patrick's Day was a cross-community celebration. At the ceremonies in Downpatrick and elsewhere we all came together — believers and non-believers from different background and traditions — to remember the man who came to unite all the people in a spirit of goodwill and tolerance.

St Patrick's Day should not be used as a tool to divide us. This would fly in the face of the Christian message that St Patrick sought to promote. That is why it is wrong for some sections of the community to try to associate St Patrick's Day with narrow or sectional political causes.

Parades should be inclusive and representative of the various groups and organisations in the towns and cities in which they take place. That is why the Alliance Party had considerable difficulties with the proposed parade for Belfast, although it supports the concept of the Belfast parade in principle. All sections of the community recognise the important contribution made by St Patrick to Christianity in Ireland, and that view has been echoed today by other Members.

It is somewhat unfortunate that Protestants, unlike Catholics, have felt inhibited about celebrating St Patrick's Day. Catholics have never tried to hijack St Patrick. He is not a Catholic St Patrick — he is St Patrick.

I hope that in supporting the motion on a cross-community basis we can send a firm message that St Patrick should be for everybody. The case for making St Patrick's Day a public holiday is a strong one.

First, it would enable everybody to have the day off work and school and take part in the various events

being held around the country. Secondly, it would enable people to celebrate St Patrick's Day with the same vigour and enthusiasm with which it is celebrated in other parts of the world. Surely it is strange that St Patrick is commemorated more abroad than in parts of his own land? Thirdly, it would enable the Government to declare a public holiday for which there is considerable cross-community support.

It is vital that we, as an Assembly and a Government, take this opportunity to promote what this community holds in common to counter what divides us all, and St Patrick can really be for all of us. Therefore, Mr Deputy Speaker, I support the motion.

**Dr Birnie:** I support the motion and the amendment. Why? Basically because, if passed, the amended motion would encourage the Government to act more consistently in their treatment of people in Northern Ireland and would enable greater consistency between Northern Ireland and the rest of the United Kingdom.

In terms of consistency within Northern Ireland, a substantial percentage of employees currently gets St Patrick's Day as a holiday, but not everybody does. In terms of consistency within the United Kingdom, as my Colleague Mr Wilson has already pointed out, it is the case that St Andrew's Day in Edinburgh and St David's Day in Cardiff are already so-called national flag days when the Union flag of the United Kingdom is flown. Also, if a public building has a second flagpole, the flag of the appropriate country or principality — in our case, Province — is also flown.

As a Unionist, I do not regard the remembrance of St Patrick with any particular discomfort, though I do share the reservations that some people on this side of the House have expressed about the way in which St Patrick has been remembered in certain quarters over the years. At one time I would have approached the question of the celebration of St Patrick with some degree of agnosticism. At one point I would have agreed with those commentators who doubted if he existed at all. But I have moved beyond that point, and I now see that he may well be buried in at least two places — a formidable achievement!

As someone who was born in Great Britain, I also note with some amusement that Patrick may have been a native of the Bristol area, or south Wales, or the Scottish shore area of Solway Firth. Dr Adamson, Mr Alban Maginness and other Members have pointed out St Patrick's contribution to wider European history. Indeed, the notable historian Norman Davies, in his recent 'Europe A History', writes of St Patrick's life's work

"In this way Ireland had been secured for Christianity before the blanket of Anglo-Saxon heathenism fell over the rest of the British Isles. The Irish would repay their debt."

In a sense Mr Gibson has anticipated me, for if it is indeed true that Patrick banished the snakes from Ireland, then a modern application does perhaps suggest itself as we consider some of the wider political issues facing us this week.

Let me summarise the reasons for having a public holiday to commemorate St Patrick. As has been pointed out by a number of Members, he was a Christian saint who pre-dated our Protestant and Catholic traditions, and in his life he expressed both the tragedy and triumph of relations between the two islands of Britain and Ireland.

For these reasons I support the motion and the amendment.

**Mr Attwood:** First, may I express some regret about the comments made by my Colleague Mary Nelis, who referred to the bleak cultural monolith of Six-County Unionism.

While there are cultural monoliths in the North, they are not exclusive to Unionism, and Members on this side of the House should recognise that cultural monoliths, and their bleakness, have been common to both of our traditions in the past — and they are not exclusive to one tradition now.

The comment was also inappropriate given that in the Chamber today we are going to have an example not of bleak cultural monoliths but of inclusive cultural thinking. It was inappropriate for that sort of comment to be made, on this day of all days. I recognise that Barry McElduff acknowledged the comments made by Ian Adamson. He is not an advocate of bleak cultural monolithism, and that was reflected in his speech.

Unfortunately, the SDLP will not support the amendment moved by the Ulster Unionist Party. However, it is important to acknowledge the reason for that. There is quite a degree of cohesion and agreement about St Patrick and what he represents in terms of culture, community and religion, and that has been reflected in the debate and in the wider community. This differentiates the issue of St Patrick from the issue of flags, and it was inappropriate, and unnecessary, to parachute into this debate something that was bound to cause a degree of division. For those reasons, as well as for those outlined by my Colleague Alban Maginness, we will not be inclined to support the amendment.

However, some comments made in this debate are a signpost to how we should conduct ourselves here and in the wider community in future.

The Nationalist people, of whom I am one, have to recognise that their identity is in a process of evolution because of our political and constitutional agreement. What it is to be Irish — and that includes our wish to share in the life of the island — is different now from

what it was before. As Nationalists we have to recognise that we are being influenced by the various diaspora around the world and by our wider European identity.

Nationalists must also acknowledge that our sister island influences our identity and what it means to be Irish in the new millennium. While we are not sure what those influences mean for us, and we are not sure about how our identity will change because of them, there are influences upon our values, our culture and our way of life which have redefined us as Irish people in this part of the island.

This means that there are influences from the British island on our identity and on how we perceive ourselves that we, as people of this island, are going to have to acknowledge more fully. As we begin to acknowledge this, we must also acknowledge that there are people in this Chamber, and in the wider community, who are beginning slowly and painfully to acknowledge other influences upon their identity, influences from the whole island, which are going to mean for them a period of growth and development.

Finally, if we do not sign up to a wider celebration of St Patrick's Day and all that that means, in narrow terms, we will be letting all the community down.

5.00 pm

St Patrick's Day, more than any other day, is the day on which this island is in the eye of the world. The world identifies with it and shares in it. This is not just a religious event. Religion is in decline, and that is a matter of regret. This is the day on which the world can see our economic opportunity, our commercial initiative and the wider opportunities that are there for the people of this island to enjoy if we grasp them. By developing our notion of what it is to be Irish and by sharing in the concept of St Patrick's Day, whatever that means to us, we can create opportunities for all the people of this island for the future.

**Mr S Wilson:** I support the amendment to the motion, and I want to make my reasons clear. Any proposal before the Assembly to encourage the United Kingdom Government to permit the flag to fly over this part of the United Kingdom, especially at a time when we are being stripped of our British identity, will always have my support. I will not be supporting the motion.

When Mr McCarthy was proposing the motion, he apologised for its wording. I thought that he was apologising for his grammatical contortions, but he was doing what the Alliance Party does best: crawling to Sinn Féin. I am sorry that we have to appeal to Her Majesty's Government. I know that this may be offensive to Sinn Féin, but, unfortunately, this is the way in which it has to be done.

The motion itself does not make sense. If one reads the couple of contributions that Mr McCarthy has made in the Assembly one will see that he is the master of grammatical contortion. When the Hansard staff get to work on his two speeches they will be unable to get rid of his split infinitives.

I want to refer to points already made. In one sentence Mr McCarthy paid lip-service to the fact that St Patrick's Day has something to do with a religious figure. He said that St Patrick had a role in bringing Christianity to Ireland.

In the rest of his five or 10 minutes he dealt with other reasons, the non-religious aspects of St Patrick's Day, and they were well explained by himself, the SDLP and Sinn Féin. They all centre around the celebration of Ireland's national day, our national day, the day on which Irish people express their culture. Alban Maginness has, in his arrogance, tried to tell me that it is absurd to say that I am not Irish. I am not Irish, and all the arrogance and all the contorted logic of Alban Maginness will not make me Irish. I do not wish to celebrate Ireland's national day. I do not wish to celebrate the day on which Irish people celebrate their culture. I am British, and proud of it. Wearing a chain with "Erin go bragh" round my neck did not make me Irish.

*[Madam Deputy Speaker (Ms Morrice) in the Chair]*

Secondly, no self-respecting Protestant would be comfortable in a parade which claims to celebrate a national saint and which has at its head gunmen and gun-runners —

**Madam Deputy Speaker:** I ask the Member to draw his remarks to a close.

**Mr S Wilson:** That parade has people celebrating the resistance of the Garvaghy Road residents and bans the flag of St Patrick in favour of the Irish tricolour. No self-respecting Protestant could call an event like that inclusive, and for that reason I will not support the motion in the name of Mr McCarthy.

**Mr B Bell:** I do not know how to begin after that speech. I have always been of the opinion that St Patrick's Day should be celebrated and should be a public holiday. I support the amendment because the motion does not go far enough. Some mention has been made of the chain which I also wore as Lord Mayor of Belfast. During that time I attempted to have the Lord Mayor's parade brought forward to St Patrick's Day. Unfortunately, I was unsuccessful. Had I been successful, we might not have had the sectarianism in the Belfast parade last year that will probably be present this year. Mrs Nelis mentioned funding. I walk on 12 July in the biggest parade of all, and I do not have any funding. I have to pay my dues before I am allowed



to walk, so I do not see why anybody needs funding for a parade.

There has been much talk about Irish and British. I am both Irish and British. I believe that anyone who is born on the island of Ireland is Irish and that anyone who is born in Northern Ireland, a part of the United Kingdom, is British. I belong to the Church of Ireland, which is founded on the principles of St Patrick. I also belong to the Grand Orange Lodge of Ireland and am very proud of that. It is wrong for Members and Friends opposite to lecture us on what it means to be Irish. I do not need any such lectures. I know what I am, and I have always shown it.

The dispute about what an Irishman actually is has been going on for a long time. One English dictionary described an Irishman as a hunter, and another as a moorsman. I think it was the poet Patrick Kavanagh who described an Irishman as a sophisticated mechanism for turning Guinness into urine. Those who are Murphy's drinkers, like me, will find that it is a superfluous exercise anyway.

In 1921 the first Prime Minister of Northern Ireland said that Ulstermen were Irishmen, the best Irishmen — aye, the very best. I agree.

I have no problem with the motion in principle, but it does not go far enough. If you have a public holiday here you fly the Union flag. Wales, Scotland and England have public holidays commemorating their saints, and the Union flag is flown. Since we are part of the United Kingdom it should be no different here.

When the Lord Mayor of Dublin was in Belfast with his chain of office, which carries a motif of King William of Orange, I offered to swap, but he would not agree.

I support the amendment.

**Mr O'Neill:** The issue of St Patrick's Day's becoming a holiday has been well examined by Members in an erudite way and in other ways. I can but add one or two comments about the importance of St Patrick to Ireland in another sense — and I make no apologies for saying this. St Patrick has international appeal and recognition. It was John F Kennedy, I think, who said that there were some 47 million people of Irish descent or who would claim Irish connection. President Reagan pitched it at 70 million. Whatever it is, there is an enormous potential for tourism, and I am talking about using the patron saint's day and the image of St Patrick to attract tourists. We have been working on this in Downpatrick in a number of ways. We are very proud of what we have achieved so far and are optimistic about the future. This is something that we should not forget.

Downpatrick's St Patrick's Day parades have been very successful. The reason for that — other Members have noted this — is that no national flags of any kind

have been flown. We asked people not to bring them, and 99% did not. The council provides St Patrick's flags, and that has been successful because it has been seen as neutral: people participate without any fear of being in awe of any one side.

That is why, as my Colleagues have explained, we cannot support the amendment. I have no doubt that there were good intentions behind the amendment, but it has escaped the notice of those who proposed it that of all things in Northern Ireland flags are perhaps the most divisive. That is because of the way in which they are used.

Flags originated with Roman standard-bearers. A bearer in the legion held the standard against all odds, and the legion would defend the standard-bearer to the very last person. The image of the standard-bearer was carried forward by the Normans with flags that we know and see today and by Governments into nation states. In the last and previous centuries, regiments fought with their colours and defended them to the last man if necessary. They honoured and respected their flags and gave them their allegiance.

What happens in Northern Ireland? Flags are an in-your-face political taunt for both sides.

This is a primeval urge which reminds me of wild dogs urinating to mark their territory, and that is the image of flags on both sides. When you drive around Northern Ireland you see the tatters on the masts and flagpoles. Who has any respect or honour for his flag when he allows that to happen to it? Those flags are a political taunt. That is why we cannot support the amendment to the motion. The motion is a good and sound one which has my full support, but the amendment is divisive by its very nature.

5.15 pm

**Mr Campbell:** I am unable to support the motion, but I support the amendment. At the moment St Patrick's Day is a bank holiday but not a public holiday, and there are many who want to see it become a public holiday which they can enjoy. I do not have any difficulty with that. If that is their wish they should be granted it.

Patrick's theology and religious practices have come up quite often in the debate. There are relevant in that they are often overlooked on the streets of New York, Washington and elsewhere, where St Patrick's Day seems to be a bigger day than it is on the island of Ireland. However, Patrick's theology and religious practices are not an issue. The issue is whether Patrick remains the patron saint of the Republic of Ireland. If he does, how can British citizens feel part of the celebration?

The comments by Mr Maginness, the Member for North Belfast, almost beggar belief. If we are not part



of an ethos or an identity, whatever is done to attempt to widen that identity does not matter, because we are still simply not part of it. It is like asking the people who live alongside the Great Lakes or on the borders of Canada if they want to be part of the 4<sup>th</sup> of July. They would say "Why on earth should we? We are not Americans." And if someone pointed out that they lived in North America they would reply "Yes, but we are Canadians." It is the same in Northern Ireland. We may be Irish because we live on the island of Ireland, but we are British by birth and will remain so.

Can Bastille Day be celebrated in Spain? Why not? If those whose identity is not Irish can be expected to celebrate Irishness, why can we not expect the Spanish to celebrate Bastille Day? Is the modern St Patrick's Day for everyone regardless of his religion? It should be for everyone who regards himself as Irish. I do not and never will, now or in the future, and my children, grandchildren and great grandchildren will not regard themselves as Irish either. We treat with contempt this attempt to widen Irishness to include Protestants and the thought that if the parade is made less contentious, perhaps the Protestants will join in. That is the issue. That is the nature of this agenda.

I close my remarks by referring to the last Member's comments about flags. I endorse some of what he said, for there has been too much flag-waving and in-your-face triumphalism with flags. The Member does not seem to understand, however, that they hauled down the Union flag in his council area following precedents set by other local authorities who had done likewise. Unionists saw that as the exit sign. It was time to go. They were not wanted. They were not welcome. They should leave. That is what they did in Londonderry. That is what they did elsewhere along the border. Where the Union flag cannot fly, British citizens are not welcome. Until people realise and accept that, we will have grave difficulties.

**Rev Robert Coulter:** Nearly everything that needed to be said has been said already. First, it strikes me as somewhat ironic that we are discussing the celebration of a "Brit" as the patron saint of Ireland. Given the oft-heard battle-cry of "Brits out", this could pose a difficulty for certain people in the years ahead, when they may have to look for another patron saint for Ireland.

Secondly, as has been pointed out, we are formalising the flying of the Union flag. Since the removal of the irredentist claims in articles 2 and 3 of the Republic of Ireland's constitution, we feel that we are merely normalising this part of the United Kingdom in that regard.

Thirdly, and most importantly, having St Patrick's Day as a national holiday would remind us of the true spirit of worship. To love the Lord our God with all

our being and our neighbour as ourselves should be the principle which supersedes and influences every aspect of our lives, including politics. If the challenge of St Patrick and the message he had about our personal lives and our relationship with our God and our neighbours were to enhance the quality of our lives and our politics, it would be worth it. I support the amendment.

**Mr Morrow:** I listened with interest as this debate unfolded. I listened particularly to the Member who moved the motion and observed with even greater interest how he failed to address certain questions when asked to do so. I look forward to his addressing those questions, particularly the one about the sectarian nature of St Patrick's Day parades in Northern Ireland.

The parade from which he derives the greatest joy is the one in New York. Can anyone with half a head on his shoulders not wonder what planet these people came from, given the coat-trailing exercise carried out in the name of celebrating St Patrick's Day, particularly in Belfast?

I listened to the rant from Mary Nelis. It was nothing more than a sectarian rant, but one would hardly expect anything else from that quarter. It seems to be that Lady's hallmark. She boldly declared that St Patrick's Day was for the Irish. Then she got succour, comfort and support from the pan-Nationalist front spearheaded by Mr Maginness. He said that we on this side of the House have an identity crisis and are not really British at all. We are simply Irishmen just as he is.

He has been told in clear and unambiguous terms that we are not Irish bigots like him. Members such as Mr Campbell have said that. In fact, we are British and proud of it. We have no apologies to make for that.

If Mr Maginness is up to it, I will throw down the challenge to the SDLP today to separate itself from Sinn Féin/IRA and take a bold and courageous stand against that sectarian organisation. Mr Attwood confirmed that it would not be doing that, and Mr O'Neill seemed to think that it was for him to reinforce that. As far as the SDLP is concerned, the sectarian nature of St Patrick's Day will continue as boldly as ever.

Mr O'Neill said that flags divide people. He is quite right — they do. They single people out. In the part of the world where I live they mark out territory. The flag of my country is taken down, and the flag of a foreign, hostile nation is raised. That is the encouragement that Unionists get along the border. Maybe Mr O'Neill has never been there, but he should go and see it for himself. Of course, the council that he sits on wants to compound the matter and insult us even more. It took down the Union flag of the country that pays all the grants and gives all the comforts that Mr O'Neill wants to enjoy. It had to be pulled down. This is how he says

he can unite the people and bring them together. Where does he live anyway?

**Mr Gibson:** Cloud-cuckoo-land.

**Mr O'Neill:** This just shows how successful flags have been in Northern Ireland in bringing people together. I am talking about both sides, as I have made clear.

**Mr Morrow:** Does Mr O'Neill watch the St Patrick's Day parade on television? Does he see the thousands of Republicans who flaunt themselves as they march in triumph behind the tricolour? Can he say that that has brought the two communities together?

I congratulate Belfast City Council on having used its discretion to turn down the grant application for that coat-trailing exercise. I have no hesitation in supporting the amendment. Militant Republicanism in this Province has abused the name of St Patrick, and this is another opportunity for it to extend itself and the support that it feels it deserves.

I will be supporting the amendment.

**Mr J Kelly:** Go raibh maith agat, a Leas Cheann Comhairle.

Having listened to Dr Adamson's learned dissertation on the historical background to St Patrick, I hesitate to add to the debate. Dr Adamson's speech contrasted favourably with Mr S Wilson's pantomime and with Dr Paisley's rather interesting fundamentalist contribution. I find it difficult to understand how anyone can speak for his grandchildren. I never know what my grandchildren are going to do from one minute to the next, never mind from one century to the next. Sometimes when Mr Campbell speaks, his mind forgets where his mouth is.

Sinn Féin could have been churlish and argued about the wording of the motion. We could have said that we did not agree with the wording but that we would support the motion anyway because we agree that there should be a public holiday on St Patrick's Day. It is unfortunate — and we have heard this from the DUP — that the issue of the flag has been introduced to the debate, for all the churches (Church of Ireland, Presbyterian, Methodist and Roman Catholic) accept the Christian influence that St Patrick had on this island and regard him as a saint. It would have been good, a unifying force, if we could have agreed, without any great debate that was going to divide orange and green or bring in elements of sectarianism, that St Patrick's Day should be a public holiday.

5.30 pm

It would be appropriate for St Patrick's Day to be a public holiday — and I say so not because I am a Catholic or even because I am an Irishman. When we say "Brits out" we are not talking about the people who inhabit this part of the island; we are talking about

the institutions of British governance on this part of the island. I wonder if Billy Bell would think the flying of the Irish national flag alongside the Union Jack acceptable, as flying the Union flag alongside the Scottish flag is accepted in Scotland. I do not want to talk about the flag; it should not be dragged into this debate. It should not be relevant to an issue that is intended primarily to bring about consensus or even introduce ecumenism into the debate.

I support the motion, a Leas Cheann Comhairle.

**Mr Shannon:** I support the amendment. As some Members have said, St Patrick's Day could be an occasion for community participation and enjoyment if it were done properly. St Patrick is remembered in history as a saint, and many churches celebrate his bringing Christianity to Ireland. He also has pride of place on one of the Orange banners. The cross of St Patrick is paraded in Belfast every 12 July by a religious organisation. This shows that it recognises the part played by St Patrick.

What do we see whenever a St Patrick's Day parade takes place? We see the promotion of Nationalism. If St Patrick were here today to see the float representing prisoners' organisations, would he see that as part of his Christianity? Would he see the flaunting of tricolours — and that is what happens — as promoting the religion that he brought here? Would he see the picking of marshals on the grounds of their Republican credentials or on account of their being ex-prisoners as Christian behaviour?

These parades are an organised attack on our British heritage. I would like to make it very clear that I am not Irish. I have no wish to be Irish. I am British by birth, British by persuasion and British by choice. That is the way I want to be. Some Members mentioned their children. I want my children and my grandchildren — if there are any, as I hope there will be — to have the same choice and the same freedom that I have.

It is clear from their comments today that some Members see the St Patrick's Day parade as an opportunity not to bring the community together, or to recognise the bringing of Christianity to Ireland, but to promote a Nationalist ethos and Nationalist sentiments. By their promotion of the political ideals that they have espoused here today and on the parades which already take place, they have excluded people like me from participating or from even wanting to participate. If they were to take out the politics and the national aspirations and focus entirely on St Patrick's Christianity, many more people could and would enjoy the occasion. The quicker they put the focus on Christianity rather than on Nationalist aspirations and Nationalist politics and on rubbing our noses in the dirt, the quicker they will have that participation.

*[Mr Speaker in the Chair]*

**Mr J Wilson:** I did not intend to politicise the debate or cause division during its course, nor have I attempted to do so. There is no need to. I have no discomfort — that was a good word used by my Colleague Dr Birnie — with St Patrick. I never have had, and I have no intention of having discomfort with St Patrick in the future.

I have no discomfort with St Brigid or St Bride — the name of my parish church and the townland where I was born. How could I have discomfort with that? I believe, however, that if this is to be a public holiday, the Union flag, the flag of this country, should be flown. It is as simple as that.

I thank all Members who have contributed to the debate. It has been useful and constructive. In particular, I thank those Members who have indicated that they will support the amendment, and I commend it to the House.

**Mr Ford:** The motion and the debate today have highlighted the unsatisfactory situation that the day on which we celebrate our national patron saint is only partially recognised as a public holiday. There have been some examples of that in the divisions between the public sector and the private sector and in the divisions between controlled and maintained schools. Sometimes it seems that Protestant schools only get the day off when they are playing in a Schools' Cup final.

This is why it is so important that St Patrick's Day be made fully inclusive, a day which can involve every citizen. We do not need divisive debates — *[Interruption]*

**Mr Speaker:** Order.

**Mr Ford:** — any more than we need two parades in Belfast.

We need to apply some of the more positive examples that have been given during the debate, such as using the day to bring people together to celebrate their shared history. Mrs Bell and Mr O'Neill gave the example of the Downpatrick parade. As Mr Kieran McCarthy said when he moved the motion, Patrick was neither a Unionist nor a Nationalist, nor was he a card-carrying member of the Alliance Party. Dr Birnie pointed out that Patrick was neither a Protestant nor a Catholic in the sense that we understand them these days. Rev Robert Coulter reminded us that Patrick was actually a Brit, born on the western shores of the adjacent island. For me, it does not really matter whether they were the shores of the Solway or the Severn, for he was an adopted Irishman.

**A Member:** A blow-in.

**Mr Ford:** He was indeed a blow-in, but to regard someone who has such a distinguished record and who

brought Christianity to this island like that is fairly cheap.

I was very interested in Dr Ian Adamson's linking Patrick very specifically to a small area around Kells and Connor. Even though I live in the parish of Connor, it is totally irrelevant whether he herded sheep on Croagh Patrick or pigs on Slemish. Patrick was brought here as a slave. He came back bringing Christianity with him. He lived, he taught and he died here, and we need to find a way to celebrate properly all that he brought to us.

It is funny how, in a debate where people seemed to be united, quite a few divisive remarks were made. Without recalling the remarks of every Member who spoke, I thank those who gave a broad general welcome. They started with Mr McGrady, and then I lost track.

I was interested in Dr Paisley's comments. He made it clear that he supports the motion, and he respects the idea of honouring St Patrick. He complained about sectarianism and the politicisation of St Patrick's memory, and that is entirely consistent with the motion. We do not want a divisive St Patrick's Day. We want one in which the entire community can unite, because there are cultural reasons — whatever Mr Campbell and some other members of the DUP may think — for being united in this, regardless of feelings about national citizenship.

There were other expressions of support which perhaps I should gloss over, as they seemed a little thin at times. The exchange between Mr Maginness and Mr Gibson on the difference between cultural and political Irishness and the roots of Celtic Christianity was fascinating.

The fact that Mr McElduff managed to join in the debate without being heckled too much by the DUP is, perhaps, evidence of our having gone a stage further in the Assembly today.

Mr Bell made a very practical suggestion when, referring to his time as Lord Mayor of Belfast, he said that he had hoped that the Lord Mayor's parade could be rescheduled to take place on St Patrick's Day. The Assembly should suggest this to future Lord Mayors as one way of overcoming the divisions in Belfast on this issue.

We had the usual knockabout comedy from Mr Sammy Wilson. I gather that he does not like Alliance Party grammar. I do not particularly like the contorted way in which we have to phrase motions and amendments either.

I was fascinated by his session on the radio this morning. I gathered from the broadcast that he is concerned that people get drunk on St Patrick's Day. He had barely finished speaking when my telephone



rang and the lady on the other end of the line went on to inform me that she was a Protestant and that she had seen people drunk on the Twelfth. In fact, I have it on good authority that some people get so drunk on the Twelfth that they have to take the thirteenth off as well. This motion does not propose that 18 March too be a holiday. *[Interruption]*

I have news for the DUP: people get drunk at Christmas too. Do we now have to go out and tell people that Christmas is cancelled because people get drunk and misuse a Christian celebration? Perhaps Sammy Wilson will tell the children of Northern Ireland that Santa is not coming this year because adults get drunk.

The amendment needs to be taken seriously. However, I believe that it is unnecessary because, as I understand it, St Patrick's Day is already a flag day in Northern Ireland.

**Mr Speaker:** Mr Ford, please bring your remarks to a close, as the time is up.

**Mr Ford:** Mr Speaker, I was given 10 minutes by your Deputy.

**Mr Speaker:** These Deputies are so generous.

**Mr Ford:** What is my position?

**Mr Speaker:** I will give in to their generosity.

**Mr Ford:** The amendment will bring division to the Chamber where there is largely unity. It is unnecessary, and it is divisive. I wonder if Ulster Unionist Members watched the rugby match at Twickenham on Saturday when the English fans, who for so long have arrogated the Union flag to themselves, finally seemed to have discovered their third of it — they were waving the St George cross.

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

**Mr Ford:** No. I am afraid that I am under a time limit.

If we are looking at the issue of flags it is time that people stopped arrogating the Union flag to one section of society. We could perhaps take our third out of it and use St Patrick's flag as a unifying force instead of the two national flags, which are divisive.

I also believe that Mr Wilson is wrong and that in Scotland the Union flag and the saltire are flown beside each other on the Scottish Parliament. In Cardiff, they even fly the European flag beside the Union flag and the Welsh dragon, so some of the remarks that were made about practice in other parts of the UK are inaccurate.

I want to see a future in which we start to move away from divisions, from the "them and us" society that has been our lot for 30 years. We have "their" schools and "our" schools, "their" churches and "our"

churches, "their" estates and "our" estates, and "their" clubs and "our" clubs. This motion at least gives us a chance to show that we want to get away from the idea of "their" holidays and "our" holidays. I urge the Member who moved the amendment to withdraw it in the interests of unity in the Assembly, and I urge the Assembly to support the motion.

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

I want to raise a point of order relating to the issue of flags. Yesterday was one of the designated flag days, and I understand that the national flag was flown from this building, but, sadly, not from Rathgael or Castle Buildings. Members will recall that on 17 January this House passed a resolution condemning the Health Minister's refusal to grant permission to fly the national flag. Assurances were given — this is my point — by the First Minister, among others, that this matter would be dealt with before the next designated flag day.

Yesterday was such a day, and Sinn Féin still refuses to fly the national flag. What can be done about this? When will the First Minister be required to tell us what he is going to do?

5.45 pm

**Mr Speaker:** I give an immediate response, but I will check up. My recollection is that Sunday was the flag day and that the flag was flown. However, I am not clear that the House can make demands of Ministers. That is something that the Member and the House may wish to reflect upon, not only in respect of this matter but in respect of other matters as well. I will study what the Member has said and will respond as best I can.

**Mr Dallat:** If that was a point of order, it was a very liberal one.

**Mr Speaker:** I am a very liberal man.

*Question put That the amendment be made.*

*The Assembly divided: Ayes 50; Noes 32.*

#### AYES

*Ian Adamson, Fraser Agnew, Billy Armstrong, Roy Beggs, Billy Bell, Tom Benson, Paul Berry, Esmond Birnie, Norman Boyd, Gregory Campbell, Mervyn Carrick, Joan Carson, Wilson Clyde, Fred Cobain, Robert Coulter, Duncan Dalton, Ivan Davis, Nigel Dodds, Reg Empey, Sam Foster, Oliver Gibson, John Gorman, William Hay, David Hilditch, Derek Hussey, Billy Hutchinson, Roger Hutchinson, Gardiner Kane, Danny Kennedy, James Leslie, David McClarty, William McCrea, Alan McFarland, Michael McGimpsey, Maurice Morrow, Ian Paisley Jnr, Ian R K Paisley, Edwin Poots, Iris Robinson, Ken Robinson, Mark Robinson, Peter Robinson, George Savage, Jim Shannon, David Trimble,*



*Denis Watson, Peter Weir, Jim Wells, Jim Wilson, Sammy Wilson.*

*NOES*

*Alex Attwood, P J Bradley, Joe Byrne, John Dallat, Arthur Doherty, Pat Doherty, Mark Durkan, Sean Farren, John Fee, Michelle Gildernew, Carmel Hanna, Joe Hendron, John Kelly, Patricia Lewsley, Alban Maginness, Seamus Mallon, Alex Maskey, Donovan McClelland, Alasdair McDonnell, Barry McElduff, Eddie McGrady, Gerry McHugh, Eugene McMenamin, Francie Molloy,*

*Conor Murphy, Mary Nelis, Danny O'Connor, Dara O'Hagan, Eamonn O'Neill, Sue Ramsey, Brid Rodgers, John Tierney.*

*Question accordingly agreed to.*

*Main Question, as amended, put and agreed to.*

*Resolved:*

This Assembly calls on Her Majesty's Government to proclaim each year St Patrick's Day a public holiday in Northern Ireland and to add that day to the list of official flag days.

*The sitting was suspended at 5.57 pm.*



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# NORTHERN IRELAND ASSEMBLY

Tuesday 8 February 2000

*The sitting begun and suspended on Monday  
7 February 2000 was resumed at 10.30 am.*

## NATIONAL FLAG (PUBLIC BUILDINGS)

**Mr Speaker:** Mr Dodds asked me yesterday to rule on the issue of flags. He was seeking reassurances about their display. He stated that on 17 January the First Minister had undertaken that the matter would be resolved before the next designated flag day. The Minister asked what could be done and when the First Minister would be required to advise the Assembly of his intentions.

I have reread the Hansard report of the First Minister's speech. While he gave an undertaking that the matter would be addressed in subsequent weeks and months by the Executive and the Assembly, he did not, as recorded, give any date for its resolution. The normal and most obvious means of pursuing a matter of this sort is through questions.

**The First Minister (Mr Trimble):** On a point of order, Mr Speaker. I refer you to what Mr Dodds said yesterday afternoon. While making a point of order, he alleged that I was urging Ministers to breach their ministerial code. You may have had a chance to read the Hansard report of what I said. It is recorded on page 372. It is clear that Mr Dodds's allegation is totally without substance. I hope that you, Mr Speaker, can, within order, give Mr Dodds an opportunity to apologise for yet another false accusation.

**Mr Speaker:** It is normal practice that a Member who has been referred to is given an the opportunity to respond. I will happily give Mr Dodds an opportunity to respond to what has just been said. He may wish to put his point of order in that context.

**Mr Dodds:** I may take another opportunity to do that.

I would like to thank the First Minister for giving me yet another opportunity to speak on this issue. He has been very indulgent over the last couple of days, giving us such opportunities to reinforce our policy. *[Interruption]*

The First Minister should calm down and not get edgy. It is a time for cool heads and rational debate.

This is an opportunity to make a point about the sort of debate that goes on here between a First Minister and another Minister in the Executive. Where else in Western democracy would one find such a situation on the Floor of a legislative Assembly? This illustrates the kind of devolution that Northern Ireland has. Ministers are not bound by any sort of collective responsibility, in the way that Ministers at Westminster are. We have a First Minister rising to attack another Minister in his Administration — supposedly. That calls into question —

**Mr Speaker:** Order.

**Mr Dodds:** I am dealing with the point of order, Mr Speaker.

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

The opportunity for response in this context is not an opportunity for a speech. It is an opportunity either to withdraw the comment or to say that it is not being withdrawn. I am not clear from the Member's remarks whether he is withdrawing his comment. Perhaps he will respond to that. If he wishes, I will then give him a point of order.

**Mr Dodds:** I am leading up to that.

The First Minister has on previous occasions referred to the matter of members of the Executive informing their parties about Executive business. This is not the first time. *[Interruption]*

Some Members need to calm down. Mr Speaker, I must ask you to call for order.

**Mr Speaker:** The order is that this matter will be set to the side. It is essentially one for the Executive and not for the Floor of this House, as the Member has just pointed out. If it is not going to be dealt with in the next 10 to 15 seconds we will simply move on.

**Mr Dodds:** This was raised, on a point of order, by the First Minister, and you, Sir, have asked me to respond, as is my right.

Executive confidentiality is part of the ministerial code. The First Minister is on record as having several times urged members of the DUP to breach that code.

**Mr Speaker:** Order. I am going to rule on the matter. The opportunity to respond when a Member's comments are taken up in this way is not an opportunity to make a speech or an argument, particularly when the dispute is between members of the Executive.

We will not proceed any further with this matter. We clearly have different views on what was being addressed.

**Mr S Wilson:** Further to that point of order, Mr Speaker.

**Mr Speaker:** I am going to be extremely wary about taking points of order which can only hold up our proceeding to your debate.

**Mr S Wilson:** You do not know whether I have —

**Mr Speaker:** Order. I have a fair degree of insight into what may be going on.

**Mr S Wilson:** Is it in order for the First Minister to mislead the House —

**Mr Speaker:** Order. This is not a point of order at all. This question of misleading the House is becoming a piece of nonsense.

**Rev Dr Ian Paisley:** On a point of order, Mr Speaker. The First Minister put to you what he described as a point of order. Was it a point of order or not?

**Mr Speaker:** If I were to rule out of order every comment described as a point of order, there would be a great deal of — *[Interruption]*

**Mr Dodds:** Then let Sammy speak. You ruled him out—

**Mr Speaker:** I let him speak on what was clearly not a point of order, and there should not be too many complaints about that.

**Mr P Robinson:** Reference has been made to some ministerial code. Has any such a code ever been brought to the Assembly? Does it have any standing here?

**Mr Speaker:** That is a matter for members of the Executive to resolve among themselves. I should think that it may involve some discussion.

We must now proceed.

**Mr Dodds:** Further to your original ruling —

**Mr Speaker:** I am not going to take any further points of order.

**Mr Dodds:** You are not taking the point of order?

**Mr Speaker:** No.

**Mr Dodds:** On what grounds?

**Mr Speaker:** The Speaker has every right to decide not to take points of order.

**Mr Dodds:** This is a different point of order.

**Mr Speaker:** I am not taking the point of order.

**Mr Dodds:** Even if it is on another issue?

**Mr Speaker:** I am not taking the point of order.

**Mr Dodds:** On what grounds are you refusing to take the point of order?

**Mr Speaker:** Order. The Member will resume his seat. It is perfectly in order for the Speaker to refuse to take a point of order, particularly if he believes that the points of order procedure is being abused. I will find myself requiring every Member who stands to make a point of order to state exactly which Standing Order he is invoking. I have every reason to believe that the points of order procedure is being abused.



## SINN FÉIN: MOTION FOR EXCLUSION

*The following motion stood on the Order Paper in the names of Rev Dr Ian Paisley and Mr P Robinson:*

This House resolves that Sinn Féin does not enjoy the confidence of the Assembly because it is not committed to non-violence and exclusively peaceful and democratic means and, therefore, consistent with the Northern Ireland Act 1998, determines that members of Sinn Féin shall be excluded from holding office as Ministers for a period of 12 months from the date of this resolution.

**Mr Speaker:** While giving notice of a motion for exclusion under section 30 of the Northern Ireland Act 1998 has no specific requirements, the moving of such a motion requires that one of three criteria be met. These criteria are set out in the Act. As I have received no notice under paragraph (b) or (c) of section 30(5), I shall invite the proposer to provide evidence that the section 30(5)(a) criterion is met. I will accept either written notice bearing the signatures of 30 Members or the support of 30 Members demonstrated by their rising in their places, or a combination of both.

If this criterion is met, the motion may be moved and the debate will proceed forthwith. If the criterion is not met, the motion cannot be moved and will therefore fall. I have here the signatures of 29 Members. I therefore call on Dr Paisley or Mr Robinson to satisfy the requirement in section 30(5)(a) of the Northern Ireland Act 1998.

**Mr P Robinson:** Mr Speaker, you have received a motion signed by 29 Members. As I understand their position, it would be totally inconsistent for Ulster Unionist Members not to stand in favour of this. Given the opportunity, I think, at least one of them would be prepared to stand by their election manifesto and what they have said over the last few days.

**Mr Speaker:** Order. I have asked the proposer — I am prepared, through my generosity, to accept either of the proposers — to indicate that they can fulfil the requirements. I am not clear, from what you have said, that you are in a position to do so.

**Mr P Robinson:** I believe that you will be clear if you give Members an opportunity to stand and be counted.

**Mr Speaker:** I have asked, and there is no indication that the movers are able to fulfil the requirement. The motion cannot, therefore, be moved, so it falls.

**Mr P Robinson:** On a point of order, Mr Speaker. How do you know? If you give Members the opportunity to stand, 30 may do so.

**Mr Speaker:** Order. The Member is incorrect. It is for the mover to demonstrate — not for the Speaker to facilitate. Were the mover to indicate that he could demonstrate, I would then call for all those Members. But I have had no such indication.

That is the question I asked, but, instead of a positive response, I was given a short speech.

**Mr P Robinson:** On a point of order, Mr Speaker. Members assumed that there would be some consistency in your rulings. On the previous occasion you did exactly what we are now asking.

**Mr Speaker:** That was pre-devolution. *[Interruption]*

Order. It is perfectly clear what the earlier points of order were for. Knowing that they were not going to be able to propose their motion, Members raised a series of points of order. They are fortunate to have a psychiatrist in the Chair. *[Interruption]*

Order. The situation is clear. The proposers do not have the support required under the Northern Ireland Act 1998. The motion therefore falls.

*Adjourned at 10.42 am.*



# **Committee Stage Records**





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## NORTHERN IRELAND ASSEMBLY

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### FINANCE AND PERSONNEL COMMITTEE

Wednesday 12 January 2000

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### ALLOWANCES TO MEMBERS OF THE ASSEMBLY AND OFFICE HOLDERS BILL (NIA 2/99)

**The Chairman (Mr Molloy):** I welcome Mr Fee of the Assembly Commission and his legal adviser. This is the first public meeting during which a Bill will be considered, and I invite you, Mr Fee, as sponsor of the Bill, to make your introductory remarks.

**Mr Fee:** Thank you very much, Mr Chairman. Despite the fact that this Bill and the Financial Assistance to Political Parties Bill are quite short, they are quite complicated.

I would like to thank all the people who have helped get us to this stage: Tom Evans, the Clerk to the Assembly Commission; Jim Hamilton from the Department of Finance and Personnel, who has been working very hard with the Office of Legislative Counsel to get the Bill drafted; Dennis Millar, the Director of Finance and Personnel; and Gerry Cosgrave, Head of Administration and Accounting Officer. Percy Johnston, behind us, has been seconded to the Assembly to give legal advice and to help to ensure that Bills are competent. I believe that this measure and the one dealing with financial assistance to political parties are competent, and I have made a declaration to that effect.

I will deal first with the Bill in respect of allowances. This is the first piece of primary legislation to go through the Assembly, Mr Chairman, and we will take your advice throughout the afternoon on what procedures you want to follow or how you want this conducted. I will give a general overview of the first Bill, after which we will be happy to take questions or clarify matters.

The Bill passed its Second Stage on 15 December 1999, and that signified the Assembly's basic agreement to its general principles. The Bill provides for the payment of allowances to Members who leave the Assembly. This is to help them with their adjustment to what we have called non-Assembly life and to wind up their Assembly affairs. It also makes provision for the payment of an allowance to those who step down from an office-holder post to assist them to adjust to being no

longer in receipt of the office-holder's element of their salary.

I must emphasise that the Allowances to Members of the Assembly and Office Holders Bill (NIA Bill 2/99) is not designed to cover costs incurred by current Members of the Assembly. That is the purpose of the allowances Determination which has already been presented to, and approved by, the Assembly. Nor does it deal with Members' pensions.

My colleague on the Assembly Commission, Rev Robert Coulter, will be addressing you on the Pensions Bill in the near future.

This Bill introduces four allowances. All of these allowances are available to members of the Westminster Parliament. The Senior Salaries Review Body (SSRB) recommended that similar allowances should be made available for Members of the Scottish Parliament, the Welsh Assembly and the Northern Ireland Assembly. The Assembly itself, in shadow form, took the view that in principle it should follow the SSRB recommendations on salaries, allowances and pensions. The Assembly Commission has decided that the allowances should be brought in by means of primary legislation, and as a result it has put forward this Bill.

As I said before, these allowances have been available at Westminster for some time, and similar provisions have already been made for Members of the Scottish Parliament. The principles and provisions of the Bill are therefore nothing new. The Commission has had the benefit of both the Westminster and Scottish precedents throughout the drafting process. I will briefly go through the provisions of the Bill, if I may.

The first clause and the schedule to which it refers provide for the payment of a resettlement allowance to a Member who does not stand for re-election at a general election or who is not re-elected. Effectively, it is a form of severance pay. The amount of the allowance depends on the age of the Member and on his or her length of service at the date of leaving. In accordance with the SSRB recommendations, all Members will receive at least six months' salary on leaving, regardless of the length of their service.

One of the reasons for this is that, unlike most employees, Members can find themselves completely unemployed literally overnight, with no notice and with very little time to prepare. It is not exactly a redundancy situation so we cannot refer to it as that, but it is a quite dramatic severance and these arrangements are designed to recognise that.

In addition, those Members leaving between the ages of 50 and 69 with 10 or more years' service will in most cases be entitled to more than the basic allowance, up to a maximum of one year's salary. This is in line with the arrangements for Members of the Westminster Parliament

as set out in a resolution passed on 22 May 1991, which in turn followed a recommendation of what was then known as the Top Salaries Review Body.

In arriving at the current structure for resettlement grants at Westminster, the review body worked on two main principles. First, most MPs, regardless of age and length of service, are likely to be faced with some costs on leaving Parliament, which arise from the change from the parliamentary way of life. Individual circumstances vary, but it was not considered practical to devise a scheme to match personal circumstances. The review body felt that all MPs leaving the House at the time of a general election should receive at least a flat rate resettlement grant equivalent to six months' pay.

Secondly, it was recognised that additional financial assistance may be required for MPs leaving the House who need to re-establish themselves in alternative employment but who may find particular difficulties in doing so, particularly longer serving Members aged between 50 and 64, hence the stepped increases up to the maximum amount equivalent to one full year's pay. Rather than have a sudden cut-off at age 65, the review body also considered that there should be a downward taper reducing the maximum resettlement grant to a sum equivalent to six months' pay at age 70. It was of the view that beyond that, any compensation in addition to the flat rate payment, and to any pension entitlements, would not be justified.

In determining length of service for the purposes of the schedule, all service after 25 June 1998, when Members effectively took their seats, will count, even though it was before the enactment of the Bill.

In calculating the percentage of salary payable as the resettlement allowance, the salary is regarded as that determined by the Assembly for Members who are not office holders, MPs or MEPs, immediately before dissolution or, in the case of dual-mandate Members, their abated salary. This allowance is not available to a Member who resigns his or her seat before dissolution, unlike those who, for example, are defeated at a general election. A Member who resigns voluntarily in mid-term will have the opportunity to plan for leaving the Assembly and, therefore, a resettlement allowance would not be appropriate. The resettlement clause actually enacts recommendation 25 of the SSRB's report.

A paper detailing how the recommendations of the report correspond to the provisions of the Bill is available for circulation.

**The Chairman:** That will be useful.

**Mr Fee:** Members may have received the report. Copies are available from the Printed Paper Office. The report is in two parts. Three of the recommendations are in SSRB Report 42, and the other one is contained in

SSRB Report 43. Copies are available from the Printed Paper Office and the Library.

Clause 2 of this Bill provides for an ill-health retirement allowance at a similar level to the resettlement allowance for a Member who is under 65 years of age and who is obliged to retire from the Assembly on ill-health grounds. This is to prevent a Member who is forced to leave the Assembly during an Assembly term because of ill health being disadvantaged in relation to those leaving at dissolution. However, a Member cannot receive both a resettlement allowance and an ill-health retirement allowance. This allowance is separate and additional to the benefits in the proposed pension scheme for those Members who have satisfied the trustees of the scheme that they should be treated as retiring on ill-health grounds.

Every application for an ill-health retirement allowance must be accompanied by medical evidence, and the Assembly Commission must be satisfied that the applicant does not intend to stand for re-election, has retired as a direct consequence of ill health and could not carry out the duties of an Assembly Member because of his or her ill health. The Commission can also require the applicant to undergo a medical examination by an independent medical examiner.

The third clause covers allowances to persons ceasing to hold certain offices, and again this clause is effectively introducing severance pay for office holders who cease to hold office. Clause 3 provides for the payment of an allowance to a Member under 65 years of age who ceases to be an office holder after devolution and who does not become an office holder again within three weeks. It is designed to assist such Members to adjust to the reduction in salary which loss of office entails.

The amount of the allowance is equivalent to three months of the salary that the office holder was receiving in excess of a Member's basic salary. It is not payable if the reason for cessation is death. Office holders qualifying for the allowance include Ministers or junior Ministers, the Presiding Officer or Deputy, members of the Assembly Commission, and such other offices as are specified in Standing Orders.

Clause 4 deals with winding-up allowances. It enacts the recommendation in paragraph 66 of the SSRB report and provides for a winding-up allowance to be paid to Members leaving the Assembly. This is to enable agreed costs, incurred after the Member leaves the Assembly in winding up his or her Assembly business, to be met.

If a Member dies, the Assembly Commission has discretion as to whom the allowance is payable. This will allow, for example, the Commission to meet the cost of the salaries of the Member's staff until his or her

affairs are wound up. The allowance is not to exceed £11,617, which is one third of the current office costs allowance, as set out in the Members' Allowances Determination of 1999. This arrangement is currently used in Westminster for MPs who are retiring, and it is entirely in line with the recommendations of the Senior Salaries Review Body.

If and when changes are made to the amount of the office cost allowance, the Assembly Commission will have the power to update the amount of the winding-up allowance. This could be achieved by means of an Order laid before the Assembly and approved by resolution of the House.

Clause 5 means that any allowances under this Bill will be paid by the Assembly Commission.

It is very difficult to estimate the financial effects of the Bill because the total amount of allowances paid out will depend on the number of Members leaving the Assembly, whether at an election or because of ill health, and the number of office holders standing down from their positions. At the next election the maximum resettlement allowance payable will be equivalent to six months' annual salary, currently around £19,000, because no Members will have 10 or more years service — assuming that the next election is in 2003. The resettlement allowance will be payable, along with the agreed winding-up allowance, up to a maximum of £11,617. The potential cost to the Assembly, for each Member who is not coming back, could be up to £30,000.

Because the system of allowances introduced by this Bill applies equally to all Members, we do not believe that there are any equal opportunities issues arising here. Certainly, there are none that we can spot.

In conclusion, it was the Assembly Commission's view that it is a fact of life for politicians that they can suddenly find themselves out of a job. These allowances, which are available in Westminster and in Scotland — I do not know if they have been introduced yet in Wales, though they are to be — are designed to assist Members in their transition to life outside the Assembly and to assist Ministers and other office holders to adjust when they cease to hold office. The allowances do not come into play until a Member actually leaves the Assembly, normally at an election time, or when an office holder steps down from his or her post. This may be some way off, but it was the Assembly Commission's view that legislative cover should be in place as soon as possible to meet any eventuality.

I should be happy to clarify any issue or answer any Member's questions on the Bill. If I cannot help, I am sure that Mr Hamilton, who has a very detailed knowledge of the provisions of the Bill, will be able to.

**The Chairman:** Thank you for your detailed presentation.

I ask Members to be as precise with their questions as possible to give everybody an opportunity to come in.

**Mr Gibson:** I am particularly interested in the issue of Members retiring due to ill health. Are we being age-discriminatory? There is a perception that if you are over 65 years old, or over 70 years old, you have no real responsibility. In the new age we are living in, and particularly concerning everything you mentioned, which seemed to be equality-proofed, can we really carry out an operation that is age-discriminatory?

Many may feel that perhaps there is a greater financial responsibility or accountability on people aged 55. However, it is assumed that people over 65 years of age have almost no responsibility, and once you are over 70 years of age you are virtually worthless.

As far as this matter is concerned, are we simply copying and adopting what is happening elsewhere in the United Kingdom — whilst we have said that it is equality proofed — without having any regard to our own equality laws? There is an inbuilt age-discriminatory factor here, and I am not too sure how we should handle it.

Finally, what effect does a Member's death have on office allowances? In those circumstances the next of kin, or someone else, would have to dispense with secretaries and offices. What provisions are there for people employed by a Member, in research for instance, if that Member suddenly dies?

**Mr Fee:** I will answer the second question first. The Bill gives the Assembly Commission discretion to make payments to the most appropriate person. It has to be left as a discretionary matter because the most appropriate person could be a husband, a wife, a family member, or a member of staff who takes on the responsibility. But the winding-up allowance is available in each individual case.

**Mr Gibson:** But it is discretionary.

**Mr Fee:** No. The Commission has discretion as to who would be the appropriate person to wind up the affairs, and who would actually get the payments. But the entitlement is not discretionary. It is there for agreed costs up to a maximum of £11,617, or such other amount as the Commission may by order specify.

The first question is probably more complicated and I will ask Mr Hamilton to comment on it also. Part of the Senior Salaries Review Body's rationale was that when people reach state retirement age of 65 they gain an additional pension entitlement. The SSRB decided that it was difficult to justify the enhanced payments of the allowance when this additional pension entitlement becomes available.

**Mr Hamilton:** That is correct. Once a Member became 65 years old, and if he or she were to retire on ill-health grounds at that time, a pension would be



payable. The background to this may have been — without being ageist — that when someone becomes 65 years old they would be less likely to want to go back into employment.

**Mr Fee:** Until May 1991 this scheme existed in Westminster without any payments or resettlement allowances for people over 65 years of age. So this is an improvement on what was previously available. However, there is a question of justification when somebody who reaches 65 years of age becomes entitled to an alternative source of income such as a pension.

**Mr Gibson:** Is it not the case that someone will claim discrimination if they are 66 years old, suffer a stroke or heart attack, and believe that they are being treated differently? This is age discrimination. This is a simple question.

**Mr Fee:** This is in line with employment practices right across Britain and Northern Ireland, and it is tied in to the age of retirement. It is possible that a charge of ageism could be laid against the whole Bill, but as we are operating in that environment, I do not see how we can change the context here.

**Mr Gibson:** I mention it because you referred to the ages of 65, 60 and 50. These are arbitrary benchmarks, and I am simply drawing your attention to that.

**Mr McClelland:** I would just like some clarification to avoid any confusion.

Mr Fee, you decided on a winding-up allowance with a maximum payment of £11,617. I understand that that is the sum set aside to assist Members who leave office or who cease to keep their seats. I believe that the winding-up allowance is intended not so much to assist the Member but to assist the Member's staff.

If I lost my seat on 31 March, I would still have one full-time and one part-time member of staff wholly dependent on me for their income on the 1 April. I would still have a legal commitment to my landlord for three months' advance payment of rent. I would still have to pay my phone bill, the lease for the equipment, my fax bill and my office insurance among other things. All have to be paid no matter what happens on 31 March. Is the £11,617 money which has been set aside to cover those costs irrespective of the age of the Member when he/she loses his/her seat?

**Mr Fee:** Yes, that is absolutely correct.

**Mr Maskey:** First of all, I would like to preface my remarks by saying that I know that the Assembly Commission dealt with this matter at some length when it was in shadow form, and I do appreciate the work that everybody put into it. There is some irritation that we have to revisit the issue. Having studied it closely — particularly after the salaries' debacle — I find that I am concerned at some of its provisions. I appreciate that it

is standard practice, and I take the point that it is the product of a specialised environment.

There are about 60 people in the Assembly who hold some kind of office. There is also a disproportionately high number of Members in the Assembly — far beyond the numbers in any other political institution. Our provisions go far beyond those of any other parliament or assembly. If I am elected to the Assembly, my contract of employment is valid until the next election. If we are elected to the Assembly or to Westminster for four or five years, in effect, we are signing a contract. If I employ a secretary or support staff, they will work for me for the life of that Assembly.

It would be hard for me to justify to the public my making provision to get money if I decide not to stand or to get money if, having decided to stand, I am rejected by the electorate. This goes far beyond the normal redundancy payments. If I decide to stand for re-election, and do not get re-elected, I should be entitled to some kind of redundancy — I accept that in principle. But it is the level and terms which concern me.

One can see where there will be pensions and prizes. One can see that every political party here will share out some of the positions over a parliamentary period. I do not claim that any party would do so intentionally, but parties may well find that after next year some Ministers feel out of their depth; or perhaps they will have had enough; or perhaps a Chairperson of a Committee may need to stand down. We could then have a situation with one person standing down and another being appointed, only for the same thing to happen nine months or a year later. This could be abused, and we should not give increased payments to someone who already receives an increased payment for the duration of the period he holds a given office.

I am concerned at the level of the resettlement allowance. It is a redundancy scheme. Mr Fee contends that one cannot call it that, and perhaps that it is correct, but to me it is a redundancy package. I have no problem with the making of some redundancy provision. Most of us represent constituencies where people are being made redundant. Reg Empey is currently trying to sort out redundancy packages for people all round the North, and he will not be able to say that people will receive a certain portion of the salaries they have earned over the last four years. That simply cannot be done. It is not the norm. We will be accused of giving ourselves enhanced payments, and we should be extremely careful of that. I certainly do not wish to support it. I do support the principle, but the levels are inappropriate.

I am against the notion that people who are office holders should receive money like this. It applies to me, and I am dealing with this on a personal basis. I am against the notion of parties or office holders getting any increased money when they decide to stand down.



I was concerned about the question of ill health. Mr Gibson has already raised the issue of age. I can accept the explanation given in terms of pensions. To give a certain age group the same level of money means that the people in that group are actually much better off. Perhaps we could amend the Bill to ensure that they are not disadvantaged if one person's pension is less than that of others. Perhaps some individuals do not even have a pension. We must ensure that all these groups are protected and have the same kind of financial outcome. That is my concern.

As I see this — and if I am wrong I will stand corrected — we have the resettlement grant and the winding-up allowance. Perhaps a Member will decide not to run in an election a year in advance. Perhaps he will say that he is not going to run in the next election, that he is finished. He knows that next year he is going to receive a resettlement grant and a winding-up allowance. That is not appropriate. One must surely be able to make provision for oneself if one decides not to stand for election. One must be able to say to oneself that one will provide for whenever one decides to leave the job. If one leaves one's job suddenly in industry, the Civil Service, or anywhere else, one leaves voluntarily and should not be compensated for that decision. That is what we are doing in effect.

Those were my main points.

**Mr Fee:** On the simplest level, we are taking the recommendations from the SSRB Report and, as the Assembly recommended, we are implementing them to the letter. I do not want to go through everything in that report, but the rationale behind each and every allowance is discussed at very great length in it, and I contest Mr Maskey's opinion that our employment here is like having a contract.

For many of the Members here, it is not like that. Many Members came into the Assembly from jobs that paid extremely well — they took a pay cut to be here. They lost their job security, in two or three years' time they may have lost any chance of going back to that job. I can think of several professional people who came here. In two or three years' time they will have burnt their boats. They will not be able to go back. For many Members it is not a simple choice. Some literally had to give up very secure positions to take the risk here.

Some of these allowances are intended to allow people in that position to feel that they can stand for election and offer their services to the community. Some are there to try to protect people who find themselves out of work overnight and have difficulty getting a job.

The ill-health provision is really not that much different to that of any good employer who provides an ill-health scheme. Again, the provision of severance pay for those who hold office or other positions is not a

significant departure from the public and private sectors.

I can certainly understand the concerns about the levels of provision. However, the levels are, by and large, percentages of the office cost allowance, or they are linked to salary levels. The same percentages and linkages are used in Westminster, Wales, Scotland and Northern Ireland. We did not feel that there was any great or compelling argument for the Assembly Commission to tinker with the SSRB and that is why we have presented the Bill as it stands.

**The Chairman:** Further to the point made by Mr Maskey about the Commission being able to deal with abuse of procedure. For example, if a party decides to change its representative on a Committee, the Chair of a Committee, or office holder, are there means whereby the Commission can actually question this?

**Mr Fee:** We have had some conversations about this point. Currently, there is no mechanism by which the Commission can deal with that type of abuse of the procedures. Although this has not been discussed at a full Assembly Commission meeting, I think it would be a matter for the Committee on Standards and Privileges or the Committee on Procedures. The Commission is there to administer a number of these matters but I do not think it is necessarily there to police them. That must be the function of one of the Assembly's Standing Committees, but I do not know if it has yet been determined which one will assume that role.

**Mr Leslie:** I refer to clause 3, subsection (1) of the Bill on which I would make two points. First, the main thrust of that subsection is to cover the situation where the Assembly is dissolved in the ordinary course of events.

If, for example, a Minister ceases, on dissolution, to be a Minister and then does not get reappointed when the Assembly resumes, is the period of three weeks sufficient? Should the period not be a bit longer? I may be completely wrong in my presumptions so perhaps you would comment on that also.

Secondly, I have a further point as to whether three weeks is long enough. A person might lose an office which entitles him to the extra stipend and, six months later, be appointed to another office. I am not sure how acceptable it would be if he received this allowance after three weeks and then took up a similar position again quite soon. I would be interested to know if the SSRB has looked at that eventuality and what it had to say.

**Mr Hamilton:** It is a matter of judgement as to exactly what qualifying period should be put into the Bill at this point. Again, we have followed the line taken at Westminster. The purpose of the allowance is to help a Minister or office holder adjust to the sudden reduction in salary should he lose that post.

To insert a longer period, such as six months, would actually defeat the whole purpose of having the allowance; which is to have some money in place, at a relatively early stage, when a Minister or office holder, loses his additional salary. If this period were to be extended much beyond the present timescale its whole purpose would be invalidated.

While all these allowances are payable in the relevant circumstances, they do not necessarily have to be paid unless the individual Member or office holder claims them.

**Mr Leslie:** That does not entirely deal with my points. I am concerned that this clause is trying to do two things at once. Perhaps we should have three separate clauses. A Member could resign from office — that is one thing — or could cease to hold the office because of a dissolution of the Assembly in the ordinary course. The third situation is that the Assembly is dissolved, one loses that office, then there is an election and a new Assembly is formed, and one could then resume office. Clearly one does not get this allowance if one resumes office. Is the three-week period intended to prevent that? That is my first point.

**Mr Fee:** Our intention is to establish a severance allowance for office holders who leave office, but we are trying to ensure that people who leave one office to go to another office are not entitled to severance pay. How long do you have to wait before you establish that somebody is hopping from one job to another? It does not take very long to determine that.

**Mr Leslie:** I have a technical question. In a dissolution of the Assembly, on what day do you cease to hold office? On what day do you resume office? We must be careful about slavishly following Westminster here, because our constitutional procedures are slightly different. I think we agree about the intent of the clause. I am probing to see if it is sound.

**Mr Hamilton:** The allowance would be payable if an office holder stood down mid term as well as at dissolution.

**Mr Leslie:** I get that bit. My question concerns the situation on dissolution.

**Mr Fee:** At dissolution a Member who loses his office is entitled to this allowance if he is not back in office three weeks later.

**Mr Leslie:** Yes, but what is the date of dissolution? When this Assembly is dissolved and we have a new election on 1 May 2003, when is the actual date of dissolution? Is it on 30 April, one day before the election? In Westminster it is earlier. Westminster dissolves itself, however, long before the Prime Minister decides on the election date. It was three and a half weeks last time.

**Mr Fee:** The answer is that I do not know.

**Mr Leslie:** We need to know. I know that Members have discretion as to whether they claim it, but it would be better if it were clarified.

**Mr Fee:** I do not know where the authority lies to make that decision, whether it is with the Assembly itself or with the Executive or with the First and Deputy First Ministers. But you are quite right, perhaps we should find out.

**Mr Leslie:** It may be more of a problem for us than for you, but we have to nail that down.

**The Chairman:** Maybe Mr Hamilton has a point regarding the Act.

**Mr Hamilton:** We will look at the Act in more detail. Certainly there are provisions for office holders to continue to be paid until they actually cease to hold office, even though an election has been called, so the trigger for the three weeks may be later for office holders than for ordinary Members.

**The Chairman:** I think there is also a difference between us and those at Westminster. The Assembly has a fixed time whereas the Prime Minister can call a Westminster election at any time. The Assembly is dissolved after a four-year period.

**Mr Leslie:** I know that there are other offices involved but perhaps we could deal with the office of Minister. A person ceases to be a Minister when he no longer holds the seal of office. I am not familiar enough with the Act to know when that occurs.

**The Chairman:** I am advised that section 31 of the Act relates to that.

**Mr Maskey:** A Minister is technically still in office until someone else takes over.

**Mr Fee:** I shall read the two relevant bits. Section 31 (2) states

“The date of the poll for the election of the Assembly next following the Assembly elected under section 2 Northern Ireland (Elections) Act 1998 shall be 1<sup>st</sup> May 2003; and the Assembly elected under that section shall be dissolved at the beginning of the minimum period which ends with that date.”

Subsection (6) states

“In this section a ‘minimum period’ means a period determined in accordance with an order of the Secretary of State.”

**Mr Leslie:** If that period were four weeks it would trigger the provisions accidentally.

**Mr Fee:** That is correct.

**Mr Leslie:** It could be overridden by the fact that there is discretion as to whether the eligible person claims the allowance. I do not think that that is satisfactory. It needs to be clearly set out.

**Mr Fee:** We shall look at that.

**The Chairman:** It does not refer to dissolution.

**Mr B Bell:** The SSRB made provision for the Scottish Parliament. Has it adopted these proposals? I think you answered that earlier but I could not quite hear what you said. Has Dáil Éireann adopted similar procedures? When does it all start? Does it start at the beginning of devolution — 15 December — or does it start on 1 July 1998? You state that the percentage rises from 50% at under 50 years of age — six months salary — to 100% for those aged between 55 and 64. Why does the percentage not rise for people under 50 years of age or over 70 years of age if they have 10 years service? I ask particularly in relation to those who are under 50.

**Mr Fee:** The rationale behind the Senior Salaries Review Body recommendation was that there should be a flat rate for everybody. It then looked at the difficulties of Members who were over the age of 50 and at how close they were to 65. They looked at the difficulties for those people of getting alternative employment and found that the closer one gets to 65 the harder it is to find an alternative income.

So a graduated system applicable until the state retirement age was introduced. Until 1991 there was no provision for anyone over the age of 65 — pensions just clicked in. The then equivalent to the Senior Salaries Review Body decided that, instead of having a cut-off point at 65, it would taper it back down — it was assumed that people over 65 who are entitled to their pension would not be relying wholly on an alternative income.

**Mr B Bell:** I made particular reference to the position of the under-50s who have ten years' service — if the Assembly lasts that long. Why was no provision made for them? It certainly does not affect me, but it will affect somebody. I would also like an answer to the other question that I asked about the Scottish Parliament and the start date.

**Mr Fee:** The start date for the calculation of resettlement and ill-health retirement allowances is 1 July 1998 — the date that we effectively took up our seats. The calculation of these allowances is backdated; the other allowances, which kick in when somebody leaves the Assembly or loses his post, do not depend on length of service. The other allowances do not need any backdating as they will be based on a proportion of the actual salary earned when a Member loses his post or a third of the office cost allowance when he retires. What needs to be backdated has been backdated.

**The Chairman:** How will the number of years that a person has served be determined?

**Mr B Bell:** That is what I was trying to establish.

**Mr Fee:** The calculation starts from 1 July 1998.

The other allowances are all recommended for Scotland and Wales. I think Scotland has them in place already — it was in the process of putting them in place when this Committee was considering the Bill. Wales is going to put it in place. I cannot tell you if it is running yet, but I believe that it is. Similar allowances are, in fact, already in place in both Scotland and Wales. The Dáil has a very unusual system of allowances which is not comparable to our system — in many respects it is a more generous system. However, as a result of the research done by the SSRB, the analysis done in Northern Ireland by Hay Management Consultants and the comparative studies with other legislatures, there were no significant grounds on which to recommend that the Assembly should do other than implement this allowance system in full.

**Mr B Bell:** I am satisfied that we take on board the SSRB's recommendations, but I would point out that the Dáil has a much more generous system, and I just wanted to highlight that point.

**Mr Maskey:** Join it.

**Mr B Bell:** I will certainly not be joining it.

**Mr Close:** I am interested in the response to Mr Bell's last question about whether the legislation has actually been enacted in Scotland and Wales on the office holders' allowances, et cetera. I am very conscious that, when we are prioritising expenditure, the perception can easily be given — and it has already been given in relation to the increase in Members' salaries — that in prioritising, we are making sure that "I am all right, Jack" or "I am all right, Jill". We should be very conscious of the fact that this is taxpayers' money. To have the legislation in place and operating before it is operating in Scotland and Wales — and they had devolution prior to us — would make us open to such accusations.

The more I listen to the reasoning behind the clause on office holders, the more I dislike it and the more I find it very difficult, if not well-nigh impossible, to justify it. We all stood for election and were elected to the Assembly, and whatever the justification is behind having allowances for Members, I do not see how one can step outside that and say that. Because of further operations within the Assembly, an individual becomes an office holder for which he or she is paid, and paid with justification — I have no qualms about that whatsoever. But how can one pay that on a change of office holder, which could be, as Mr Maskey has pointed out, at the whim of a nominating officer and maybe after only three weeks, that person could be entitled to an allowance? I find that extremely difficult to justify.

How did the SSRB conclude that it should be a quarter of the office holder's salary? What is the rationale in a quarter? That in itself seems to be somewhat defensive:



we will get this in but we will only get it in at a quarter of the office holder's salary.

This concept is dubious, and if it is accepted we will have to stand back and try to tighten the legislation so that it is not subject, or perceived to be subject, to abuse. In Northern Ireland, perception often means more than the truth itself, and if this is allowed to exist, as it is currently drafted, I can see its being a huge stick with which the electorate could, with justification, beat us across our backs — and we will deserve that — unless we do something about it.

**Mr Fee:** The Bill reflects exactly what is in the SSRB recommendations.

Under our procedures there is only one opportunity during the passage of a Bill for amending it, and that is when your Committee reports back with recommendations to the Assembly. While we can come back to clarify some issues, the only way of changing effectively what is in the Bill is for this Committee to present a report with a recommendation to amend it on the Floor of the Assembly.

I do not particularly want to respond in any great way to Mr Close's point because I agree with him. Nonetheless, this is what has been recommended by the SSRB, so there is a political judgement with a small "p" which, presumably, this Committee will have to make.

**Mr Dallat:** Whether we call ourselves Jack or Jill, or Diarmaid or Gráinne, at the end of the day the dilemma is this: do we accept the SSRB recommendations or do we provide an alternative? I am more than happy to support a call for more time to look at alternatives.

**Mr Leslie:** Is it not too late for that? Has the Assembly not already adopted the SSRB recommendations?

**The Chairman:** No — *[Interruption]*

**Mr Kane:** There is no statement, nothing in the Bill's explanatory note about its effect on equal opportunities. Was this matter considered?

**Mr Fee:** The fact that there was no item on equal opportunities was raised at the Commission. In my introduction I said that we looked at the equal opportunities implications of the Bill. We have detected none at this stage. Issues such as ageism can be very difficult to detect, and I cannot state categorically that there is nothing in the Bill that might not disadvantage somebody. However, we have detected no equal opportunities issue in it.

**The Chairman:** Would it be helpful if we were to forward the Bill to the Equal Opportunities Commission in order to get its views before we go any further? The question of ageism raised by Mr Gibson is an important one.

**Mr Fee:** Obviously, Mr Chairman, the Committee is free to pursue the passage of the Bill in whatever way it wishes. We have listened to advice from the Office of Legislative Counsel; we have had officials from the Department of Finance and Personnel looking at this aspect of the Bill; and we have studied the legal and technical aspects of the Bill.

The only difficulty with your suggestion is that we have yet to establish procedures for the Committee Stage of Bills. If we set precedents by referring matters to the Equal Opportunities Commission, or any other body, we will find ourselves involved in a very cumbersome legislative process. I am not rejecting your suggestion, but I think there is sufficient expertise within the Department of Finance and Personnel and in our own legal department to ensure that we can detect any substantial flaws such as discrimination. However, I do not wish to second-guess your judgement.

**Mr Gibson:** Subsection (1) of clause 3 of the Bill which deals with the allowance payable to Members who are not re-elected within three weeks of ceasing to hold a qualifying office is causing general discontent. The expression "snouts in the trough" springs to mind.

There is a danger of replicating here what happens elsewhere, and that would cause great unease. We should reflect on that point. It is difficult for us, as the new boys on the block, to change something that has already been adopted by the Assembly. We need a mechanism which will look at how we operate in order to avoid replicating what has happened elsewhere.

I am not satisfied that we have examined the Bill against all the equality laws in order to ensure that it does not contravene them. We have different legislation in Northern Ireland to measure the Bill against than exists in Great Britain; we also have a different legislative system. Our legal precedents are different as is our interpretation of law. I do not think that we have really given this Bill full consideration. By trying to mirror the conditions that apply in Great Britain we could end up creating something fictitious rather than something real.

**Mr Fee:** We have taken legal advice on this at every stage.

**Mr Gibson:** With all due respect to the legal advice, the Democratic Unionist party has some experience of that. I have normally found that the Northern Ireland Office's legal advice has generally been at variance with what turned out to be the correct legal advice. I am not being churlish.

**Mr Fee:** It raises a difficult question. We have to deal with the draftsmen; the Office of Legislative Counsel; the Department of Finance and Personnel; and we have our own Secretariat looking at these matters. Normally, once legislation has been passed, the place where it is



tested is in the courts. We cannot usurp the role of the courts. It would make the legislative process extremely difficult if we were to test every piece of legislation against every contingency, especially when the legislation is the result of all the experts putting their heads together.

**The Chairman:** There was also a provision within the Office of the First Minister and Deputy First Minister for dealing with the equality-proofing of legislation, normally the other aspect with Bills coming through. Although we do not yet have that in train, it may already be necessary to look at the alternatives it offers.

**Mr Fee:** Perhaps at this stage I should mention — and I was remiss in not saying this at the outset — that there is one significant difference between Scotland and Wales and Northern Ireland. They achieved devolution more quickly than we, and had their legislation in place sooner. The reason we are coming to you so quickly with these two Bills today is that we do not have any provision in place for Members who may have to leave owing to ill health or whatever. There is some urgency in trying to get these schemes, or such schemes as you agree, in place. We will then be covered for all eventualities. That is one reason for coming forward so quickly with this draft Bill.

The other fundamental principle underlying the Commission's approach concerned the question of salaries, wages, pensions and allowances. We felt it was crucial that these should be set by an independent body. That is why we have taken this report, metaphorically speaking, as gospel, since it was the conclusion for Wales, Scotland and Northern Ireland, individually and severally, that remuneration levels should be arrived at by a completely independent body using a number of management consultants.

It is also a principle that we, as an Assembly, should not set the rates and the various allowances and so on, that we should continue, as far as possible, to rely on independent advice. This is one of the important reasons that we recommended that the Assembly accept the report, warts and all. This is why we did not tinker with it, as I should have made clear at the outset.

## FINANCIAL ASSISTANCE FOR POLITICAL PARTIES BILL (NIA 3/99)

**The Chairman:** We shall now move on to the Financial Assistance to Political Parties Bill, with Mr Fee giving a short briefing.

**Mr Fee:** It will be brief this time. The Bill is reasonably straightforward. As members will have seen from the explanatory and financial memorandum which accompanies the Bill, the authority to pay what is commonly known as “party allowance”, or “short money” in House of Commons terms, fell with devolution. The Northern Ireland Act 1998 does not confer any authority on the Assembly Commission to give financial assistance to parties. The purpose of this Bill, therefore, is to provide such authority. It will allow the Assembly Commission to begin paying party allowances immediately the Bill is passed.

Clause 2 of the Bill puts an onus on the Assembly Commission to prepare, and lay before the Assembly, a scheme for making payments to political parties. The clause sets out examples of the terms which a new scheme may include, and it should be noted that the Bill requires that a new scheme be devised as soon as is practicable. I understand that work has already begun on developing a new scheme and that it will be presented when it has reached the appropriate stage.

However, in the absence of an agreed new scheme, this Bill provides for the existing arrangements, put in place by the Secretary of State, to continue in force with effect from the date of devolution, 1 December 1999. I understand that while financial arrangements were made with some parties for December, others did not get any support during December. The effect of this Bill would be to backdate the financial assistance to the beginning of December 1999.

The existing arrangements will only remain in operation until, at the very latest, 31 March 2000 — the end of the financial year. After that there is no provision for financial assistance to parties unless a new scheme is agreed in the interim. Therefore the clause effectively puts a time limit on when the Commission should come back and get a party allowance scheme agreed with the Assembly. This is recognised as being an essential part of the support for political parties going about their work in the Assembly. All that the Bill does is extend the existing provisions for another number of weeks and put an immediate onus on the Commission to devise a new scheme and have it agreed. I think that the devil will be in the new scheme rather than in this Bill.

**The Chairman:** Thank you. Mr Dallat, have you any questions?

**Mr Dallat:** No, I do not think so.

**The Chairman:** Mr Close?

**Mr Close:** No, the devil is in the detail.

**Mr B Bell:** No.

**Mr Leslie:** Yes. I notice that “political parties” is not a defined term, and I can think of a very good reason for its not being so. However, I would be interested to know what the draftsman’s thinking was in not defining the term. I think that I am right in saying that the practice in the Assembly so far has been for the Speaker to decide what constitutes a political party. That may be a reasonable practice as long as members are aware that that is the default mechanism.

**Mr Millar:** As has been said, it is very difficult to define a political party, and the devil will be in the detail.

The detail of the scheme will set out what a political party should be, and everyone will be given an opportunity to comment on whether it is a proper definition. It will be in the scheme.

**Mr Leslie:** Will the Commission make the scheme?

**Mr Millar:** The Commission will make the scheme.

**Mr Leslie:** So the argument as to what constitutes a political party will be conducted in those circumstances by the Commission?

**Mr Fee:** No, it will have to come back to the Assembly. We have to define it; it has not been properly defined yet, and this Bill puts the onus on the Commission to try to at least draft some definition or some way of handling that. It was deliberately not defined, but it will have to be, and then that definition, I assume, will have to be agreed with the Committee and the Assembly.

**Mr Maskey:** The procedures in here have been carried out based on what happened at the election. Parties are treated on the basis of their electoral mandate, and no party can chop or change to get extra positions. So the principle has already been established. It is well established for d’Hondt and all the rest, so what I am saying is that this principle runs through nearly everything.

**Mr Fee:** No. For the purposes of the financial support to parties, all of the arrangements presently in place, were put in place by the Secretary of State. The Secretary of State did, on at least one occasion — if not on more than one occasion — recognise parties which had not fought the election and made provision for financial assistance to be given to such parties. The calculation was made both on the existence of the party — £20,000 per party — and the total number of its members. The point at which they joined the party was then a matter at issue, with one party claiming that, at the election, they had so many members or whatever.

We recognise that the existing scheme is deeply flawed, but I do not believe that we should be going into the detail of that here. In this Bill we are asking permission to extend it for two months but for the Commission to come back to you with a properly thought out and properly costed scheme.

**Mr Maskey:** You have just raised an interesting possible point of information. Bob McCartney’s party got £x, and then Cedric Wilson came along and got another bag of money; that is an important issue which I will be raising with the Secretary of State.

**Mr B Bell:** That is why I said you were wrong.

**Mr Maskey:** That may be the case, but as regards all the functions of the Assembly to date, all proportions, all the figures relate to the point of election. Whatever the Secretary of State decided to do may or may not have been wise, but as far as I am concerned, the principle has been established and what affects us in here is dictated by the electorate.

**The Chairman:** I thought that under Standing Orders two Members could constitute a party.

**Mr Fee:** I think you are right, but the detail has on occasion got blurred by the Secretary of State’s actions. While I do not believe that anybody has claimed anything that they are not entitled to, we do not currently have a coherent scheme for support for parties.

**The Chairman:** It may be necessary to put something in the Bill about the number of members in a party. If we put through a Bill without provision for the number or the members of a party, will this come back as an issue at another time?

**Mr Fee:** The scheme will come back. It is difficult as you know, Mr Chairman, to start changing the legislation, whereas the scheme that comes back can, relatively easily, be chopped and changed if the Assembly is not happy with it. It is not a piece of legislation.

This Bill places an onus on the Commission to do this within a very short time frame: by 31 March. I do not think you should try and put any detail into the actual legislation.

**The Chairman:** Do you have any questions, Mr Gibson?

**Mr Gibson:** None whatsoever, but I must say that I foresee difficulties in that I am not going to be able to run my own political party myself alone.

**Mr Fee:** Mr Chairman, I have one comment on this Bill. We feel that it needs to be passed this month. The finance people are preparing all the cheques, the moneys and the like, but they are not legally authorised to issue the moneys unless this Bill is passed. Since this Bill does not immediately change anything I would like to ask you if you could, if your Committee is in

agreement, see if we could get Assembly time to try to get it passed as soon as possible. Then the onus will immediately be on the Commission to get a proper scheme written.

**Mr Gibson:** I imagine there will be consensus around the table to get this passed in order to keep the existing system alive. The onus would then be on somebody else.

**Mr Maskey:** Do we know the total amount of money for the parties as it stands at the moment?

**The Chairman:** It is £141,000.

**Mr Millar:** That is what would be paid from 2 December up to the end of the financial year.

**Mr Maskey:** How much would that amount to annually?

**Mr Millar:** Annually it would be three times that: £420,000.

**Mr Gibson:** Is that not a continuation of the existing system?

**Mr Millar:** Yes.

**The Chairman:** Thank you very much, Gentlemen.





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# NORTHERN IRELAND ASSEMBLY

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## FINANCE AND PERSONNEL COMMITTEE

Thursday 27 January 2000

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### ALLOWANCES TO MEMBERS OF THE ASSEMBLY AND OFFICE HOLDERS BILL (NIA 2/99)

**The Chairman (Mr Molloy):** I welcome Mr Fee and Mr Evans representing the Assembly Commission; Mr Millar, the Director of Finance and Personnel; and Mr Hamilton from the Department of Finance and Personnel.

Mr Fee, perhaps you would give a short introduction and then answer any questions that we may have.

**Mr Fee:** Thank you, Mr Chairman. I do not intend going through all the detail that is in the letter; I will simply make a couple of brief comments. I would, however, like to thank Mr Hamilton and Mr Evans, in particular, for helping to do the precise research which ensured that we are in a position to respond to the three questions that we felt were significant that were put to us.

There were, as we understood it, two technical questions about the Bill and one matter of fundamental principle at issue during our last meeting. The first technical matter was to do with the potential age-discriminatory effects of the schedule. We have itemised for you the legislation that we understand exists in Britain and the legislation that applies in Northern Ireland. We have taken legal advice, and there is nothing that we can detect which would breach any equal opportunities, fair employment or other anti-discriminatory measures.

I would like to qualify what I said at the last meeting when I said that, ordinarily, when a Bill has been checked by our legal people, it is ultimately for the courts to test any substantial flaw. I forgot to say that whatever emerges from this process is checked by the Attorney General. It does not proceed unless the Attorney General is satisfied. So there are a series of steps during which the legal and other effects of a Bill — of all Bills, not just this one — can be checked. It is the Commission's view that there are no discriminatory problems with this particular Bill.

The second question concerned the possibility of inadvertently triggering a severance payment to office holders during the period between the dissolution of the Assembly and the election of a new Assembly and the appointment, or re-appointment, of office holders. The Committee was correct. The Commission had not considered this matter. There was a glaring flaw in the Bill as it stood. The Commission suggests that the flaw can be put right by amending the Bill to lengthen the period when a person is out of office from three weeks to six weeks. We have given you details of the maximum periods under the legislation between dissolution — when office holders cease to hold office — and the offices being filled again after elections.

To copper-fasten the matter, we suggest that the period of dissolution does not count towards the calculation of time out of office. We believe that this will provide a fundamental protection against the inadvertent triggering of this particular severance payment.

The third issue raised was the fundamental matter of whether the Committee wanted clause 3, which deals with allowances to persons ceasing to hold certain offices. The Commission cannot go much further in informing you or helping you with your deliberations. The Commission was charged by the Assembly to bring forward all of the recommendations of the Senior Salaries Review Body (SSRB). That is what we are trying to do in this Bill. The Commission unanimously holds that it is a very strong protection for the Assembly to be able to say that Members did not set any of the allowances, salaries or other payments, and that they are entirely in accordance with a professional report which Members endorsed sight unseen. If in the future anyone queries the levels of pay or allowances, there will be a published foundation on which everything the Assembly has done can be based. That foundation is the independent advice of the SSRB.

While the Commission cannot interfere with the Committee's decision on such an important point of principle, we strongly believe that this would be the only change made to the SSRB advice. If the Committee were to make that change, the question would arise as to why the mileage allowances, the subsistence allowances, the rates of resettlement grants and everything else were not changed also. My plea, on behalf of the Commission, is that sticking to the SSRB recommendations best protects the Assembly. I am happy to take any questions.

**The Chairman:** Thank you for those details.

I would like to welcome Mr Attwood to the Committee and to this meeting. I would also like to remind members of the public and Committee members of the need to switch off mobile phones to avoid interference with the transmission of these proceedings to the Hansard staff.

**Mr McClelland:** I do not wish to tell the Chairman his business but, on a technicality, should Mr Attwood not be asked about a declaration of interest?

**The Chairman:** I did not like to do it in such a public way. On Members' interests, does Mr Attwood wish to declare anything?

**Mr Attwood:** Not at the moment.

**The Chairman:** Thank you.

**Mr McClelland:** Mr Fee has partly answered my question; it is in three sections. First, would he agree that it is important that all salaries and allowances be agreed or fixed by an independent body? Secondly, would it not create an unfortunate precedent if, having asked an independent body to carry out a review using management consultants, Members were to change it to either their benefit or detriment? Thirdly, technically the Assembly has accepted the SSRB recommendations in full. How would Members then stand if, after having had a formal motion to accept the SSRB recommendations proposed, seconded and agreed on the Floor of the House they then make substantial changes to any of the recommendations to either their benefit or detriment? I asked for clarification of this before Mr Fee arrived. Is he able to throw further light on the matter?

**Mr Fee:** I will answer the questions in reverse order. The Assembly voted unanimously to accept SSRB, but it voted while in shadow form. My understanding is that the legislative Assembly has the right to make a decision on this. On the first and second questions, the report of the outside body was accepted in England, Scotland and Wales. The Assembly's decision is based on the information in the report. For instance, Members are being paid at Grade 7 level, which is similar to the Clerks of the Assembly.

There is a point of principle. If Members make any changes at all, they will be asked for the rationale behind those changes. If a change is made now, it will affect the SSRB recommendation that the annual upgrades should be percentages of various items. Members would have to come back and visit that issue repeatedly and find some way of upgrading or determining the future values of the various allowances, et cetera. However, if the baseline set by the SSRB is used then there will be an automatic mechanism for adjusting for future years. The Commission feels very strongly that that is the safest option for the Assembly.

**Mr Weir:** I appreciate the point made about the SSRB, and I think that there is some merit in it. While there are elements of the SSRB report that Members would not particularly agree with, I can see the justification for applying it in the Northern Ireland situation. The point has been made that essentially the aim is to follow the SSRB recommendations. Apart from following the SSRB report, is there any justification

for proposing additional allowances for office holders on leaving office? Could it be illustrated, for example, by details of any particular expenses which office holders might incur over and above those incurred by ordinary Members? I cannot think of any in the context of the Northern Ireland Assembly.

**Mr Hamilton:** An office holder could suddenly find himself out of office. The main purpose of this allowance is to cushion the loss of salary if that happens; I do not think that there is any greater reason behind it.

**Mr Fee:** As Mr Hamilton has said, it is there explicitly to act as a cushion against a very significant drop in salary. The obvious example is where a Member loses office after holding it for some time. He has bought a house and has substantial mortgage repayments to make. Yet, overnight, his salary drops by £10,000 to £30,000. That Member has a problem. That is just one of the situations that this payment would cover. It may not be a very palatable measure, but some of them are put in specifically as preventative and protective measures so that, if somebody loses a ministerial job or his chairmanship of a Committee, he will not be found in the bankruptcy court six weeks later.

**Mr Close:** I thank Mr Fee for confirming that this is now a legislative Assembly and for agreeing and clarifying that this is an issue of principle. I would draw the distinction — and I have done so in the past — between the right of the whole Assembly to agree to an independent body's setting the level of allowances, salary et cetera and the right of this Committee and/or a Member to ask for some allowances to be set aside if they feel, on principle, that they are unjustified.

I do not have a problem with the general principle that Members of an Assembly should be entitled to some form of "severance" if they are not re-elected or whatever. But we are talking about spending money out of the public purse, and so we are accountable to the people.

I stress that when we were elected to the Assembly we were all equal. After the election, party political decisions, or whatever, were taken to make different Members office holders. These office holders are very well paid, and with justification. A man is entitled to payment for the job he is doing — I have no problem with that, though some people may think that he is being paid too much — but the fact that a Member resigns office, or is not reappointed to it, is no justification for his being paid an additional severance allowance.

It is all about additionality. That is where the principle comes in. We are talking about adding to the basic severance allowance that each Member is entitled to, and I think that that is unjustifiable.

On top of that we have something else unique to this Assembly: a nominating officer can decide for, whatever reason, to change his nominees as office holders. In a period of three weeks — soon to be changed to six weeks — we could have a merry-go-round of post allocations. This process is open to potential abuse. As the guardians of the public purse we have a responsibility — and I stress this point — to ensure that abuse cannot and will not take place, and the best way of ensuring that is for the Committee not to accept this clause and recommend that the Assembly do likewise.

**The Chairman:** Mr Fee, do you want to come back on that point?

**Mr Fee:** No. I am not here to interfere with the Committee's deliberations. The Commission performed the function that had been set for it. It is now for the Committee to decide the way forward. We do not want to get involved in any conflict or dispute.

**The Chairman:** The Senior Salaries Review Body deals with a wide range of different payments to different office holders. Is there any difference between our Assembly office holders and those of the Scottish Assembly? Is there a variation in the Senior Salaries Review Body recommendations? Do our recommendations cover all those covered in Westminster and Scotland?

**Mr Fee:** Each of the recommendations circulated to your members states that it applies across all of the Assemblies — Wales, Scotland and Northern Ireland. The only thing that changes is that mostly there is a recommendation that a payment be made which is linked to either office costs allowance or salary, and one of the clauses in the SSRB report sets three different salary levels for Wales, Scotland and Northern Ireland.

Because the Members' salaries are higher in Scotland, the effect of what we are recommending be contained in the Bill and in the salaries determination is that Northern Ireland Members are paid less than the Members are in Scotland. The allowances, resettlement grants, and severance pays are all less here than those paid in Scotland. But all fulfil the spirit and the letter of SSRB.

**Mr Maskey:** I would like to make two points. For the record, I have no difficulty at all with any of the Commission's work. In fact, I would like to pay tribute to the work that the members of the Commission have done over a fairly long period of time. I know that this is a difficult issue to deal with, but I want to put on record my appreciation of the work that the Commission did in spite of the fact that I have a number of objections to what is contained in the report.

Returning to my concerns, Mr Fee, do you know whether the SSRB took into consideration the fact that two thirds of the Members of the Assembly here are office holders? I do not think that is in anyway comparable with the situation in either of the other two Assemblies.

**Mr Fee:** Yes, there is a section in the SSRB which points out the unique difference between the workload of a Westminster MP and the workload of the Members of the Scottish, Welsh and Northern Ireland Assemblies. The SSRB has accepted that, because of the Committee system and the inclusive nature of the legislative system that we have here, by and large, the workload at Committee and legislative levels is going to be significantly higher for a Member of the Northern Ireland Assembly than for his counterparts in Scotland and Wales and even, to some extent, in Westminster.

The SSRB has itemised, weighted and scored the various types of work and responsibilities that it believes that the various people have, and because of that it has justified a significantly higher salary for Westminster, and a slightly higher salary in Scotland. Then come the Northern Ireland salaries and then salaries that are slightly less for Wales. It has recognised that, in broad terms, constituency work will be the same right across the board — whether one is in Westminster or one is a Northern Ireland Assembly Member. Well, proportionately the workload might be smaller for the Assembly Members because there are more of them per head of population. The answer to your question is "Yes" in recognition of the fact that the board expects a higher level of Committee activity for each Member. That is one of the reasons.

**Mr Maskey:** But, particularly with regard to clause 3, there is a significantly higher number of office holders in this institution than there is anywhere else. That is the point that I am making.

**Mr Fee:** There is a significantly higher number of people — there is not a significantly higher number of offices. In Westminster there are hundreds of various different types of offices, but there are 600, or so, MPs. By and large, much of the same work has to be carried out by the legislative Assembly here. The effect is that a higher number of people are needed, proportionately, to fill those posts. I do not know if the SSRB gave that any consideration. We are straying into what are political judgements, as opposed to the SSRB's judgements on the value and the type of support needed by Members in order for them to do their job.

**Mr Weir:** The point that I was going to raise has to a large extent been covered. But, when looking at severance pay for office holders, and while the work may be the same in proportionate terms, surely it is valid to say that, when comparing Northern Ireland with Scotland, Wales or the main UK Parliament, there is a higher percentage of people here who are office holders. Therefore, irrespective of the work being done, the percentage of people who qualify under clause 3 is much higher than elsewhere.

In Scotland perhaps between 10% and 20% at most would qualify as office holders, whereas more than half



the Members of the Northern Ireland Assembly qualify as office holders; the same figures apply to the Welsh Assembly and the UK Parliament. There is a question mark over whether the SSRB has taken that into account. As the allowance deals with paying a large amount of money to office holders, there really has to be proper justification for it.

**Mr Fee:** This was not the issue for the SSRB. It was addressing the matter of people being asked by various legislatures to take on the additional duties required to make the parliamentary process work. These duties are over and above the normal duties for which they are paid as officers of the institution. The SSRB had to ask whether, if Assembly Members were to lose their jobs and additional salaries, the normal practice would be that they should have some form of severance pay to take account of an immediate drop in salary. The SSRB has applied the same employment principles to employment as office holders as they applied to our employment as Assembly Members. It is the same principle.

**Mr Weir:** I wonder if the SSRB's decisions have been unduly influenced by the practice at Westminster. The devolved institutions have only recently been set up, and Westminster's practice will differ from that of the new Assemblies, particularly from that of the Northern Ireland Assembly. I can understand that a Cabinet Minister at Westminster who resigns or loses his post would incur extra costs, for example, if the Minister lived in a house provided by the Government. That is not the case in Northern Ireland.

Although this is more a point of principle than a technical point, it seems that the SSRB has not given adequate consideration to the problems arising in the amendment to clause 3 of the Allowances Bill in changing the three-week period to a six-week period — a matter with which we have already dealt. Have they taken the different circumstances of Northern Ireland into account or have they just glossed over them? This raises doubts over its appropriateness.

**Mr Fee:** That is a fair point. However, as I keep repeating, if the SSRB has got it wrong, the Commission will point out to the SSRB where it got it wrong. The SSRB is committed in the report to reviewing the entire matter of allowances in two or three years' time — a relatively short period.

Rather than select one specific clause out of the 170 or so recommendations and say that it is wrong — and by implication that everything else is right — I strongly recommend that you accept the findings in their entirety, and, having studied them, make your objections or observations or comments to the Commission, the Assembly and the SSRB and ask them to review the sections with which you are unhappy. I do not think that we share any of the blame for this.

We agreed last week that we would accept a professional report. I suggest that we accept it, and if there are points in it with which we are not happy, we should draw them to the attention of the SSRB. This is what the Prime Minister did on the Floor of the House of Commons when he set the salary for the Deputy First Minister.

**The Chairman:** The Bill does not list the office holders, but it does refer to Standing Orders. Do we have a final list of office holders and business managers? That has not yet been finalised in Standing Orders. That is one of the questions which we raised at our last meeting.

**Mr Millar:** The list of office holders appears in the salaries Determination which was passed in early December, but there is a question mark over whether or not office holders need to be specified in Standing Orders to be legitimate.

**Mr Weir:** Unless I am mistaken, there is clear and specific reference in the Bill to who the office holders are. The qualifying offices are defined in section 47(3)(a) of the Northern Ireland Act 1998. Surely, strictly speaking, it has nothing to do with the Determination; it is to do with whatever is contained in the list at 47(3)(a).

**Mr Millar:** The Act allows other office holders to be specified. Jim Hamilton has a copy.

**Mr Hamilton:** Section 47(3)(a) refers to specific offices such as those of Minister, Presiding Officer, Deputy Presiding Officer and members of the Assembly Commission, but it also refers to those people who hold an office specified in Standing Orders. This means that Standing Orders dictate how many other office holders there are. At present we envisage that the Chairmen and Deputy Chairmen of Committees would be included, but obviously other paid offices as might be created within the Assembly could also be included. Currently there are no others.

**Mr Fee:** Many of these points have already been made to the Senior Salaries Review Body. During the period before it published its report we had direct contact in order to explain fully the Committee and legislative systems and the way in which the Northern Ireland Assembly would work. Members of the board had detailed knowledge of our vision and of what we foresaw would happen.

The board was commissioned by the Secretary of State to make this report and it would also have had detailed discussions with the Northern Ireland Office as well as with political parties, including all of the major political parties in Northern Ireland. So it is not the case that it was not informed, and this is why I keep coming back to the fact that it was a professional, independent body in receipt of all the knowledge and information it required. If there are flaws, and other flaws may appear



over the next couple of years, let us agree with the recommendation for a review in two or three years' time.

If this Committee wishes to pursue an amendment, the Commission will not fight over that, but the Commission is deeply worried about departing in any significant way because justification for every other decision made under the Senior Salaries Review Body becomes vulnerable.

**Mr McClelland:** Mr Fee has read my mind; that was to have been my question.

I understand that every political party had the opportunity to make oral and written submissions to the Senior Salaries Review Body, and I represented my party on that. Today I have been listening to the same sorts of questions that were put to the body then, questions which it, in turn, put to delegations from each political party. I am concerned that we have gone through a procedure of giving oral and written evidence to an independent body and then come back to reiterate all the same points.

**Mr Close:** It is called democracy.

**Mr McClelland:** Some would call it long windedness.

**Mr Close:** The Commissioner referred to our vulnerability. To whom does he consider we would be vulnerable if we changed or decided to set aside a recommendation of the Senior Salaries Review Body?

**Mr Fee:** Anyone who wants to come in and ask why we are getting, for instance, X pence per mile. The answer is that the SSRB recommended it. Why are we getting £80.50 subsistence allowance for staying overnight in a hotel, and how was it calculated? It was calculated by the SSRB on the basis of various different costs.

If we change the details of any of those allowances — from mileage right through to office costs  $\frac{3}{4}$  we shall be vulnerable. We would be asked why we changed one without changing all the rest. We would then have to invent a professional independent basis on which we could make those decisions ourselves. For our own protection, we should adopt the SSRB recommendations as our starting point. As we become aware of any major or significant abuses, or problems with it, we can recommend changes to the incoming review body when this is reviewed in a few years' time.

Over a year ago, when we met and discussed this matter with the SSRB, the Shadow Commission recommended to the SSRB in the strongest terms that Members be paid their full salary during the shadow period of the Assembly. The SSRB did not agree, and the result was that Members were paid an abated salary. When the full salary was paid, Members were blamed for giving themselves pay rises. Perhaps this happened because the press was not willing to accept that the SSRB report had been published ten months earlier.

However, Members receiving criticism could safely say that they did not set that rate. This is the type of vulnerability I am talking about, Mr Close.

**The Chairman:** We shall have to draw this particular issue to a close. Are there any other questions or points, particularly relating to the equality issue of age that Oliver Gibson raised at our last session? The letter quite clearly states that a view has been sought on this matter; that it is not outside the legislation, and there is no problem in relation to it. Is everyone satisfied or are there any questions on that matter?

**Mr Fee:** I would like to make a comment. I am sorry Mr Gibson is not here. Any vulnerability in that particular schedule is not at the higher end of the age bracket, for people will receive both their Assembly and state pensions after 65. We must remember that the enhanced resettlement grant will be available only to people who have been in the service of the Assembly for at least 10 years. There is potential for discriminatory practice if someone with 10 years' service leaves the Assembly aged 50 years and 11 months. As he will have not reached the age of 51, he will not receive the enhanced resettlement grant. So it could be the younger long-serving Members who are discriminated against, although this will not apply for another 10 years. I hope that that we shall look at this issue again as the concept of fair employment develops in the meantime.

**The Chairman:** Mr Leslie, do you want to make a point?

**Mr Leslie:** Perhaps I could again raise the point to which you drew our attention. We were talking about it some moments ago. The salary is the driver of the benefit, and to find out the level of salary, one must refer to the Pensions Bill. However, we will need to ensure the Pensions Bill is passed before this Bill. As long as that happens, there will be no problem. However, the Committee Stage of the Pensions Bill could take some time as it is quite a long Bill. This Bill is almost complete. We need to be aware that if we get into a situation where we try to pass this Bill first, we will have to amend it in order to include a definition of salary.

**Mr Fee:** I have raised this matter, and the Commission is aware of it. I do not know if Mr Hamilton wishes to comment on potential solutions, such as whether we should introduce the definition of salary into this Bill, or whether we should do as you say and wait for the Pensions Bill to be passed.

**Mr Hamilton:** Our current approach will be to allow the Pensions Bill to pass to its final stage before this Bill progresses that far. Mr Fee is correct in saying that if there are reasons why this Bill should be passed more quickly, amendments would be required to bring in a definition of salary and an order-making authority for

the Commission to change the level of winding-up allowance.

**Mr Fee:** We do expect the Pensions Bill to get as much priority as any of these other Bills. It is very complicated, and I know that you have a lot of work to do, along with Mr Coulter and the trustees. There is, however, some level of priority with the Pensions Bill as well.

**The Chairman:** With reference to the SSRB and the line that we accepted, a problem may arise in the future if the SSRB recommends increases. Does it mean that we will follow those in the same way? If there were to be an increase in allowances or salaries, would that come back to the Assembly?

**Mr Fee:** The SSRB is linking any increases in salary to the mean increase in salary of civil servants within a certain band. We would only qualify for roughly the average salary over a certain section of the Civil Service. So it is linking it to public sector pay rises.

**The Chairman:** Could we opt out and say that we were not ready?

**Mr Fee:** The Assembly could opt out at any stage. At this point I am warning against it, but I am not saying that we, as we were accused of doing, slavishly follow SSRB all the time. It has to be reviewed in two or three years' time, and the Assembly will have to take an informed decision on what to recommend to SSRB the next time from its experience over the next couple of years.

**Mr Leslie:** While we are back on that subject, if you want to know what happens if the SSRB is not used look at the mess that Westminster was in at the point at which it decided to appoint the SSRB. Westminster had set its own rates and scales and over time progressively the amount that Members were paid kept falling — they were embarrassed about giving themselves a pay rise. Then the question arose as to how much you pay for democracy and what would be a reasonable wage for this — it became impossible. It was decided that that could not go on and that it should be done independently. Westminster appointed the SSRB and that established the precedent that we are now following.

At each review by the SSRB there is a row, but at least, as Mr Fee said, you can blame the SSRB, whereas it used to be that the Members at Westminster were blamed. If you ask Members at Westminster who have been there for 15 or 20 years and who have gone through the evolution of this cycle, they would, to a man, tell you that it is never easy but that it has been easier since they sub-contracted the whole thing to the SSRB.

**The Chairman:** Thank you very much. The meeting will continue in open session, and I hope that people can stay on.

We have two points that we have to start on. One is that we have to decide whether we need clause 3. If we decide we do not, we still have to put in the amendments to clause 3. The Assembly could decide that it wants a clause 3 in it, so the amendments that we feel are necessary would still have to be there to safeguard the Assembly. There is a fail-safe mechanism.

There are two lines that we can take. We can move to amend clause 3 as it stands, and if we are happy enough with the recommendations, we can deal with whether or not we need clause 3. Is everyone happy to proceed in that way?

**Mr Leslie:** I certainly advocate the adoption of motion 1.

**Mr Weir:** Regardless of the views on clause 3, which is a separate issue, motion 1 is uncontentious irrespective of whether or not there should be a clause 3. No one is opposed to motion 1.

**Mr B Bell:** I think we should proceed with motion 1 — it is only a fine-tuning exercise.

**The Chairman:** OK.

**Mr Close:** I acknowledge the point made, and without prejudice to my position on clause 3, I am prepared to accept motion 1.

**The Chairman:** That is basically it.

**Mr Maskey:** I thought we would take the issue of whether or not we want clause 3, and if that is defeated, we could move on.

**The Chairman:** It is irrelevant which one we move on. If we rule out clause 3 we will have to ensure that the Assembly passes a clause 3.

**Mr Leslie:** It has got to be a competent clause.

*Motion (No 1) made:*

The Committee considers that clause 3 of the Allowances to Members of the Assembly and Office Holders Bill (NIA Bill 2/99) should be amended as follows:

(1) In page 2, line 33, leave out “three” and insert “six”.

(2) In page 3, after line 3, add

“(5) In reckoning the period of six weeks referred to in subsection (1)(b) no account shall be taken of any time during which the Assembly is dissolved.” — [*Mr McClelland*]

**Mr B Bell:** I second.

*Question put and agreed to.*

*Motion (No 2) made:*

The Committee recommends that when considering the Allowances to Members of the Assembly and Office Holders Bill (NIA 2/99) the Assembly should not agree that clause 3, as amended, stand part of the Bill. — [*Mr Close*]

**Mr Weir:** I second.

**Mr B Bell:** Would someone explain that to me.

**Mr Weir:** It means that if the Assembly followed our recommendation, it would take out clause 3, saying that it did not support it.

**The Chairman:** Does clause 3 cover the allowances when office holders cease to hold office?

**Mr Weir:** Yes.

**Mr Leslie:** I do not support this motion. How would those who do feel about a minimum period for holding office, which would attempt to deal with Mr Close's point that an unscrupulous party Leader could "job hop" people in the period leading up to an election?

**Mr Close:** The substance of my objection is two-fold. The first is the potential abuse, and the second is the fact that Members get Assembly severance as well as office holders' severance.

**Mr B Bell:** Assembly Members ought not to set their own salaries and allowances. The Assembly took that view when it brought in the SSRB. One either accepts that or not. If not, we will have to set our own salaries. We have brought in the SSRB and it would be foolish, for the reasons John Fee has given, to depart from that. I will not be departing from that. That is my position: we ought to go along with the SSRB.

If there has to be a review in the future so be it, but it is dangerous to start tinkering with the SSRB at this stage.

**Mr Maskey:** I support the motion that we delete clause 3 and would be happy to include an amendment which would cut down on allowance abuse. I support the suggestion to change the period from three to six weeks, merely as an attempt to avoid abuse. If the motion to delete clause 3 does not succeed, I will support any further suggestions that come forward.

**Mr Weir:** There are a couple of things which need to be addressed. I am glad to see that there is a proposal, in terms of an amendment, at least to stop potential abuse — that would be worthwhile. But, as with the Member who proposed motion 2, my objection to this goes wider. With regard to the SSRB, one can take either of two approaches. One is, in effect, to treat the SSRB report as Holy Writ and follow it exactly to the letter. If we do that, we should reject motion 2. However, we have not taken that approach; we have just unanimously agreed on motion 1 — not to treat the SSRB report as Holy Writ.

There are many terms contained in the SSRB report that I am not entirely happy with. The other route to take in terms of the SSRB report is to say that in principle we support it. However, we should not confine ourselves to every jot as there are things in it which have gone through that we have disagreed with. I agree with the terms of motion 2 that clause 3 is so unjustifiable

that common sense suggests that it should not form any part of it.

Nobody would argue with the principle that an Assembly Member, or any office holder, should receive some severance pay when he loses his job. However, this is different from an office holder on a big salary being moved down to what is still a good salary, compared with that of the average working man. If you like, we are cutting the level of luxury that people are enjoying and compensating them whenever that happens. These are two fundamentally different positions.

There is an argument that says that we will be vulnerable if we depart in any way from the SSRB report; but we have seen that we have been vulnerable when we have followed it, so neither side of that argument is watertight. Somewhere, as an Assembly, we have to draw the line. If we follow the SSRB report slavishly, we will have people arguing that if it were a condition of payment that we slaughter the first-born in the Province, would we glibly nod our heads at that?

There has to be a point where, while the broad principles of the SSRB report are accepted, we must apply some degree of common sense and justify each of these things. While I disagree with some of the terms of the SSRB report, there are others which have some justification, for instance, mileage allowance and allowances for those on Assembly business out of the country. There is some justification in these cases, even if I do not agree with the exact amounts recommended.

This is one area where the SSRB has patently got it wrong: I cannot see any justification for office holders getting additional money, considering the circumstances which Northern Ireland is in.

**The Chairman:** That is why I asked Mr Fee the question. There are obviously some offices and some changes in offices in Northern Ireland which would be different from those in Scotland, Wales or Westminster. Under Standing Orders, the SSRB recommendations can be changed and insertions made. Reducing them is different from adding on to them. If we were saying that we wanted 10% more than the SSRB recommended, that would be different from saying that we wanted 10% less.

**Mr Close:** Mr Weir has identified the key word, which is "justification". I cannot justify clause 3. Similarly, if, in 12 months' time, the SSRB were to say that all Assembly Members were entitled to a pay increase of 20%, I could not justify that to myself and my constituents, and I would be objecting and opposing it. I may have difficulty with other aspects of the SSRB recommendations with regard to different allowances, but the key question is whether I am prepared to try to justify them. I am prepared to attempt to justify the other issues that have come before us. However, I am

not prepared to attempt to justify this one because I do not see any justification in it.

**The Chairman:** OK, we will have to bring this to a vote now. It is decision time, unless we have any other amendments to consider. I think Mr Leslie had another amendment to propose. Is that correct?

**Mr Leslie:** No. That was relating to the point we discussed about the definition of salary. I think we have that matter under control, and we do not need to put down an amendment.

**Mr Hussey:** I would like some clarification. I find myself sympathising with points that are being made here. With respect to the matter of office holders, if there were a declaration of interest — given the definition of ‘office holder’ — how would that affect a vote in the Assembly? I am concerned about our overall interests.

**Mr Leslie:** That can cut both ways. That seems to me to be an absolutely classic further reason for not interfering with the SSRB recommendations. We could not then be accused of exercising an interest, whether it be a positive or negative one.

**Mr Hussey:** I have no interest to exercise.

**The Chairman:** Fundamentally, the Assembly has to legislate for Members’ salaries, and even if they deal with their own salaries by accepting the SSRB recommendations, it can still be said that they have an interest.

*Question put.*

**The Chairman:** There are five in favour, four against, and one abstention.

*Question accordingly agreed to.*

**Mr Maskey:** I would like to raise two other points. I put on record in previous discussions that I am also unhappy about clause 1. I understand that we cannot debate this matter now because we have other business to conduct, but I wish to put on record that I will be putting an amendment to the Assembly, and I will take guidance on that. I am also unhappy with the vagueness of clause 4. I would prefer that any winding-up allowance be linked to something more substantial than Members just having to say that they necessarily incurred £11,500 on expenses.

**The Chairman:** Do members want to come back to this another day, or do they want to put forward any proposals or amendments now?

**Mr Maskey:** I am happy to leave this to another day, when I will present the amendments that I want to make.

**The Chairman:** That will allow us to get on with the Pensions Bill. If any other member has further amendments, could he table them when this is next being discussed. In any event, because there are references to the Pensions Bill, they will probably have to wait until after that Bill.



## ASSEMBLY MEMBERS' PENSIONS BILL (NIA 1/99)

**The Chairman:** I welcome Rev Robert Coulter and Mr Evans representing the Assembly Commission; Mr Watson representing the Assembly Shadow Pensions Trustees; Mr Millar, the Director of Finance and Personnel; Mr Hamilton from the Department of Finance and Personnel; and Mr Ballantine from the Government Actuary's Department.

Mr Coulter, the floor is yours.

**Rev Robert Coulter:** I thank you on behalf of the group for your invitation to appear before the Committee today as you commence scrutiny of the Assembly Members' Pension Bill.

I will give a general introduction to the Bill and then hand over to Denis Watson who will give an account of the work of the sub-Committee. Jim Hamilton, assisted by Mr Grant Ballantine from the Government Actuary's Department, will go through the Bill's provisions in more detail. We will then answer any questions you may have.

Members will be aware that the Bill passed its Second Stage on 17 January 2000 when the Assembly agreed its general principles. The purpose of the Bill is to make provision for the payment of pensions and gratuities to, or in respect of, persons who have been Members of the Assembly. The Assembly is expressly authorised to pass such a Bill under section 48 of the Northern Ireland Act 1998. The pension scheme contained in the Bill complies with the recommendation of the Senior Salaries Review Body (SSRB)

"that in proportion to a Member's salary and service a pension scheme for Members of the Assembly should be established, to provide the same categories and substantially the same levels of benefits as are available to MPs at Westminster under the Parliamentary Contributory Pension Scheme."

The Bill is unusual in that it is highly complex and technical, and I am sure the Members will agree that, next to taxation, pensions form probably one of the most complex areas of statute law. Large portions of the Bill are, however, well preceded in that they follow corresponding provisions in the House of Commons scheme, the Scottish Parliamentary scheme and the Welsh Assembly scheme. The structure of the Bill is also unusual — the body of the Bill contains only four sections. The pensions scheme is then set out in an extremely long schedule, and it is on the schedule that I imagine the Committee will wish to focus most of its attention.

The draft of the Bill is the result of extensive consultation, and I cannot stress enough the effort that has been put in to ensure we have a Bill which is acceptable and competent. As long ago as last April the

Commission considered an illustrative draft of the pension scheme. Since then it has been refined as a result of advice from the Government Actuary's Department, which is the principal adviser to public service pension schemes throughout the UK; the pensions policy section in the Cabinet Office, which advises on the House of Commons scheme; the pension schemes office in the Inland Revenue; and the public service pensions section in the Treasury. The Bill was further refined as a result of the recommendations of Mr Watson's sub-Committee, which had the benefit of comments from the Fees Office at Westminster.

The Commission now feels that the scheme, as contained in the Bill, provides Assembly Members with equivalent benefits to those available to MPs at Westminster. In addition, it provides the facility for Members to pay retrospective contributions, so that their service from taking up their seats in the Assembly until the Bill is passed is also pensionable.

I look forward to hearing the views of the Committee. Before doing so, with your permission, I ask Denis Watson to explain the role of the sub-Committee in the process of bringing the Bill to this stage.

**Mr Watson:** I do not want to take up too much of the Committee's time since a written report is available of the work of the Pension sub-Committee of the Assembly Commission, of which I am Chairman. I would like to explain briefly the origins of the sub-Committee, how we have gone about our work and how we see our role in the future.

First, our origins lie in a decision by the Assembly Commission that when the pension scheme comes into effect, responsibility for it should be assumed by five trustees appointed by the Assembly from among its Members. So that the trustees had a chance to learn the ropes before taking up their duties, it was decided that we should be appointed in shadow form until the Assembly was given the power to appoint trustees officially when the legislation comes into effect. Our main task to date has been to shoulder some of the Commission's burden in scrutinising the detailed provisions contained in the draft of the Bill prepared by officials. We have also been engaged in planning how best to administer the scheme once it comes into operation.

During a number of meetings we have gone through the detail of the scheme with officials. We would like to put on record our thanks, particularly to Jim Hamilton, who was helped by specialist staff from the Government Actuary's Department. By and large, we were satisfied with the approach taken, but there were a number of areas where we felt improvements could be made. Our recommendations in these areas are set out in our report.

In particular, we advocated a consultative role for the trustees in the event of any amendments, a fairer method of paying retrospective contributions for service before the scheme comes into effect, a more flexible approach to those who have less than two years' service on leaving the scheme and a more appropriate relationship between the Actuary and the Assembly for fixing the Assembly's contribution to the pension fund. I am pleased to say that the Commission accepted all our recommendations and that they are included in the version of the Bill that you have before you today.

We are now concentrating on the preparations for the administration of the scheme once it comes into effect on the passing of the Bill. Two Members have already attended a meeting of the trustees of the Westminster scheme so as to appreciate better the duties and responsibilities which we will face — on the assumption that the Assembly will in due course ratify our shadow appointments. Further training for all the trustees is planned in the next few weeks. We have decided to take up the offer from the Assembly Commission that staff from the Finance and Personnel Directorate will assist us in the day-to-day administration of this scheme. The Government Actuary has agreed to continue to provide a consultancy service and will be the formal Actuary to the scheme.

I can assure the Committee that once we are sure of the final structure of the scheme, one of our priorities will be to communicate this to Members of the Assembly. We have in hand the preparation of a short guide to it. We will be holding a lunch-time seminar for those Members who would like a brief presentation with an opportunity to have their queries answered.

I know that the Committee is anxious to get down to scrutiny of the detailed provisions of the scheme. I would like to finish by saying that my fellow trustees and I will be more than happy to consider any suggestions you may have for ensuring that Members, generally, are aware of the benefits of the scheme so that they can take these into account in their personal financial planning.

**The Chairman:** Thank you very much, Mr Watson. I thank the members of the Commission for the work that they have done. I know that while in shadow form, when other Members may not even have been in the Assembly, the Commission was working away to provide a Bill that would look after the interest of Members in retirement. The hard work that you have done to date is welcomed. This is quite a comprehensive Bill, very technical and detailed, and a lot of work has gone in to it. Again, I want to thank you.

The way we want to proceed is for Mr Hamilton to take us through the Bill, from clauses 1 to 4. We will stop if Members have questions as we are going through

it, or take Members' questions at the end. That would probably be better.

**Mr Hamilton:** Before doing that, I will give an overview of the main benefits of the scheme so that you can see how the detailed provisions fit in. We have prepared some notes, which have been distributed to the Committee, and which set out some of the things that I will be saying in a little more detail.

First, the design of the scheme is based on final salary and length of service. All Assembly Members will be in the scheme unless they opt out. The contribution rate for Members will be 6% of salary. The Assembly will pay the rest. There will be a facility to cover service back to 1 July 1998, which was the date when most Members took up their seats.

The benefits are based on one fiftieth of final salary multiplied by the length of service. The maximum pension that any Member can receive will be two thirds of final salary, and there will be an opportunity to commute part of the pension to a lump sum.

The normal retirement age for Members in the pension scheme will be 65, but early retirement will be permitted if a Member retires over the age of 50 and has served at least 15 years. In that case, there would be a reduction in the pension because of early payment. There will be no reduction if a Member retires at age 60 having served at least 20 years. There will be no reduction in pension if a Member retires seriously ill.

With regard to death benefits, if a Member dies in service there will be a lump sum benefit of three times salary. There will also be a spouse's pension of up to five eighths of the Member's prospective pension. If a Member dies in retirement there will be a spouse's pension of five eighths of the Member's pension. There will also be a guarantee on the benefits paid within five years of a Member's retirement.

The pensions will be increased in line with inflation. We have already written to the Inland Revenue to have the scheme contracted out of the State Earnings Related Pension Scheme. Where Members retire from the Assembly before the age of 65 they will have their pension deferred until age 65. Office holders will accrue a pension on the ordinary Assembly Member element of their salary as well as on the office holders element. The office holders element of the pension will be paid at the same time as the main pension. Overall, Inland Revenue limits will apply to both elements.

In the case of Members who are also MPs or MEPs, the Assembly Member element of their pay is reduced to one third of the standard rate. Their pension will be based on this level also. If a Member ceases to be an MP or MEP, the Assembly Member element of his salary will be increased to the full rate. However, the

pension for the period during which he has a dual mandate will still be based on one third of his salary.

**The Chairman:** Maybe we could stop there. That is part one concluded.

**Mr Close:** When people are taking out pensions, do they not look at retiring at an age younger than 60? In the case of this scheme the retirement age is 65, but when you look at the subject generally, more and more people are retiring at the age of 60, and there are people trying to retire at 55. Why jump in at 65?

**Mr Hamilton:** I almost hesitate to say this, but obviously this is because of the SSRB recommendations that will bring us into line with the parliamentary scheme at Westminster. It is also possibly due to the ages at which Members tend to take up and leave their posts at Westminster. That said, there is a facility in the scheme whereby people can retire earlier if they have 15 years service. There is also a facility in the scheme to buy added years or pay additional voluntary contributions to enable someone to retire earlier than at the normal retirement age.

**Mr B Bell:** It would be impossible for some Members to retire at 50 or below 65, as they are already over 65. What is the position in relation to such Members? This says that all Assembly Members will be in the scheme unless they opt out. How would a Member aged 65 or over benefit from being in this scheme?

**Mr Hamilton:** The pension of a Member aged over 65 will accrue in the same way as that of a Member who is under that age. If a Member aged over 65 is, say, planning to retire at the next election in 2003, he will have accrued almost five years' service by then and, if he wishes, could draw a pension at that time. Obviously, he will be over 65 and so will meet the main requirement for drawing a pension.

If that Member leaves the Assembly, the pension will be triggered. He will be entitled to a pension of five times his final salary times one fiftieth. He will have the option, within certain limits, of taking part of that pension as a lump sum.

**The Chairman:** Why is one fiftieth used for the calculations and not one sixtieth or one eightieth? I understand the Civil Service uses one eightieth. Is that right?

**Mr Hamilton:** I think that the Civil Service uses one eightieth, but there is a lump sum on top of that. The Civil Service figure is probably closer to one sixtieth, although not quite as generous as that.

The reasoning behind the use of one fiftieth reflects the anticipated length of time that Members may be in the Assembly. Members are unlikely to be in the normal situation of coming in aged 20 and leaving at 65 or even at 60. There is, therefore, a slightly faster accrual rate

than might be the norm. There is no doubt that it is a good pension scheme because of that accrual rate.

**Mr Weir:** Does one fiftieth apply at Westminster?

**Mr Watson:** The Westminster rate is currently at one fiftieth. However, Members and the Committee there are currently considering changing it to one fortieth.

**Mr Leslie:** I would challenge the contention that this is a particularly generous scheme. I regard it as an average sort of scheme. One has to be in this scheme for 33 years to get full benefits: 33 years is a pretty long time to be in the Assembly. The overall package of benefits has to be right to be attractive to Members. While I have no intention of challenging the SSRB recommendation on this, I am glad that Westminster is looking at one fortieth.

One fortieth is probably a more realistic reflection of the length of time that people are in a political career. After all, this is a second pension. Given the age profile of those involved, it is not driven by a particularly high salary. For the record, my advice to Members is not to regard this as a generous pension. It is an average pension, and I am not saying that there is anything wrong with that.

**Mr Hussey:** If a Member decides to come out of a previous pension scheme, could the previous scheme be married to this one?

**Mr Hamilton:** There are provisions in the scheme for other pension rights to be transferred. The trustees are currently considering the preparation of a short explanatory note for Members. This would identify the key issues to be addressed when considering the transfer of previous pension rights.

Assembly Commission staff will investigate previous pension rights when the scheme comes into place and, in conjunction with the Government Actuary, will put a value on them. Members can then decide whether to transfer them.

**Mr Close:** Are there any legal consequences of continuing to make contributions to the scheme?

**Mr Hamilton:** One cannot continue to make contributions if they are in respect of the same employment. However, a Member who has a separate employment can pay into a pension scheme for that employment as well as to the scheme for his employment as an Assembly Member.

**Mr Close:** Do the Inland Revenue cut-off points apply to them cumulatively or separately?

**Mr Ballantine:** The Inland Revenue contribution limit of 15% of pay applies separately. It is 15% of the combined pay. The typical benefit limit is one sixtieth, and if you are in employment for 40 years, the



maximum pension is two thirds of your final pay. That would apply to the two employments separately. But it is subject to the overriding provision of the earnings cap, with the maximum pension being two thirds of £90,600.

**Mr Leslie:** Is there any health insurance cover in the scheme?

**Mr Hamilton:** No, the provision is for an ill-health retirement pension. For example, if a Member aged 55 has to retire because of ill health he can draw, subject to certain stringent conditions, an ill-health pension at that time and his service is made up from age 55 to age 65. So when calculating the Member's pension, he has an extra 10 years' service added on to his actual service.

**Mr Leslie:** Final salary schemes do not buy out very well. I could not find a reference to the transfer value in the Bill — though I am sure that it is in there somewhere. How is the transfer value arrived at?

**Mr Ballantine:** The Bill contains the transfer powers. There is a provision in the Bill for the transfers to go out of the scheme or into the scheme. But the actual detail of the calculations and the service credit to be given in respect of an incoming transfer are matters left to the discretion of the trustees, as advised by the Actuary. These can then be changed from time to time to reflect both the market conditions and changes in the benefits structure of the scheme. How much one could get in respect of what will come out in the small print, as it were. It would be inappropriate to put more details into the Bill because it would be very difficult to change them when market conditions changed.

A word of warning regarding transfers: the transfer itself is not necessarily a panacea — transferring benefits from one pension arrangement to another arrangement is an option, and each Member would need to consider his particular circumstances carefully before deciding whether or not to transfer.

**Mr Leslie:** I am acutely aware of that.

We have moved — supposedly — to a flexible and more portable pension regime. It would be good if the Assembly's pension regime could be regarded as "best practice". I have not yet had time to look at this in detail, but I suspect that, as the scheme is a final salary scheme, it is not a particularly good example of how you can do a pension. This is not necessarily a criticism, because there are a lot of other constraints on it; but it is an observation. Is it a valid observation?

**Mr Ballantine:** There are two different ways of providing pensions. One is a defined benefit approach, which is what this proposed scheme is, in which the Members are promised a certain level of benefit in return for a specific level of contribution. It is the Assembly, or effectively the taxpayer, that is taking the

risk of the contributions being higher or lower than required. The taxpayers' contribution varies in order to meet the promised benefits.

The second approach is a defined contribution approach in which the contribution to the scheme is specified and, in very broad terms, that approach is slightly more flexible. From the Members' point of view, the big downside with a defined contribution approach is that one does not know what benefit one is eventually going to get.

The SSRB looked at this issue, and it came down in favour of a defined benefit approach in Members' own interests. They also looked at this in relation to a much smaller scheme — the 24 members of the Greater London Authority — where there is, in our view, a much stronger case for a defined contribution approach. Nevertheless, the SSRB came up with the recommendation that a defined benefit approach should be adopted there too.

Within a defined benefit scheme, there are different types of defined benefit approach of which final salary is only one, but it is by far the most common. It may reassure you slightly to know that the final salary element in the Assembly Members' pension scheme is rather less extreme than in other areas of employment such as the Civil Service, the teaching profession, and so on, mainly because all Assembly Members get the same rate of pay, apart from office holders. But there is no career structure as such for Assembly Members as there is in most other areas of employment. So the final salary element is not so exaggerated or important in the Assembly Members' pension scheme as it is in other defined benefit schemes.

**Mr Close:** Members pay 6%, and the Assembly pays the rest. What is the rest in percentage terms — is it 10% or 12%?

**Mr Hamilton:** The latest estimate that we have from the Government Actuary's Department is that it would be 18% or 19%. The total contribution amounts roughly to 25% of salary.

**Mr Close:** What is the final deciding factor in that? What will the latest —

**Mr Ballantine:** A final calculation will be made once the Bill has been approved. I would not expect it to differ from 24%, of which the Member pays 6% and the Assembly pays 18% plus the administration costs. It would change only if there were some significant change in the Members' contribution, which is unlikely.

**The Chairman:** May I say at this stage that we are dealing here with the introduction to the Bill? There will be plenty of time to get into the nitty-gritty of it as we proceed. I propose that we now look the first four schedules and take it from there.



**Mr Hamilton:** Moving to the structure of the Bill, Members are fully aware that there are four clauses. There is the schedule that contains the actual scheme which is in 18 parts, and there are six further schedules to the main schedule.

Clause 1 brings the scheme into effect from the day that the Bill is passed. Clause 2 gives power to the Assembly Commission to amend the scheme by subordinate legislation with the consent of the Minister of Finance and Personnel and after consultation with the trustees. This amendment has to be, by order, approved by the Assembly. Any amendments to the scheme must not worsen accrued rights unless they relate to current Members or there is an option for the accrued right to remain unaffected. The Commission does not currently have rule-making authority, so clause 2 also gives the Commission this rule-making status. Clause 3 provides for pension increases in line with the retail price index, and clause 4 gives the short title of the Bill.

That is an explanation of the main body of the Bill. I am happy to take any questions, or I can launch into the schedule itself.

**The Chairman:** Unless someone has any particular points to raise, I think we should go through the schedules.

**Mr Hamilton:** Part A deals mainly with definitions of the terms used in the scheme, but clause A4 deals with the important issue of retrospection in the application of the scheme. I will briefly summarise clause A4. The scheme applies to service by Members and office holders from the day the Bill is enacted, and to all service since the 1 July 1998. That was the date Members took their seats in the Assembly and it is the effective date of pensionable service for Members.

I understand that three Members did not take their seats until the middle of September and in their case the date of pensionable service will start from that date in September. There is an option not to have the scheme apply from the 1 July 1998. If Members do not want to have the period from 1 July 1998 until the date at which the Bill comes into effect covered, they should inform the trustees. However, that option must be exercised within three months of the Bill's being enacted.

**The Chairman:** How much would it cost Members in retrospective contributions?

**Mr Hamilton:** Note 27 provides an estimate of the arrears due from an ordinary Member. We estimate that if the Bill is enacted at the beginning of April, Members would owe retrospective contributions of 17 months at 6% of the old salary of £29,292, and four months — from December 1999 to March 2000 — at 6% of the new salary of £38,036. This assumes that the Bill is enacted at the beginning of April. The total amount will be £3,251 if the Bill is enacted by the beginning of April and Members start to pay the contributions in

April. The Bill provides that retrospective contributions should be collected by Members paying an additional monthly contribution at 9% on top of their normal contribution of 6%. That would mean an additional payment of £285 a month. As Members are in the higher tax bracket that amount would reduce to £171 in take-home pay.

**Mr Close:** If you paid a lump sum would you get 40% tax relief?

**Mr Hamilton:** Yes.

**Mr Ballantine:** As long as it is within the overall 15%, which would be the case here. The 9% added to the 6% contribution would be equivalent to 15% for a year.

**Mr Hamilton:** If the Bill makes quicker progress than anticipated and is enacted during this current tax year, Members could take advantage of the tax allowance for this year. As the provisions of the Bill stand, an automatic deduction of 9% will be made for these retrospective contributions. Of course, other arrangements can be made with the trustees. Indeed, I think the trustees would welcome Members who pay the £3,251 on the first day.

The 9% is designed to recover the arrears in 12 months. If a Member were to leave during that time, the outstanding arrears would be deducted from any pension or gratuity which might eventually become payable. Ms McWilliams made a point in a plenary session of the Assembly during the second stage of the Bill concerning the “all or nothing” approach to cover retrospective contributions from 1 July 1998.

She made the point that perhaps some Members who have retained other pension schemes beyond 1 July 1998 will not wish to enter this scheme until later on. Presently the scheme does not allow for that, but I am aware that the sub-Committee of the Commission and the Commission itself intend to examine this issue. From a legal perspective the legislation can be made more flexible, but Members will appreciate that article A4 is already fairly complicated, and the effect will be to complicate it further.

The important issue raised by Monica McWilliams is that some Members may be under a misapprehension as to how far back they can go. Even if they have been in other pension schemes since July 1998 in respect of other employment, that does not prevent them from also subscribing to this pension scheme in respect of the same period. Members in this position will wish to consider whether they wish to have the benefits of their previous pension scheme as well as this one.

**Mr Close:** On that point, can Members buy added years retrospectively by transferring schemes? In other words, although Members were elected in 1998, could they place a lump sum into another scheme to increase

their pension to the point where it is worth an amount equal to that which would have accrued had they been elected five years earlier?

**Mr Ballantine:** There are two aspects to consider. The first point was touched on earlier and concerns the facility for transferring benefits accrued in another scheme into this scheme. Secondly, regardless of arrangements in other schemes, this scheme includes a facility to buy added years. Effectively, this permits Members who wish to do so to buy back five years' worth of pension rights, assuming that scope exists within the Inland Revenue's maximum limits.

**Mr McClelland:** If Members buy back added years in their previous scheme, can they also buy back added years in this scheme?

**Mr Ballantine:** The added years facility is available in this scheme irrespective of whether Members have bought back added years in a previous scheme. The terms for purchasing added years in this scheme may be less, or more, generous than the terms of a previous scheme, and the terms of the previous scheme will not flow through into this scheme.

Presumably the purchase of added years in previous schemes was stopped following election as an Assembly Member and therefore the added years would be scaled back in some way, but Members can pick up any shortfall by making additional contributions into the Assembly scheme.

**Mr Hamilton:** Where a Member dies before the Bill is enacted, then the trustees may pay benefits as if the scheme had been in operation since 25 June 1998. However the trustees will not have the power to do so until this scheme is passed. Any arrears of contributions in relation to service by a Member since July 1998 until he dies would be taken out of any death gratuity payable.

**Mr Weir:** I cannot understand why the date of the election, 25 June, is used for some purposes and the date of Members coming into office, 1 July, is used for others. Why the discrepancy when the differences are so slight?

**Mr Hamilton:** In some cases 25 June, the date of the election, has been used as a reference point, but under the Northern Ireland Act, those persons elected do not become Members of the Assembly until they have taken up their seats, hence 1 July is the date that determines their pension rights.

**Mr Weir:** I appreciate that and wonder, therefore, whether it would be more logical for the sake of consistency to have the trustees pay Members' benefits as if the scheme had been in operation from 1 July. I presume there would be minimal effect in terms of the actual amount paid.

**Mr Hamilton:** These are two separate issues. It is phrased as though the scheme had been in force on 25 June, but the Members' benefits will not be calculated until 1 July.

**The Chairman:** Perhaps we should move on from the end of part A. We can, of course, come back to particular points Members raise. Where items receive approval at this stage of part A, we can say that Members are satisfied, though approving them does not stop us from coming back to them at any time in the future. It does, however, clear the way. Are Members satisfied with this? Are we all agreed on these terms? Once again, if there are points to which people wish to return, we shall do so.

**Mr Hamilton:** Part B establishes the pension fund. The administration of the fund will be the responsibility of the trustees. Trustees will hold the assets of the scheme in trust on behalf of the beneficiaries. We have already mentioned that the Assembly can appoint up to five trustees. Trustees can resign by writing to the Speaker or can be removed by resolution of the Assembly. Interestingly, they do not cease to be trustees merely because they leave the Assembly. This stipulation is included so that the scheme is not left without trustees if all the trustees fail to be returned at the next election. There was a difficulty with the Westminster scheme after the last election, when there were no trustees left to run it.

**Mr Close:** What about the case of someone who becomes bankrupt? Is that not a consideration for a trustee?

**Mr Ballantine:** Indeed it is. While this does not often happen, I believe that there is a prohibition in the Bankruptcy Acts, the insolvency laws, preventing a bankrupt from acting as trustee. One does not find this in pensions legislation, but it is a part of the insolvency legislation. This applies not just to pension schemes but to trustees of any arrangement.

**Mr Weir:** The Assembly obviously has the power to appoint trustees. Presumably Mr Ballantine feels this sufficient to cover casual vacancies in case the Assembly has to appoint someone, if, for example, one of the trustees dies. I take it that we would appoint another Member at that point. Is he happy enough with the drafting?

**Mr Ballantine:** Yes.

**The Chairman:** I should like to ask a question about Members being allowed to continue as trustees after failing to be re-elected to the Assembly. Is that a safe situation for Members? What role would they then play in a trustee's bankruptcy?

**Mr Hamilton:** As soon as a new Assembly meets, it can re-appoint the trustees. At the start of a new Assembly there can be a great deal of other business taking place, and this may not be the first priority.

Allowing existing trustees to stay on, therefore, gives the schemes a breathing space at a very important time when a substantial number of Members may be leaving as a result of the election.

**The Chairman:** Would it not be better if we had a pointer for the Assembly stipulating that it would have to reappoint trustees as soon as possible, perhaps within a certain number of days?

**Mr Hamilton:** We took the view that we should not be too prescriptive, for it would be difficult to foresee exactly what the circumstances might be when any new Assembly met. We have taken quite a flexible approach.

**The Chairman:** Although it would probably not affect this situation to the same extent, in many cases we have had a scheme running for a period of years with the same trustees in place. If it lapses, people can sometimes forget how they were actually appointed in the first place. Perhaps the Assembly would remember fairly quickly in such a situation, but it nevertheless deserves our attention.

**Mr Hamilton:** Once the Bill is passed the Assembly will have to appoint the five trustees for the scheme immediately. We would not wish a situation where the regulatory authority criticised the scheme — without anyone's actually running it. That is an interesting point. Members of the Commission would actually be business managers.

**Mr Evans:** The Commission agreed that the trustees will act as those administering the scheme on its behalf and will not be Commission members. One of the shadow trustees has become a Commission member and will continue as that until the implementation of the scheme. All the trustees will have to be confirmed once the scheme comes into effect.

**Rev Robert Coulter:** The other aspect of that, Mr Chairman, is that when there is a changeover and someone is not elected, that person can be removed by resolution of the Assembly, as you can see in 27 and 28, and another appointment made.

**Mr Close:** The point at (7) says

"The expenses of the Trustees shall be defrayed out of the Fund".

That is a bit loose. There have been cases of trustees spending a lot of money.

**Mr Ballantine:** You are right; it is meant to refer to the expenses of running the scheme.

**The Chairman:** Expenses incurred in running the scheme.

**Mr Ballantine:** We can have a discussion with the draftsman to see whether that needs to be tightened up.

**Mr Hamilton:** Other issues involved in that part (7) are that the trustees can decide on their own procedure,

the quorum is three and decisions may be taken by majority. Denis Watson of the sub-Committee has said that they would try to operate on a consensus basis. Trustees are to appoint professional staff and services, and as far as the fund itself is concerned, all pensions are obviously paid out of the fund of money received from Members' contributions. Any additional voluntary contribution scheme is kept separate.

Schedule 1 goes into more detail about the fund and gives the trustees power to appoint fund managers; it also gives them wide investment powers and requires them to keep accounts as directed by the Comptroller and Auditor General who will audit the annual accounts and bring his report before the Assembly.

**The Chairman:** Are we finished with part B?

**Mr Hamilton:** I was bringing schedule 1 in along with part B — it really is an expansion of part B. Are you happy with that?

**The Chairman:** Yes.

**Mr Hamilton:** The trustees are also indemnified out of the fund against liability incurred in performance of their duties, unless they act dishonestly, in bad faith, or recklessly. This is an identical provision which was brought in last summer for the parliamentary scheme at Westminster.

**Mr Attwood:** May I ask about the possibility of major decisions being made by a minority of the overall membership, but a majority of those present and voting? There are five trustees, and the quorum is three. On key issues the majority could be just two out of five. Is that consistent with best practice elsewhere?

**Mr Ballantine:** It happens elsewhere — it is quite common with trustees. But there are provisions in general pensions legislation to ensure that trustees are properly notified in advance of the business, and important issues cannot be brought in at the last minute, unless the absent trustees are notified and given a chance to express their views.

**Mr Attwood:** So you can get your procedures right but still end up with a two-trustee vote, which could have very significant consequences.

**Mr Hamilton:** Of course, the trustees must operate within general pensions legislation. —

**Mr Attwood:** I am not raising any issue with the scheme itself; I am just confirming that that is the case.

**Mr Evans:** The Commission will need to be content before any amendments can be made. So, another layer of regulation will be there.

**Mr Ballantine:** Trustees do not have unilateral power to change the rules, to increase or decrease the benefits. That power lies elsewhere. The trustees' role is



essentially a producers' one, and they must act in the best interests of the Members. Any wider political ramifications are not relevant to the trustees.

**Mr Weir:** Presumably, if a decision is taken by a small number of trustees and this is regarded as a minority decision, there would be nothing to prevent the trustees who were absent overturning such a decision at the next meeting. This would resolve the matter given that the actions of the trustees are not likely to have an immediate impact.

**The Chairman:** That brings us to the end of part B. With respect to the trustees and how they are elected and re-appointed, are members happy that the wording covers this, or do we need any amendments? Also will you be coming back to the Committee with an amendment to clause B2, paragraph (7)?

**Mr Hamilton:** We will be happy to consider whether paragraph (7) is tight enough. We would like to take legal advice on that matter and report back.

**The Chairman:** Are we content with that? Are we content with the present wording in clause B2 paragraph (2)(c) as regards the reappointment of trustees. Does it need to be more specific?

**Mr Hamilton:** Is there another issue, Mr Chairman?

**The Chairman:** Yes, as regards the point we were raising about reappointment in relation to clause B2, paragraph (2)(c). Does that need to be more specific? Shall we move on to part C?

**Mr Hamilton:** Part C deals with membership of the scheme. All Assembly Members will automatically become members of the scheme when the Bill is passed unless they opt out. Office holders will also be in the office-holders' part of the scheme as long as they are in the ordinary Members' part and have not opted out.

In discussing the Allowances Bill we dealt with the definition of office holders as required by section 47 of the Northern Ireland Act 1998. A Member can opt out by writing to the trustees within three months of his election, or within three months of the enactment of the Bill. In that case his contributions can be repaid. An office holder can also opt out of that part of the scheme and, if that happens within 12 months of his election or of the enactment of the Bill, his contributions can be repaid. Otherwise, the administrators will put the option into effect as quickly as possible.

An opted-out Member can rejoin the scheme after a subsequent election provided he writes to the trustees within three months of election and pays any arrears of contributions within 28 days of acceptance by the trustees. There must be a gap of at least 3 months between the effective opt-in date and date he was last elected to the Assembly. An opted-out office holder can

rejoin from the start of a new term of office if he writes to the trustees within 12 months of the start of the new term.

The guidance notes that the trustees are considering issuing to Members will include a form which must be signed by Members to acknowledge that if they are going to opt out of the scheme they are aware of the benefits that they may lose by doing so.

**The Chairman:** Is there no responsibility going back to the trustees?

**Mr Hamilton:** A Member can make a clear statement to the effect that he acknowledges the loss of benefits by opting out of the scheme.

**The Chairman:** The wording that is used is "he pays". When the Bill is printed will it say "he or she" or "she or he"? It runs as "he" throughout the Bill.

**Mr Hamilton:** I am not an expert in this area, but under the Interpretation Act "he" in a Bill means "he or she".

**Mr Close:** It is the same in the Northern Ireland Act.

**The Chairman:** Mo Mowlam was referred to as a "he" when she was Secretary of State, so we will not come in for any criticism.

**Mr Hamilton:** I am not saying that we will not come in for any criticism, but legally it is watertight to have "he" — that covers everyone.

**The Chairman:** Would there be a problem with inserting "he or she"? I am thinking of the image rather than of the legalities.

**Mr Hamilton:** That question goes beyond this Bill. To do that would entail a different approach in all legislation. This goes beyond our competence, but it may be something that you might want to pursue.

**Mr Weir:** As a Committee we would have to ensure that our recommendations were checked through to ensure that "he" was changed to "he or she". It seems to me that this is covered by the Interpretation Act, and that saves unnecessary time.

**Mr Millar:** We will check it, but if it is as we suspect, we will not recommend that those changes be made.

**Mr Attwood:** Sooner or later that issue will have to be addressed. Elsewhere in the draft legislation "participating Member" refers to somebody participating in the pension scheme. So why, in the legislation, can there not be a reference to a Member of the Assembly who may become a participating Member, therefore avoiding the issue of "he or she"?

**Mr Hamilton:** It is difficult to avoid "he or she" in all circumstances, and I do not think that we could substitute "Member" or "participant" in every case. The



legislative counsel would find that difficult to implement, but there are occasions when it could be done.

**Mr Attwood:** "He or she" becomes a "participating Member", so why can "he or she" not be "Member" or "Member of the Assembly"?

**Mr Hamilton:** In some cases "he" would not necessarily refer to a Member of the Assembly or to a member of the scheme. There are obviously different circumstances when "he" is used.

**Mr Weir:** Clause 1 of the Allowances to Members of the Assembly and Office Holder's Bill refers to "he". This may be something that has just been thought of, but am I to presume that there is general cover under the terms of the Interpretation Act? At a later stage there may be explicit rules about where "he" should be used in a Bill, but spending time now picking through for "he" or "she" or "it" is a waste of time.

**Mr Kane:** On page 9, line 10, the term "three months" is written in words, but on line 33 the term "12 months" appears in figures. Why is it not consistent?

**Mr Hamilton:** I am not an expert in this area, but I think that numbers one to nine are written in full, and thereafter we use numerals. I will check and let the Committee know what the legislative counsel's practice is, but I know that it is standard.

**Mr Ballantine:** That is a common convention, and there is nothing legalistic about it. If the number is a single digit, you use letters, and if it is a double digit or more, you use figures.

**Mr Kane:** Or it may be that two or three Members made up the report?

**The Chairman:** Perhaps lines with "one" could be misinterpreted for something else.

**Mr Hamilton:** Let us move on to part D.

**The Chairman:** There is nothing on C.

**Mr Close:** I would like to go through C5 and C6 again, because I am a bit slow in assimilating.

**Mr Hamilton:** C5 relates to the right of Members of the Assembly to opt in again. It says that this can only be done at a subsequent election, so if a Member opts out now, he has to opt out for the rest of this term. If, however, he is re-elected, writes to the trustees within three months and is accepted, he can then pay his arrears of contributions back to the date of election and be readmitted to the scheme. Another stipulation is that

there cannot be less than a three-month gap between that election and the one before.

**Mr Close:** Is that open-ended? Could it be for as long as five or 10 years? Could a Member opt out in one term and then not stand for election for another five or 10 years?

**Mr Ballantine:** He would opt in only for service after the date of the opt-in, but that would not have any impact on his past service.

**Mr Close:** Would it not?

**The Chairman:** So if a Member were in the system for one term, then opted out but came back into it again if re-elected, would the previous years then be lost?

**Mr Ballantine:** If he were contributing, the pension would count, and if he were not contributing, it would not count. He cannot recover the past. He could recover it at full cost to himself while he was here if he made enough added years contribution to cover the whole cost of what was missing.

**Mr Hamilton:** The purpose of this is to avoid Members opting in and out causing administrative chaos for the trustees.

**Mr Ballantine:** I hope that this will be a technical provision, because it is unlikely to be in anyone's interests to opt out.

**The Chairman:** They cannot opt out during reviews and then back in after reviews.

**Mr Evans:** We want to keep the administration costs down, and if Members opt in and out, the costs go up.

**The Chairman:** Any other points in respect of part C?

**The Chairman:** Perhaps we should stop here. We have other tidying up to do, and some members have to go. So if everyone is happy up to part C, we can close here and invite you back again, possibly next Thursday.

**Mr Hamilton:** Are you content with the way we are going through this? We can be flexible in our approach.

**The Chairman:** Are members happy with it?

**Several Members:** Yes.

**The Chairman:** Thank you very much, Gentlemen. We had an easy run this evening, so I look forward to future meetings.



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## NORTHERN IRELAND ASSEMBLY

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### FINANCE AND PERSONNEL COMMITTEE

Thursday 3 February 2000

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### ASSEMBLY MEMBERS' PENSIONS BILL (NIA 1/99)

**The Chairman (Mr Molloy):** I welcome back Rev Robert Coulter and Mr Evans of the Assembly Commission; Mr Watson representing the Assembly Shadow Pensions Trustees; Mr Millar, the Director of Finance and Personnel; Mr Hamilton from the Department of Finance and Personnel; and Mr Ballantine from the Government Actuary's Department.

Perhaps Mr Coulter will give members a brief introduction, and we will go through part D.

We shall proceed with part D, after which I will ask members if they wish to raise any issues.

**Rev Robert Coulter:** Thank you, Mr Chairman. As you can see, we are fielding the same team as last week.

You mentioned that you have received my response to the issues raised by the Committee when we last presented evidence on 27 January 2000. We have addressed the points that you raised, so it is unnecessary for me to go through them again. We will proceed to part D.

**Mr Hamilton:** Part D provides for contributions by Members and office holders to be deducted from actual salary at the rate of 6% and paid into the fund. Where a Member's total service exceeds that which would give rise to the maximum pension allowable no contributions are payable; or where the Member's total salary is over the permitted limit — currently £90,600 — set by the Inland Revenue the 6% is levied up to that limit.

Contributions are deducted in respect of undrawn salary. For example, if an Assembly Member decided not to draw his complete salary, his contributions to the pension fund would be the same as if he had in fact done so. His pension would, therefore, be based on the full salary of an ordinary Assembly Member.

This is perhaps something of a theoretical point since, as far as we can see, under the Northern Ireland Act 1998 the Assembly has no choice other than to pay a full salary to Members, whether they want that salary

or not. The Actuary then sets the Assembly's annual contribution which, as you will recall from our last meeting, is estimated at 18% of the total salary bill for the year.

**Rev Robert Coulter:** Mr Chairman, do you wish to take any points on that?

**The Chairman:** Do Members have any questions on part D?

**Mr Gibson:** Is it your interpretation of the Act which established the Assembly that a Member has no option but to accept full salary?

**Mr Hamilton:** The Assembly certainly has no option other than to pay full salary.

**Mr Gibson:** If someone over age 65 or age 70 decides to commute part of their salary or pension to a trust, must he first receive it as salary?

**Mr Hamilton:** That is our understanding.

**Mr Gibson:** This means that a Member cannot legally transfer his money to a charity or trust, for instance. It must be paid to him as a salary and recorded as such, from an accounting point of view. Thereafter the Member may dispose of it as he wishes.

**The Chairman:** Are there any other points? Let us move along.

**Mr Attwood:** That is not correct. Most of us gave one hour's salary to charity to mark the last hour of the last millennium. That money was deducted at source, rather than being donated by us after we had received payment?

**Mr Evans:** Yes.

**Mr Attwood:** Therefore, in respect of Mr Gibson's scenario, if one wished to give a percentage of salary to a charity each month using a charity card, this could be done at source rather than after one had received payment.

**Mr Evans:** Yes. This money would be drawn from the Member's gross salary. The Member can ask the administration to pass it on to a charity, for example. It is accepted that staff give money to an amalgam of charities through their salaries.

**Mr Close:** The point is, Mr Chairman, that the 6% contribution would be payable on one's gross salary.

**Mr Gibson:** The Member makes his contribution out of the net salary. Is that correct?

**Mr Close:** No, one's contribution would be 6% of the gross.

**Mr Gibson:** Yes. Any charitable or other donation, however, would come out of the net salary.

**Mr Close:** Yes.

**Mr Leslie:** Charities can reclaim tax paid from the Exchequer.

**The Chairman:** Are we clear on that? Are there any other points relevant to this we might wish to raise before moving on?

**Mr Gibson:** So there is no island tax haven we could use.

**A Member:** It seems not.

**A Member:** Not even the island of Ireland.

**Mr Hamilton:** Part E deals with definitions of reckonable service. Actual reckonable service as a participating Member is where a Member's pensionable service and his actual service in the Assembly coincide. Another definition given is that of the aggregate period of reckonable service. This would comprise the actual pensionable service of an Assembly Member, plus any service transferred in or any additional years purchased.

In relation to an office-holder's pension, the aggregate period of reckonable service as a participating office holder is their actual period of service. There is no provision for increasing that, either by way of transferring in service or buying added years. The purpose of this part is that there be a clear definition of reckonable service in other parts of the scheme itself. Reckonable service is measured in years and fractions of a year, which is days divided by 365.

**Mr Close:** What is the thinking behind the distinction between a Member buying added years and that of an office holder who cannot?

**Mr Hamilton:** The reason is probably that everyone, whether office holder or not, has a pension based on their ordinary Member's salary. They have the facility to buy added years in relation to that basic salary or to transfer in service from outside. The calculation of office-holder's pension is different from an ordinary Member's pension. Since the facility already applies to the ordinary Member's element of pension, there is really no need for it to apply to the office holder's element. Indeed, that would complicate, quite considerably, the calculation of the office-holder's element if that were to be the case.

**Mr Close:** I can see a sort of parallel with that and severance.

**Mr Hamilton:** Part F is probably the key part of the entire scheme, since it deals with pension entitlement. In the notes we have prepared some examples to try to explain the purpose of part F more fully. Articles F1 and F2 deal with the basic pension entitlement. To be eligible for a normal pension a person has to have reached the age of 65 or over and must have actually left the Assembly. For an office-holder's element of the pension they must also have met those criteria and had

reckonable service as an office holder. When the pensions are paid, a normal Member's pension and the office-holder's pension are paid together and are cumulative.

How much of a pension is payable is set out in article F3 and was already covered last week in terms of the benefit structure of the scheme. A normal pension is based on final salary accruing at one fiftieth times service. In the case of a Member who is also an MP or an MEP  $\frac{3}{4}$  a dual-mandate Member  $\frac{3}{4}$  their pension is reduced by two thirds for any period during which they have a dual mandate.

An example to illustrate this is given at notes 38 and 39. Here we have a simple example where a single-mandate Member retires at age 65 after serving five years in the Assembly; he has never held an office-holder's post during that time; his salary in the last 12 months of service was £38,000. His pension is worked out on his final salary of £38,000 x one fiftieth x five, which would work out at £3,800. This is very straightforward and shows clearly how a Member's basic pension is worked out.

An example of how the pension of a dual-mandate Member is worked out is given in notes 40 and 41. Here we have used the same sort of basic data: a Member retires at 65 after five years in the Assembly; he has never held an office-holder's position; during the last three years of his service he was also, for the sake of argument, an MP. An ordinary Member's salary in the last 12 months of his service was £38,000.

It is important to note that, even though a dual-mandate Member would not be receiving £38,000 during his time as a dual-mandate Member, nevertheless his pension is based on that. His service is reduced by one third, so the definition of an ordinary Member's pension is crucial throughout the benefit provisions of the Bill.

Note 41 sets out the calculation of the pension. For the period of the single mandate the usual formula, one fiftieth, times £38,000, times two, applies to give £1,520. For the period of dual mandate, the same formula is also applied, that is, one-fiftieth, times £38,000. However, in this case the answer is multiplied by one third of three years, to give £760. This shows that a dual-mandate Member would take three years to accrue the same pension that an ordinary Member would accrue in one year. Therefore is £2,280 the total pension payable.

The calculation of an officer-holder's pension is more complicated. For each year in which a Member is also an office holder, a contribution factor has to be calculated. This is the contribution that is deducted from the office-holder's element of salary, divided by that which would have been deducted from a Member's ordinary salary. It does not matter whether a Member is



getting a full ordinary salary, because if they have a dual mandate the theoretical deductions from the Member's ordinary salary is used in the formula. A contribution credit for each year is calculated by multiplying the final salary by one fiftieth times the contribution factor. The pension for an office holder would be the total of those contribution credits for each year in which they held office.

A simple example of this is given in notes 43 to 45. Again, assume a Member retires at the age of 65 after serving five years. Let us say, for the sake of argument, he was a Minister during the last year of his service and that a Member's ordinary salary during this time was £38,000. His total salary during the last year was £71,400, in other words an extra £33,400 over a Member's ordinary salary. Looking at note 44, the Member's element of his pension is exactly the same as in the original example. It is worked out separately from the officer-holder's pension. For the five years he would still get £3,800.

To get the office-holder's element, we calculate the contribution factor for each year. In this case, only one year qualifies. Therefore 6% of £33,400, which is the difference between his full salary and an ordinary Member's salary, divided by 6% of £38,000, the ordinary Member's element, gives a factor of 0.879. This is really the ratio between the additional money that an office holder gets and what an ordinary Member gets. It is simply showing the proportion.

Where someone has been an office holder over a number of years, a contribution credit has to be worked out for each year. In this case we have just the one, so the formula would be one fiftieth times a Member's ordinary salary, multiplied by the contribution factor. That would give this Member an office-holder's pension of £670, which is 0.879 of the £760 that an ordinary Member would get for that year.

Normally a contribution credit would be worked out for each year, and then they would all be added up to get the office-holder's pension. In this example, the office-holder's pension of £670 could have been arrived at simply by taking the office-holder's salary of £33,400 and multiplying it by one fiftieth times one. You may ask why it is not set out like that. This system can take into account Members changing offices, with salaries rising and falling over their career.

If we based it on the final year in which the Member held office, he would come out with a very large pension if he had been a Minister in the last year. If, however, he were in one of the lower paid offices, he would come out with a very small one, even though at the start of his career he might have been a Minister on higher pay. This gives an office holder a pension that reflects the fact that he may have held offices with different rates of pay during his career.

**Mr Close:** Would that apply over a 20-year period? Would it go back that far, or would it just apply over the last five years?

**Mr Hamilton:** No. The key point would be that the office-holder's pension would be based a Member's ordinary salary in the last 12 months during which he was an office holder. In this case it is simple because that is the last year in which he was in the Assembly, and his earnings were £38,000 as an ordinary Member. However, if his contribution factor 20 years ago was 0.5, then, in relation to that year, he would get £38,000 times one fiftieth times 0.5. The £38,000 would be the ordinary Member's salary during the last year he was an office holder. This would help to bring up the pension in line with earnings.

**Mr Weir:** Is it apportioned? For example, if someone were an office holder for four months of a year, would it be apportioned on that basis?

**Mr Hamilton:** Yes. If someone were a Minister for four months, then he would only have paid contributions towards the office-holder's element for four months of the year. Therefore the top line of the formula would only be a third of what it is at the moment.

**Mr Weir:** OK.

**Mr Gibson:** How would this be affected if there were to be a legal suspension of the Assembly and a Member died during that suspension.

**Mr B Bell:** That is not funny. This is serious.

**Mr Hamilton:** Members do not have any pension cover at present. Assuming that this Bill eventually goes through in its present form then, should a Member have died in the meantime, it says that he should be treated as if the Assembly Members' Pensions Bill had been in operation from 25 June 1998.

**Mr Close:** I want to follow on from Mr Gibson's point about a hypothetical suspension. During a suspension, would office holders cease to be office holders under the pension rules?

**Mr Gibson:** Everything would cease, including this Committee. Presumably a law will be passed to say that the Assembly shall cease until certain things happen. That means that Members are likely to be suspended.

**Mr Hamilton:** The easiest way of looking at this is to consider the shadow period of the Assembly. Members were paid during that period, and this Bill will dictate that they should have paid contributions towards the scheme. Providing they eventually do so, that service will be pensionable. The key element will be whether Members are paid during a suspension. If they are paid, and this scheme eventually comes in, then that period will be pensionable.

**The Chairman:** If office-holders' salaries are reduced to a basic rate, will their pensions then be based on that same basic rate?

**Mr Hamilton:** Yes.

**Mr Gibson:** I assume that during suspension all Members will return to the basic rate. When suspension comes in will there be nothing?

**The Chairman:** We do not know. Perhaps not even the basic rate.

**Mr Close:** In that situation, and returning to the matter of added years — or added months — could office holders buy those additional weeks or months of a suspension when it is over? When I asked earlier about buying back added years, I was told that an office holder could not do that. Could an office holder in theory buy back added weeks or months to cover the period of suspension?

**Mr Hamilton:** He could not buy back his office-holder pension under the scheme.

**Mr Close:** Could the Member buy back his basic pension?

**Mr Hamilton:** The office holder could buy back his basic pension.

**Mr Gibson:** He could buy back his basic pension, but not his office-holder's pension.

**Mr Ballantine:** If he has enough scope within his overall Inland Revenue limit, he could buy extra years to compensate for the loss. It would not be earmarked as an office-holder pension but would be extra benefits to make good the loss.

**The Chairman:** In an earlier part of the Bill we talked about having to buy back a full year. We did not talk about months. Is it correct that a Member who is buying back would have to buy back a full year?

**Mr Hamilton:** Yes. In the earlier part of the Bill we talked about the period between Members originally taking up their seats in July 1998 and the Bill's coming into effect. The way the Bill is drafted at the moment means that a Member who wants his service to count must take the whole period or opt to have nothing covered. However, the amendment that Bob Coulter put forward today would introduce some flexibility. If something happens to change either the basis on which Members are being paid or the structure of the Assembly, then we may have to look at this again.

Clause F5 deals with maximum pensions. These are limited to two thirds of the Member's final salary, or in accordance with schedule 2, two thirds of the permitted maximum — that is £90,600, as dictated by the Inland Revenue.

Schedule 2 deals with the issue of maximum pensions. It sets out the Inland Revenue's limits on maximum pensions, and it is in line with most other tax-exempt pension schemes. The Inland Revenue's limits have to be included, otherwise they would not apply — it is like a voluntary compliance with their limits. This is because any pension scheme for Members made under the Northern Ireland Act 1998 — or the equivalent Scottish and Welsh legislation — was deemed to be tax-exempt by the Finance Act last year. We do not have to ask the Inland Revenue for the scheme to be given tax-exempt status. It already has this, even though the scheme is not yet in place. That is why we need to put in the existing Inland Revenue restrictions on pensions.

I do not propose to go through the detail of schedule 2. A more detailed note on maximum pensions, prepared by Grant Ballantine, can be found towards the back of the pack provided. Perhaps the best way forward is to take particular queries on this.

**Mr Leslie:** We are moving into the grey area of what happens when people already have a pension fund. What is the maximum amount they can draw from that fund and from the fund they will be building up under this scheme? It is not in our Bill, because it is an Inland Revenue matter. Am I on the right track?

**Mr Ballantine:** Yes. It may be a grey area, but it is clear in some respects. There are additional complications in this particular scheme — and in the other Assembly Member-type schemes — because the office-holder stages and the dual-mandate arrangements complicate the situation. In principle, the Inland Revenue's point of view is straightforward. The maximum approvable benefit from all pension arrangements is not expected to exceed two thirds of salary. If the Member is an ordinary Assembly Member, has never been anything else, and was not pensioned elsewhere, then the maximum pension that he could draw from the Assembly would be two thirds of his salary. If his salary were £39,000, for example, then his maximum pension would be £26,000 — two thirds of £39,000.

When looking at arrangements from different employers the Inland Revenue will — whenever a scheme provides a benefit of more than one sixtieth of pay per year of service — take account of benefits from other schemes, before deciding whether or not the two-thirds limit will bite.

The scheme for Members of the Assembly has a basic accrual rate of one fiftieth of pay per year of service, which is 2% of pay per year of service. An accrual rate of one sixtieth would represent 1.67%. So, the basic accrual rate in this scheme is already in excess of the one sixtieth rate, which means that it will always be necessary to take account of retained benefits when considering the maximum pension payable for this

scheme. An ordinary Assembly Member, when approaching retirement, will have to look not only at the benefits of this scheme, but also at the benefits of other schemes to see whether, in aggregate, they exceed two thirds of his salary — the ideal pension exceeds two thirds.

**Mr Leslie:** Am I, therefore, right in thinking that any Member who has taken a salary cut to work in the Assembly is, potentially, quite disadvantaged by that?

**Mr Ballantine:** Here is a simple example. Let us say that somebody becomes a Member of the Assembly at the age of 60, having had a full career in another employment at a very high level of pay. Let us say that the Member's salary had been £99,000, as that figure is easily divisible by three and is also in excess of the earnings cap of £90,600. Let us also say that the Member has a full pension from his previous employment — whether it is forty sixtieths or it has been built up in some other accrual way, but it has reached the maximum. His final pay was £99,000, he retired at the age of 60 from his previous employment, and he is already drawing a pension of £66,000 a year, which is two thirds of £99,000. That figure is already well above the two thirds pension that could be earned by an Assembly Member — two thirds of £38,000, or whatever the final rate of pay would be.

That individual would be cut by the Inland Revenue limits, and the maximum benefit that could be provided from the Assembly scheme would effectively be the one sixtieth accrual rate, one sixtieth of the Member's pay — not one fiftieth, but one sixtieth of the Assembly Members' pay — per year of service, because the Inland Revenue allows that benefit to be paid irrespective of what other benefits there are from other schemes. A Member in those circumstances would have his normal benefits reduced from one fiftieth to one sixtieth per year of service.

**Mr Leslie:** Was any consideration given to that kind of scenario? A Member would know if he were going to be in that position, for he could anticipate it, more or less. Everybody has to contribute 6%, but some people are not going to get the same return on it. One wonders whether every Member should be forced to make the same contribution level if some Members are only going to get the one sixtieth accrual rate, which should drive a lower contribution rate. The alternative is to opt out, but that would be rather drastic.

**Mr Ballantine:** Even at 6% for one sixtieth, it is still good value. This approach has come up in other places on the same argument. The general response is that the rationale for the one fiftieth accrual rate is because of the unpredictable nature of life as an MP or Assembly Member. There is quite a high possibility of not having a full career so, this is, in some way, compensation for that unpredictability. Where individuals have got pension

cover elsewhere, there is an argument that they are not suffering from that unpredictability and do not need the benefit enhanced in that way.

Another factor, which has been taken into account in the past in this scenario, is that most public servants in the United Kingdom pay a 6% contribution for a one sixtieth benefit anyway.

Therefore, if an MP or an Assembly Member is only getting a one sixtieth benefit and is paying a 6% contribution, that is not very different from individuals in the same position in a full-career environment.

**The Chairman:** Are there any other questions? Are there any other points on schedule 2 regarding the explanatory notes at the back of the book?

**Mr Hamilton:** Part G and schedule 3 deal with the commutation of pensions. This relates to the fact that a pensioner may forego part of his pension for a tax-free lump sum. This is a once-only option that must be exercised before the pension is paid. The Actuary will determine the lump sum equivalent of the pension foregone. There are limits on the lump sum. It must be no more than one and one half times the permitted maximum, or within the limits in schedule 3, for example, one and one half times the final salary if there is 20 years' service or more.

An example is given in notes 49 and 50. If we return to the previous example where a single-mandate Member retires after five years' service at age 65. He has never held an office holder's post, and he has been in receipt of £38,000 within the last 12 months. To simplify the calculation we will assume that he did not have any retained benefits, and he has been notified that his pension will be £3,800. Note 50 refers to schedule 3, paragraph 2(a)(i). This states that the limit on the lump sum is the number of eightieths in part II of the schedule corresponding to the number of years actual reckonable service, multiplied by final salary.

You will see from the table at part II that someone with five years' service could receive a maximum lump sum equivalent to fifteen eightieths of final salary. So the maximum lump sum in this example is £7,125.

If a Member decided to take the maximum amount, the Actuary would decide by how much his pension of £3,800 should be reduced. This is quite a complicated area as you will appreciate, and a fuller explanation is given in the detailed notes on schedule 3.

**The Chairman:** Are there any questions?

**Mr Close:** Mr Hamilton, you said that the Actuary would decide by how much the £3,800 would be reduced. Would that be based on a percentage of the overall fund that the Member has accumulated over those five years? In other words, would it be a percentage of the accumulation of the 6% plus the 18%?



**Mr Ballantine:** It is expected that the trustees would ask the Actuary to produce a table of factors to be included in the Members' booklet. One reason why they are not included in the legislation is that they need to be amended from time to time to allow for changes in financial circumstances, living improvements and in mortality rates over recent years. I expect the trustees would want to have a set of factors that they could use for the next five or six years and include them in the booklet.

These factors would probably be age-specific, because the younger the person, the longer he is expected to live. Since the legislation requires that the pension given up, in respect of the lump sum paid, should be equivalent to the value of the pension, we have to take account of all the relevant characteristics. Factors will probably vary by age.

For example, the factor might be 10:1 at the age of 65. If a Member gave up £3,800 of his pension, that would be equivalent to a lump sum of £38,000. Or if he wanted a lump sum of £4,000, that would be equivalent to his giving up £400 of his pension a year, if the factor were 10:1. There will be a set of factors which will rarely change, so the same factors can be used for people retiring at different times in order to maintain consistency and give people an indication of what the position will be when they retire.

**Mr Close:** The trustees will have a duty to protect Members' rights with regard to their relationship with the actuary.

**Mr Ballantine:** Yes, it will be the trustees' duty to be fair, but a Member will be able to choose whether to take the benefits fully in pension form or partly in lump-sum form. It is, therefore, not in the trustees' interests to be anything other than fair. If they were unfair, a Member would take the more advantageous option.

It is usually in the Members' interests to take the lump-sum benefit, because it is tax-free whereas the pension is taxable. That is why the Inland Revenue has a separate limit on lump sum benefits and a two thirds limit on the maximum pension. This limits the money that can be taken out of the pension fund on a tax-free basis, bearing in mind that a Member gets tax relief once it is paid. The investment income in the fund is tax-free, and the lump sum benefit is tax-free, and that is quite a tax advantage.

**Mr Leslie:** Is this a way of dealing with the problem which I raised: you take out the maximum lump sum and the impact of being on one sixtieth rather than one fiftieth is reduced?

**Mr Ballantine:** The Inland Revenue limit on maximum pension is applied before the option to take a lump sum is exercised. We are live to that.

**Mr Leslie:** Yes, but is that not unfair? We may be live to it, but there is not much that we can do about it other than remonstrate.

**Mr Ballantine:** That is the perceived unfairness.

**Mr Leslie:** Effectively we have paid for the benefit.

**Mr Ballantine:** From one fiftieth to one sixtieth.

**The Chairman:** Are there any other questions?

**Mr Hamilton:** Part H deals with early retirement. It does not deal with ill-health retirement; that is in part J. Early pensions can be payable where a person is no longer a Member of the Assembly, is at least 50 and has actual service in the Assembly of not less than 15 years. It has to be clear that he does not intend to stand for re-election. His pension is calculated as if he were 65, but it is abated by the factors set out in schedule 4. MPs' service which is not simultaneous with Assembly Members' service will count towards the 15-year qualifying period, and an office-holder's pension will be treated in the same way. An example of this is given in notes 52 and 53 where a single-mandate Member retires from the Assembly at 55 after serving 15 years.

He never held an office-holder post, his salary in the last 12 months was £38,000 and he applies for an immediate pension. Provided the trustees are satisfied that he does not intend to stand for re-election his pension would be payable on the basis of note 53. The formula would be: £38,000 multiplied by one fiftieth and by 15 — 15 being the number of years — which would give a pension of £11,400 if the Member were 65.

This has to be abated due to the fact that the Member is retiring early and the pension will obviously be in payment longer. In schedule 4, page 41, second line down, you will find the abatement factor there is 50% for someone who is aged 55 with 15 years' service. If he had waited until the age of 65 he would have received £11,400 instead of drawing half of that, £5,700, at age 55.

**Mr Weir:** What is the rationale behind that? Why does the time spent as MPs and MEPs count towards this? What is the thinking behind that?

**Mr Hamilton:** Their service does not count in terms of adding up reckonable service.

**Mr Weir:** I appreciate that, but, in terms of the qualifying period, why does it count in this case?

**Mr Ballantine:** That is a more general issue than the early retirement. It also applies on normal retirement. It was first introduced for Westminster MPs and MEPs in 1976. The thinking was that some MPs might go on to be MEPs or vice versa, and, from the point of view of assessing qualifications for early retirement, it was reasonable to take account of these two periods of public service as if they were one. That philosophy was



extended when the Scottish, Welsh and Northern Ireland Governments were set up.

**The Chairman:** In relation to early retirement, in cases where the Commission was under the assumption that the person would not be re-elected, is there a way of recouping if a person went on to seek re-election after having drawn the lump sum for early retirement?

**Mr Hamilton:** A pension is not payable if a Member returns to the Assembly.

**The Chairman:** What about a lump-sum payment?

**Mr Ballantine:** I do not think there is any facility for recalling the lump sum. The situation you are envisaging is that an individual would apply for his pension to start and then some time later might be re-elected to the Assembly. He would already have received his lump sum by then, and I do not think that there is any facility for reclaiming in the legislation as it stands.

**Mr Weir:** What is to stop somebody who steps down at 55, who gets a pension for a few years and then decides to run for election the next time round at, say, the age of 60?

**Mr Ballantine:** It is possible that someone could retire at 55 and decide to come back at 60. All that would happen would be that their pension would stop.

**The Chairman:** I was thinking more of the lump sum — the pension would stop OK. If this were to have been someone on the dole there would definitely have been a means of recouping it. There has to be some means of recouping a lump sum that has been paid out to someone who later goes back into the Assembly.

It is taken in good faith they are not going to stand again — I accept that — but if they were to decide to stand again, it would affect their length of service. They would have drawn the lump sum and would be becoming Members for a second time.

**Mr Gibson:** Such a person has earned his pension; it cannot be stopped. For the sake of argument, if I were to decide to stand again after I reach age 60 — say there is a by-election in nine months' time, and I get re-elected — I would already have earned my pension and got my lump sum. There is nothing in this legislation to stop my getting an accrued sum of money.

**Rev Robert Coulter:** So your pension entitlement would start again after you retired. The years that you served would be added to those you had already served.

**Mr Hamilton:** There is some protection for the fund under article F6, paragraph (2), which says

"No such pension shall be payable to a person in respect of any period during which he is a Member of the Assembly or a candidate for election to the Assembly."

The rules of the scheme prevent a pension's being paid to a current Member of the Assembly.

**Mr Weir:** Anybody who ceases to be a Member of the Assembly can be re-elected. It would, therefore be hard to say that you are satisfied that a person does not intend to stand for re-election.

**Mr Hamilton:** The trustees have to make a judgement should that situation arise. It may be an easy judgement to make if an election has just been held and there is no immediate way in which that person can be re-elected.

**Mr Weir:** There is reference to the trustees being satisfied that a person does not intend to stand for re-election. Is that going to be looked at objectively by the trustees? If a Member has lost his seat, do they assume that he is never going to stand again? Does the person have to give an indication? What about people who are dishonest? They could benefit by saying "I have no intention of running again" when they may do so in the future. And what about the person who says "I hope to run in five years' time."? Surely if somebody were to indicate that he intended to stand for re-election, that would prevent his getting an early-retirement pension.

**Mr Hamilton:** It depends on whether you look at early retirement as being an advantage. People will have to decide whether they want, as in the example given, half a pension at 55 or a full pension at 65. The abatement factor means that an individual is not any better off by taking an early pension. People will have to decide when they want the pension, provided they have the minimum 15 years.

**The Chairman:** Maybe we can come back to this point later.

**Mr Hamilton:** Another example of early retirement is where a single-mandate Member retires from the Assembly at the age of 60 after serving 20 years. Had he been 65, his pension would have been £15,200. If you look at the abatement table in schedule 4, page 40, you will see the abatement factor is zero. So somebody who has reached 60 and has at least 20 years' service can draw the same pension that he would have had had he waited until 65.

Part J deals with ill-health pensions. In order for current Members and office holders to be eligible for an ill-health pension, they will have to have left the Assembly while they are below the age of 65. The trustees must be satisfied that they left because their retirement was directly due to ill health, that they do not intend to come back to the Assembly, and that their ill health is such as would prevent them from performing adequately the duties of a Member of the Assembly. If they retire on ill-health grounds at the dissolution of the Assembly the trustees must be satisfied it is as a direct consequence of ill health that they are not standing for

re-election. So there are strict criteria for trustees to consider when a Member applies for an ill-health pension.

However, an application can be made in advance by a serving Member of the Assembly to find out whether the trustees would approve an ill-health pension if he decided to retire. The pension for someone who has retired on ill-health grounds would be paid immediately. The office-holder element of the pension would be calculated in the normal way with no abatement or enhancement. However, in the calculation of the ordinary Member's element, the actual period of reckonable service in the calculation would be increased by the number of years between the Member's ill-health retirement and the time when he would have reached the age of 65.

An example of this is given in notes 58 and 59. This shows the calculation in respect of someone who has served 15 years and goes on ill-health grounds at age 55. Instead of having his service based on 15 years, his reckonable service would be based on 25 years, which would produce a pension, in this example, of £19,000, based on a final salary of £38,000.

In the case of a former Member who had already left the Assembly, but not because of ill health, and was now looking for an ill health pension, the situation would be this: provided that he is under 65, that he has retired from gainful work due to ill health, that the trustees are satisfied that he does not intend to seek re-election and that he is not fit to carry out Assembly duties, that former Member can have his pension paid immediately. However, unlike an early retirement, there would be no abatement of that pension. Similarly there would be no enhancement in respect of a Member who has already left the Assembly and is applying for an ill-health pension. This means that his pension would not be made up to what he would have got at the age of 65.

**The Chairman:** If a Member has a particular complaint at the time of, or before, his election to the Assembly would he be unable to retire on ill-health grounds on account of that illness, or would the illness need to be one which is unconnected?

**Mr Hamilton:** There is no qualification for a Member to enter the pension scheme, but the criterion that the trustees have to look at if someone retires on ill-health grounds is whether he can carry out his duties at that particular point.

**Mr Close:** You gave an example in respect of a Member who had served 15 years, but what would happen if he were 55 and had served five years? The trustees have to decide whether a Member is able to perform Assembly duties. How do you define Assembly duties? Do they include attending meetings of the Assembly or performing constituency work, or both? And are the trustees to arbitrarily decide whether a

Member is fit to carry out those duties? I could conceive of an MP or an Assembly Member who was effectively doing little or nothing but was elected because of his personality.

**Mr Hamilton:** I believe the Assembly Commission discussed this matter at length, and I think there is some information available on an Assembly Member's duties, since the Senior Salaries Review Body had to consider those when deciding pay. Therefore, there is some background information upon which the trustees could draw.

The second issue would be a matter for the trustees, but I imagine they would not want to take a decision based solely on their own knowledge or expertise. They would probably wish to refer the individual to an independent medical adviser. However, this is why we have trustees for the scheme. It will be down to the trustees collectively to make a decision based on those criteria in the Bill if they feel a Member is no longer capable of carrying out his Assembly duties.

**Mr Close:** You have touched on the point I wished to raise. Should something be included in the legislation obliging the trustees to take that independent advice — which could be a medical certificate perhaps — rather than leaving the matter to be dealt with by them arbitrarily?

**Mr Hamilton:** Applications for ill-health pensions must be accompanied by medical evidence. However, the trustees can go further than that, and they can require another medical examination to be carried out. That is up to them. There may well be certain circumstances where the medical evidence submitted by the Member wishing to retire on ill-health grounds is more than sufficient. Therefore, trustees will not always have to seek further medical advice, but the option is quite clearly there for them to decide on how to approach the matter. It will be at their discretion.

**The Chairman:** Should further medical evidence be required, will it be at the Member's or the trustees' expense?

**Mr Hamilton:** In this instance the trustees can decide, at their discretion, who should bear the cost. They can decide to bear it themselves, or they can say to the Member that he will have to pay.

**The Chairman:** There was another point under clause J1(5). In the case of someone who leaves due to ill health at 25 years of age, is there a limit to the number of additional years which can be added on? A situation could arise where someone could add 40 years if they retired at a young age on the grounds of ill-health.

**Mr Hamilton:** My understanding is that the maximum pension provisions would also apply to the ill-health provisions.

**Mr Ballantine:** The maximum would effectively be two thirds for service to age 65 or younger. One could not get an ill-health pension greater than two thirds of pay.

**Mr Hamilton:** A question was asked about what would happen if someone left at 55 with only five years' service already completed. Those five years would simply be added on to the 10 years, representing an enhancement from 55 to the normal retirement age of 65. If someone were to go at 64, they would simply get a year.

**The Chairman:** There is cover to stop someone's having 40 years added on. The maximum amount would be payable.

Are there any other questions?

**Mr Hamilton:** I wish to draw attention to the power to review ill-health pensions which is contained in article J4. This covers the situation in which an ill-health pensioner has not yet reached 65, but the trustees believe he has recovered to such an extent that if he were to make an application for an ill-health pension from a current date, he would be refused. In those circumstances the trustees could review the payment of the pension. To assist them in making that decision, they can require a further medical examination to be carried out — one which they must pay for. If, following those investigations, they conclude that an ill-health pension would not be granted from the current date, they must stop the pension's being paid, after providing appropriate notice.

In essence, this provision is designed to take account of the situation in which a Member may retire quite early on in his career, at age 35 or age 40, for instance, perhaps through stress or some similar ailment. If that Member recovers at a later date, to the extent that he could enter gainful employment, this provision allows the trustees to review the pension and stop it.

**The Chairman:** That one is different from Scotland and Westminster. Their trustees do not have the power to review. Was it felt necessary, in this case, for any particular reason?

**Mr Hamilton:** This is something which the Commission discussed at length. You are quite right. The Westminster scheme does not have this review provision in it; neither does the scheme in Scotland.

The Welsh scheme, however, does. Because the Welsh scheme has this provision in, the Commission felt that it should consider carefully whether the Northern Ireland scheme should have one. After long consideration and, indeed, after getting the advice of the sub-Committee, it thought, on balance, that this provision should be in. The basis for that was that there could be general criticism if the situation arose where an ex-Member had

drawn an ill-health pension relatively early on and then subsequently, say 10 years' later, no longer really met the criteria for payment of that pension.

The trustees and the Commission all recognise this as a sensitive area. The policy would have to be applied consistently, so the trustees have it in mind to set out procedures for this. This would cover a situation such as if and when someone was granted an ill-health pension, he would be made aware that it would be reviewed at, say, five-yearly intervals. The same review process would apply to everyone, and it would not be applied at random.

**The Chairman:** That is what I was thinking about; you would have a fixed review period. The way it comes across is that if somebody spots somebody down the road, farming or whatever, and thinks that he is fit to work, the Commission would review.

**Mr Evans:** That was raised, Mr Chairman, and the trustees were conscious of not having some sort of snoop clause. We need robust arrangements in place, not just for reviewing but also for the awarding of the ill-health retirement. We need to have those in place. They need to be transparent, and they will be communicated to everybody at the appropriate time.

**The Chairman:** Would it be reviewed periodically?

**Mr Hamilton:** Certainly. From the discussion that the trustees have had so far, that seems to be their intention.

**The Chairman:** The idea of a review is good. It gives that sort of option.

**Mr Hamilton:** Part K deals with pensions for surviving spouses and the children of Members or pensioners who die. A spouse's pension is based on five eighths of the basic or the prospective pension of the deceased. For a current Member who dies, the spouse's pension is based on five eighths of the pension the Member would have got had he retired on ill-health grounds. For a pensioner Member who dies, this five eighths pension for the spouse is based on the Member's current pension, disregarding any abatement for early retirement or reduction for commutation. For a deferred pensioner, the five eighths is based on the pension the Member would have got if he had retired at that point, with no abatement for early retirement.

There are a number of conditions for the payment of pensions for surviving spouses, and I have set those out briefly in notes 65 and 66. They deal with issues such as payment of the pension until the spouse's death or remarriage. I am happy to go through those.

**The Chairman:** Would a partner be covered in the same way?



**Mr Hamilton:** No, it is quite clear that it is only for a spouse. It does not apply to a partner.

**The Chairman:** How does that fit in with new legislation in respect of, for example, benefits? Partners are treated as spouses in that.

**Mr Ballantine:** There is a lot of pressure nowadays, not just in public-service schemes but in all occupational schemes, to extend coverage for spouses to include partners generally. There are some limits on that under the Inland Revenue rules. The Inland Revenue will allow a payment to be made only if the partner has some financial dependence on the Member. It can be financial interdependence rather than complete financial dependence, but there has to be some sort of financial link between the Member and the partner. Some schemes in the private sector make provision, usually at the trustees' discretion, to pay a pension to a partner if there is hardship or inadequate income.

**Mr Close:** The pension is payable to the spouse until death or remarriage. Is remarriage the same as death? What is the logic there? The contributions have been made for the life of the person who has been paying the pension and/or his spouse. I cannot see why this should be stopped if at a subsequent date the spouse gets remarried. It just does not seem  $\frac{3}{4}$

**Mr Ballantine:** That is a very common provision in public-service schemes. It is also the way in which the state scheme works. In both the basic pension system and the state earnings-related pension scheme, a spouse's pension stops on remarriage or cohabitation. I suppose the logic is that when remarriage occurs, the spouse ceases to be dependent. He or she has someone else to look to, another source of income, if you like, and therefore does not need this income from the former spouse.

**Rev Robert Coulter:** The contract between the spouse and her former husband ceases. It is superseded by remarriage.

**Mr Gibson:** We have to be careful here. I do not support the idea, but I am quite used to it because it crops up in all sorts of things in all walks of life, including dealings with the Department of Health and Social Services. You need to test this against European law, and I think we have to look at the equality laws. There is a new definition of "a partner". It is not going to be long before someone who merely lives at the same address can legally be "a partner".

This is a matter for a legal definition. We need to check that we are not running contrary to something. We do not want the spouse who has just lost her pension on remarriage to be able to sue you for fraud as a result of certain rights under European law. This is included in Department of Health and Social Services law and all the rest and is accepted. In case European law is flowing in one direction, we should check up.

**Mr Close:** In respect of remarriage what if there were what the trustees considered to be exceptional circumstances? The whole thing seems to me to be so arbitrary and without solid justification. Do we have to follow the Department of Health and Social Services, or whatever, slavishly, or can we not have it continue on remarriage rather than terminate it? I do draw a distinction between remarriage and cohabiting and all the rest of it. I am not going to get into all that, but I am saying that if, on remarriage, the trustees considered that there were special circumstances for restoring the pension — and I do not know what they might be — why should they not be able to do that?

**Rev Robert Coulter:** This is a very difficult area, and each individual case would need to be looked at. Take, for instance, the case of partnership that has been mentioned; a person could have had more than one partner during the period of his contribution. Which partner would then benefit from his pension on his death? There are many issues like that which have to be looked at. I can appreciate what Mr Close is getting at on the issue of remarriage. It is a fairly open-and-shut matter, but each case has to be dealt with on an individual basis by the trustees.

**The Chairman:** Remarriage has no effect as far as the Child Support Agency is concerned — the contributions still continue even though the person has remarried. I take it that there are no aspects of that which might come back and catch up with us later.

**Mr Close:** I am concentrating on the remarriage aspect. If the trustees are able to decide that there are special circumstances, under the terms of a remarriage, in which the pension can be restored, why should it be an arbitrary matter? Why can we not decide to continue the pension on remarriage? In answering that question, please list all the special circumstances in which the trustees would restore the pension.

**Mr Hamilton:** The principle to be established is whether a pension should stop on remarriage and whether that is a reasonable provision to have in the scheme. Obviously, it is a common provision and, having that provision, I think that it is right for the trustees to have some discretion to waive it in special circumstances.

**Mr Close:** Give an example.

**Mr Hamilton:** Someone might remarry and, although the marriage continues, it breaks down in practical terms. There is no support to the spouse from the new marriage partner and, as a result, hardship is caused. In such a situation the Member's former spouse could well come along to the trustees and say "Yes, I have remarried, but my expectations of being supported in this marriage have not been realised; I am still married, but effectively I am a dependant of my dead spouse". In



such a case, the trustees may want to consider restarting the pension.

**The Chairman:** That would be a dangerous element to go into, because it involve means-testing.

**Mr Hamilton:** The scheme is written in such a way as to give the trustees discretion to address all sorts of situations which no one can foresee at this stage. The alternative would be to try to write rules to cover every single eventuality that might occur, which would complicate the scheme considerably. It would also be impossible to anticipate all the peculiar or potential circumstances that might arise. One of the reasons why there are trustees in schemes of this nature is so that they can exercise discretion and allow the scheme to be flexible enough to take account of odd situations that might arise.

**Mr Close:** It is an extremely harsh, arbitrary decision. The people involved have reached a certain age in life. Effectively, they are, to put it at one level, going to be penalised because they seek a little solace or comfort in their twilight years. We are effectively saying "Go ahead and penalise them". If, on the other hand, their comfort and solace are from somebody who is not well off, they might want to give them a little added financial security because they have this pension.

**The Chairman:** If they do not remarry but cohabit, they can still draw the pension. There are many queries that could arise. The remarriage issue needs further consideration.

**Mr Gibson:** The Committee has to be careful. To all intents and purposes, this is a private pension fund — actuary trustees set it up. We need to check the rules on pension schemes; these should be fairly standard, and we should follow them. We do not want to fall foul of other rules — or pending rules — which could impinge on us. It is easy for a private company — and I am sure you could do the same in respect of the trustees — to simply change a word or two here and there. For example, you could change the word "spouse" to "partner" to render the document legally correct. But we need to be careful. I am worried that we are slavishly following something that is good accepted practice but has not been tested by the fairly hefty legislation that is around.

**Mr Hamilton:** We have not been challenged, so that is a valid point. We are following accepted practice, but the law is developing all the time, and what may be accepted practice now, could be challenged and overturned in the future. Do we make changes now in anticipation of that, or do we wait — like other pension schemes — until the situation actually arises and then, through the Commission, rectify the problem with an amendment? At the moment, as far as I am aware, we are not in conflict with the law.

Bringing in issues such as partners or when pensions are paid changes the overall benefit structure, and so there could be some cost implications. As the Committee is aware, we have, by and large, followed the parliamentary scheme at Westminster and its benefit structure. I am not saying that we should not make some changes at the edges, but the way we have it at the moment is — from a benefit structure's point of view — the same as the other three schemes.

**The Chairman:** The Committee does not want confrontation; we are simply picking out areas of the scheme where we think we may fall foul of European law or other laws. We merely want to raise such issues and get guidance on them before we put them in print. We do not want someone to be able to come back at some stage and say that we discriminated against him or her in any way. We are all in the one boat on that one.

**Mr Hamilton:** The next issue is children's pensions, article K2. If a current Member, pensioner or deferred pensioner dies and leaves eligible children, then, where a spouse survives, the children's pension of one quarter of the Member's pension is payable. If there are two or more children, a children's pension of three eighths is payable. Where there is no surviving spouse or the spouse dies, the pension is increased, in the case of one child, to five sixteenths, or, for two or more, to twice five sixteenths. It is for the trustees to decide to whom the pensions are to be paid and how they are to be applied. There is a set of conditions on who constitutes a child of the deceased.

**Mr Gibson:** Is that a common-law definition?

**Mr Hamilton:** I think that the definition is fairly broad in that it includes a child of the deceased's marriage, an adopted child and a child who was wholly or mainly dependent on the deceased. So the definition, which we have taken from the Scottish scheme, is slightly wider than the one used in the parliamentary scheme at Westminster.

**The Chairman:** Has anyone any questions about this?

**Mr Gibson:** Are there any other conditions?

**Mr Hamilton:** There are other conditions. The child has to be under 17 years of age, or under 22 years and continuously engaged in full-time education or in training for a trade, profession or vocation since the age of 17. There is also provision for children who are physically or mentally handicapped. There are provisions too in this part for the enhancement of a spouse's initial pension: during the first three months after death, it is increased to the same level as the Member's salary or pension as appropriate.

Part L deals with the issue of death gratuities. When a current Member of the Assembly dies, a death gratuity may be payable of three times his salary as a Member

and an office holder. That is subject to a maximum of three times the permitted maximum, and it is payable to the nominees that the Member made prior to his death and in proportion to that nomination. The trustees will be looking at introducing death benefit nomination forms for Members to fill in as soon as the scheme comes into operation.

**Mr Gibson:** Does a Member normally nominate his spouse?

**Mr Ballantine:** The trustees are not obliged to follow the Member's nomination form, but its purpose is to act as a guide to the trustees, and it does facilitate quick payment and a very good means of minimising the inheritance tax charge which is paid outside the estate. But if the trustees took the view that the person or the body nominated on the nomination form was inappropriate, they would have the power to direct the payment somewhere else. The trustees have the flexibility to apportion a payment if they deem it appropriate.

**The Chairman:** In what circumstances would that apply?

**Mr Ballantine:** For example, if a Member had nominated a charity or some other organisation and left behind a wife and young children who needed support, the trustees might take the view that it was appropriate to give at least some part of the lump sum death benefit to the spouse.

**Mr Close:** Would this be outside the estate?

**Mr Ballantine:** Yes.

**Mr Close:** What if it were willed — would the trustees have any discretion?

**Mr Ballantine:** The trustees are not bound to adhere to anything in the will — they have the power to decide the recipient of the payment.

**Mr Gibson:** Are you absolutely clear on that? Often the last line of the will unlocks all involved in line, and all pensions, and so on, would be approved to that person. What discretion is given there?

**Mr Ballantine:** I am not a lawyer, but my understanding of the law is that it is perfectly in order for an individual to use the will to say how he would like the proceeds disposed of. The trustees have the power to follow that, if they so choose. Nevertheless, the trustees are not obliged to follow it — they have the power under the rules of the scheme to direct payment.

**Mr Gibson:** The pension that is involved becomes part of the determined estate. In other words, everything that is going to accrue to that person because of —

**Mr Ballantine:** This scheme will provide a pension to the spouse plus a lump sum death benefit. Now, the pension bit is governed by —

**Mr Gibson:** Your obligation is not to the deceased.

**Mr Ballantine:** The pension must be paid, in accordance with the rules, to the spouse. The trustees have very limited discretion in that respect, and we have mentioned some of the areas. With a lump sum benefit, trustees do have discretion as to the payment.

**Mr Close:** As it is outside the estate?

**Mr Ballantine:** If they do not have the discretion, it does come within estate duty — it is subject to it.

**Mr Gibson:** Seamus can keep us right from the legal point of view. I assume that once all the money is combined, including investments, and so on, it then becomes part of the estate which would include all the lump sums and pensions by virtue of a Member's previous position. Could there be a legal contest? Would it go to an executor?

**Mr Ballantine:** No, it should not. If there is a valid nomination form and the trustees follow it then the whole purpose of giving the trustees discretion is to keep it out of the estate duty.

**Mr Gibson:** May I ask an obvious, obtuse question? In the nomination form should a Member be more wise as to what he declares, as this could be subject to tax? He could, perhaps, direct it elsewhere. That might be worth considering.

**Mr Ballantine:** Not normally. There are circumstances where the lump-sum death benefit can end up in the estate if there is no direction. If there is no nominee, it will go into the estate. It is in the Member's interest to avoid that.

**The Chairman:** Information will be available to Members regarding nominations and about how they can protect themselves and their nominees.

**Mr Hamilton:** The shadow trustees are looking at the form and at guidance that could go out to Members fairly quickly. We will be impressing upon Members the importance of filling out a nomination form.

**The Chairman:** The Bill says "the trustees may, if they think fit". This seems to give a lot of power to the trustees. There is no legal requirement.

**Mr Ballantine:** One of the reasons for that kind of wording is to make it clear that it is within the discretion of the trustees and, therefore, a means of keeping it out of inheritance tax.

**The Chairman:** If a Member nominated someone outside of the family could there be a legal challenge to the trustees, if a person had been disinherited in that way?

**Mr Ballantine:** There have been cases in other schemes where a party felt aggrieved and tried to restrain the trustees from making payment to a certain party. There would need to be very good grounds to have a successful challenge. It is very rare to succeed in that sort of challenge.

**Mr Hamilton:** Part M deals with the five-year guarantee. This applies if a pensioner dies within the five-year period beginning with the deceased's retirement. Its purpose is to ensure that, in respect of the period from the pensioner's death until the end of the five years, the total benefits paid to the spouse, to the children or to his personal representatives are no less than what would have been paid had the pensioner survived for that five-year period. For example, the surviving spouse's pension and any children's pension are increased to the level of the Member's pension for the rest of the five-year period.

There are a number of permutations that can happen at this time. Part M deals with these. Notes 74 to 76 cover situations where the spouse dies during the five years in which case a lump sum can be paid to her personal representatives, equal to the balance over the rest of the five-year period. There are also provisions for a situation where there are children but no surviving spouse or where there is remarriage or co-habitation. It also deals with the issues of an early end to the children's education.

They ensure that in the five years after a Member retires, even if he dies during that period, the same amount of money will be paid out as if he had survived for the entire five years.

**The Chairman:** Are there any queries? Obviously everyone is either happy or confused.

**Mr Hamilton:** Part N deals with the refund of contributions, which can happen in certain limited circumstances only. Trustees can refund contributions, if they are requested so to do, in the case of someone who has ceased participating, has less than two years' service and has not become entitled to a pension. It is the Member's own 6% contribution which will be refunded, with interest at 4% a year. However, some deductions can be made from that with regard to putting the Member back into the state earnings related pension scheme or in relation to the repayment of any tax relief on the 6% contributions.

There are also provisions for repaying the refund if a Member subsequently returns to the Assembly and decides that he would rather — for example — have his previous 18-months' service now count towards his pension. But it is not compulsory for anyone to take a refund of contributions. So, for example, if a Member had only 18 months' service, he could wait until he was

65 and then take the pension based on the 18-months' service.

Part P deals with transferring accrued pension rights into another prescribed pension scheme (articles P1 and P2), or to an overseas pension scheme (article P3), the effect on reckonable service in the Assembly's pension scheme of such a transfer (article P4) and the calculation of the transfer value to the other scheme (P5). It also deals with transfers from other pension schemes into the Assembly scheme, including the calculation of the reckonable service which a Member would be credited with in respect of the transfer value, and time limits for a Member to make an application.

That is a summary of the provisions in part P. There are two sets of conditions for transferring service out. The first is with regard to someone who is no longer a Member of the Assembly. Provided that they have not become entitled to a pension under the scheme, and provided that they apply by age 64, or within six months of ceasing to be a participant, whichever is the later, they can transfer their service out.

The other condition is with regard to a current Member who has opted out of the scheme and has not become entitled to a pension; they can also transfer service out. The trustees can make the transfer payments only to those pensions schemes which meet the prescribed requirements. The transfer payment will be equal to the value of the person's accrued rights in the pension fund.

There are corresponding arrangements for a Member who wants to transfer rights from the Assembly pension scheme to an overseas pension scheme. The effect of the transfers out means that any service before the transfer value is paid is disregarded. Any contributions that have been paid in relation to that service are also disregarded with regard to any refunds.

In accordance with tables, the actuary will certify the transfer value of the accrued service that is transferred out.

That is the situation in relation to transferring service out of the Assembly pension scheme to some other scheme. As far as transfers in are concerned, they are dealt with in article P6. The conditions are that the Member must be a participating member of the scheme, and must make the transfer request within a year of becoming a participant, or of the scheme's coming into effect. An opted-out Member can transfer service in when re-applying to join the scheme.

These transfers have to be from a prescribed source in line with the Inland Revenue's pension provisions. The transfer value is converted to reckonable service in the Assembly scheme. The actuary determines the amount of service which the transfer value will buy.



**Mr Close:** Do the trustees have any arbitrary decision as to whether to accept if a Member makes an application for a transference from another scheme? Must the trustees accept that, or are there criteria that would enable them to reject that application — providing that the scheme itself was Inland Revenue-approved?

**Mr Ballantine:** That is the only restriction — it has to come from or be going to another approved pension arrangement. Subject to that, the trustees would be quite happy to accede to the Member's wishes, and there would normally be no reason to frustrate those.

It is a legislative requirement for outgoing transfers that the trustees must be willing to pay a cash equivalent transfer value, as the jargon goes, to another approved pension arrangement if the Member applies within those conditions as described. There is a legal requirement forcing the trustees to pay if the Member submits a valid transfer-out form.

The trustees are not obliged to accept incoming transfers. Provided the trustees are happy with the source of the transfer payment and that they are within the tables of factors that the actuaries provide as giving fair value, they would process it as a matter of routine. It is a question of following the rules that they have set themselves; there is no need to exercise judgement.

**The Chairman:** Will the trustees calculate a value for the Member, so that he does not lose out in respect of previous schemes?

**Mr Ballantine:** In respect of transfers into the Northern Ireland Assembly scheme, the amount of the transfer value will be determined by the other scheme. The trustees of this scheme would have no control over the amount of that transfer value. The trustees' role in accepting that transfer payment would be to convert whatever money there is into added years of service in this scheme. It will not necessarily be the same period of service, as the other scheme might be a one-sixtieth or a one-eightieth scheme instead of a one-fiftieth scheme, and therefore the service would be rated down if the value were the same because of the higher benefits in this scheme. The salaries might be different, and that would affect the service credit as well if the new salary were much higher than the older one; the added years credited in this scheme would be less than the service given.

**Mr Close:** Is there an administrative cost to the transfer?

**Mr Ballantine:** Normally it is very small and would be met by the normal ongoing costs of the scheme. It would not be charged to the Member.

**The Chairman:** Would there be a way in which Members could get advice as regards whether they should come into the scheme or stay where they are, prior to their doing it?

**Mr Ballantine:** Yes. You have recognised that transfer is an option. Therefore, there should not be a presumption that a transfer is in the Member's interest. It is an issue which the Member needs to think carefully about. We have agreed, at the request of the trustees, to produce a note on transfer arrangements which will provide some explanation of the issues which the Member will need to consider. It would be up to individual Members to decide if they want to go further and consult a financial adviser.

**The Chairman:** There could be many occasions when it would not be of benefit to the Member — something that Mr Leslie talked about. For example, if someone were actually losing out.

**Mr Ballantine:** The level of benefits in this scheme is higher than average, and if individuals are getting close to Inland Revenue limits, it would normally not be in their interests to transfer into the scheme.

**The Chairman:** OK, let us move on.

**Mr Hamilton:** Part Q and schedule 5 deal with the purchase of added years. These provisions allow Members to increase their aggregate period of reckonable service as a participating Member by purchasing added years. We have already touched on the fact that this will not apply to the office-holder's element of the pension, and it will not apply to dual-mandate Members either. The thinking is that dual-mandate Members who want to buy added years would buy them as part of their MP or MEP schemes.

There are a couple of methods of purchasing added years. It can be done by periodical contributions from salary, or by lump sum. More than one application can be made, however, the overall maximum pension provisions apply, so that a Member cannot buy added years that would produce a pension above the normal limits in terms of maximum pension that we have already discussed.

**Mr B Bell:** What are the circumstances in which past years can be bought? I will give you an example. Some Members of this Assembly were also members of the previous Assembly. Could that service and, indeed, service in the Northern Ireland Convention be brought back into this scheme?

**Mr Hamilton:** There are two issues here. First, would a Member who has had service in those previous schemes want to transfer that service into this scheme? They would have to consider the various issues in the explanatory note, which will be prepared in due course, and decide whether it would be to their advantage.

**Mr B Bell:** Is that something you could take into account when you are dealing with the explanatory note?

**Mr Hamilton:** Certainly, we could do that. There would also be the matter of what scope there is for buying added years in the current scheme. There are



two limits on that. First, that there is an overall limit of 15% on pension contributions. Members would already be paying 6% for their current contributions, and if they are going to pay by periodical contributions, the maximum would be another 9% out of their salary.

Secondly, there is the matter of the pension that they would then build up as a result of their current service and the added years. Mr Ballantine may want to say something about the issue of maximum pensions again.

**Mr Ballantine:** In calculating the scope to purchase added years you have to take account of benefits not only in the Northern Ireland Assembly pension scheme but in all previous schemes, including any previous Assembly scheme or any private-sector scheme. The benefits available from those earlier schemes could restrict the scope for the purchase of added years.

**Mr B Bell:** That is why I am referring to the previous Assembly.

**The Chairman:** Did the pensions group look at the issue of the funds that were there from the previous Assembly? There was some discussion at an earlier stage about whether the two pension schemes could be amalgamated, or if there would be any benefit in doing so.

**Mr Hamilton:** We did do some work on this issue. Members may well be aware that there are two old schemes — the old Assembly scheme and the Northern Ireland House of Commons scheme. At the moment, the Secretary of State is the sole trustee of the two schemes, and, at present, both are in surplus. There are different options for dealing with those old schemes. One is to let them continue as they are until there are no more beneficiaries left to draw pensions. At that stage the schemes would be wound up. Another is to incorporate the liabilities and assets of those two schemes in this pension scheme.

Whatever option is adopted, it will require legislation. The Secretary of State, as a trustee, cannot simply say that he will give away some of this money or that the Assembly can look after it. That could happen only following legislation. However, there is some doubt as to whether the Assembly could, on its own pass that legislation; some of the issues may be reserved and may require Westminster legislation. Therefore it is not a straightforward issue, and the Assembly Commission's view is that rather than complicate the Bill any further, it should be left until the scheme is in place and trustees are in place to manage it. The Secretary of State might be content to have someone look after the two old schemes on his behalf, but the Assembly Commission saw this as an issue for the future.

There are conditions on being able to pay periodical contributions in addition to the issue of maximum pensions — a Member must not have reached the age of 64 and has to be in good health. Contributions are paid

from the Member's next birthday until the age of 65. If a person is within 12 months of becoming a Member, added years can also be purchased over a shorter period of three or four years, starting within two months of acceptance of an application. Therefore the periodical contributions can be paid up to the age of 65 or over a shorter period of three or four years.

Once an application has been made it is irrevocable once it has been accepted. The contributions are paid by deductions from salary, and the amount of the deduction will be determined in accordance with tables prepared by the actuary and the amount of added years to be purchased.

**Mr Close:** But is it subject to a maximum of another 9%?

**Mr Hamilton:** Yes.

**Mr Ballantine:** The maximum contribution from all sources is 15%.

**Mr Hamilton:** If a Member dies or ceases to be a Member due to ill health, no further contributions are payable, but the added years are credited in full towards reckonable service. There are provisions in place to deal with the situation where a Member might leave the Assembly while paying for added years, and for when he or she might rejoin. These also deal with the situation where, let us say, a Member was planning to buy an extra two years over a 10-year period but only pays the additional contributions over five years in the Assembly. In this case the number of added years credited is reduced proportionately by half — in this case, to one year. Therefore there are a lot of complicated provisions to deal with that situation and with the situation where a Member recommences service and then recommences paying the contributions towards added years again.

Participating Members with a single mandate can also purchase added years by paying a lump sum where they have not reached the age of 65 and provided they apply within 12 months of becoming a single-mandate Member. However, there are provisions to allow the trustees to extend that period in exceptional circumstances.

A purchase by lump sum cannot be accepted if a Member has applied for an ill-health pension. The rules on maximum pensions also apply. If a Member pays by lump sum, the payment has to be made within six months of the application's being accepted. The lump sum payment due for the added years which are to be purchased is calculated by using tables prepared by the actuary. Reckonable service is credited once a lump sum has been paid. If it is not paid within six months, the application is invalid.

There are further detailed provisions to deal with an interruption to the service of a Member paying over a

three- or four-year period. I have already mentioned the limits on the purchase of added years for maximum pensions and the contribution limit of 15%. The 15% refers to the 6% under article D1 as well as to any other voluntary contributions and to any other contributions towards added years.

The other limits deal with maximum pensions, which include: pensions under the normal provisions of articles F1 and F2; a pension equivalent to a lump sum under G1; any pension under the AVC scheme (additional voluntary contributions), which we will be coming to very shortly; and any other additional voluntary contribution scheme. As I have said, they cannot exceed the limits in schedule 2.

There is a lot in that schedule, as you will appreciate. It gives a fair amount of flexibility to Members to purchase added years up to the age of 65, by allowing them to buy over three or four years, or by lump sum.

**Mr Hamilton:** The framework in which trustees can set up the additional voluntary contribution scheme is set out in part A and schedule 6. The trustees have already discussed the best way of going about making these provisions. I will ask Mr Ballantine to explain briefly how the scheme works and how Members can make use of it.

**Mr Ballantine:** The AVC is an alternative way of providing extra benefits to those available from added years. Added years is one option; AVC is another. Of course, an individual can mix and match if he wants to. Added years are straightforward: one knows what pension one is buying, the terms under which one is buying it and the amount one has to contribute in order to buy it.

The AVC operates on a different principle. One pays money into it, as one does into an investment savings scheme, and the interest it earns accumulates in an AVC "pot". The contributor then uses whatever is in the pot to buy a pension from an insurance company. The amount of money to be paid at the end of the day from an AVC arrangement obviously depends on the amount of contributions paid and on the return earned on the money invested. It also depends on the annuity rates at the time of the pension's purchase.

The advantage of AVC is that an individual gets a full return on the investment. If the contributor believes that the stock market is not going to be booming, he may prefer to invest in AVC.

The AVC scheme is a bit more flexible, because the form in which the benefits are taken can be varied to some extent.

The trustees' intention is to appoint at least one AVC provider who will be able to offer a range of investment facilities to Members such as a deposit-based approach, an insurance-with-profits approach and a typical unit

link full-investment risk approach. The intention is that the AVC facility would be in place as soon as possible after this Bill is formally approved.

**Mr Close:** Is the additional voluntary contribution still restricted?

**Mr Ballantine:** In principle, the 15% limit applies to the Members' ordinary 6% contribution, any added years contributions and any AVC contributions in aggregate. Normally, very few people would want to pay more than 15% of their salary in respect of a pension.

**Mr Close:** The transference in of other funds is an issue which I should, perhaps, raise privately, but presumably that is not a way around the 15% overall maximum for added years.

**Mr Ballantine:** If you transfer money in from other schemes, that relates to past contributions and does not affect the 15%. Only new contributions are taken into account.

**The Chairman:** So a Member could enjoy transfers plus his 15%?

**Mr Ballantine:** Yes. The transfer deals with past contributions, whereas the 15% relates to new contributions.

**Mr Hamilton:** Part S deals with actuarial valuations, which we have heard about. The trustees must appoint an actuary, and if the shadow trustees are eventually appointed by the Assembly, they intend to appoint the Government Actuary's Department, which provides that service for the other parliamentary and assembly schemes. The actuary must report to the trustees every three years as to the value of the liabilities compared to the assets of the scheme and recommend the Assembly's contribution rate, which initially is likely to be 18%. The trustees must lay that actuary's report before the Assembly within three months of receiving it.

Part T deals with a number of miscellaneous items. It provides for the fact that pensions cannot be assignable to creditors in relation to debts. It also provides for small payments to be made to the personal representatives of deceased Members without probate. It provides a facility for the trustees to apply the Member's pension for the benefit of the pensioner and his dependants if he is incapacitated due to mental disorder, rather than pay it to the pensioner himself.

These are provisions which are common to the other parliamentary and assembly schemes.

**The Chairman:** Have members any final questions they wish to ask? Do you want to go through the schedules in detail, Mr Ballantine?

**Mr Ballantine:** I believe we have already covered the schedules in detail as we went through them.

**Mr Hamilton:** The more technical Schedules — 2, 3, and 6 — are covered in detail at the back of the notes provided.

**The Chairman:** Is everybody content? It seems so.

Once again, I would like to thank the trustees for coming here and giving us this information. The notes clearly show that there are questions to be asked, and for now, at least, we have something to work from.





# **Written Answers**



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## Written Answers to Questions

Tuesday 14 December 1999

### HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

#### Hospitals (Downpatrick)

**Mr McGrady** asked the Minister of Health, Social Services and Public Safety if she will confirm the policy of building a new hospital in Downpatrick. (AQW 1/99)

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** I am aware of the issue which the Member raises, and this is something which I am currently considering.

Tá mé ar an eolas maidir leis an tsaincheist atá an Comhalta a thógáil, agus is rud é seo a bhfuil mé ag breathnú air i láthair na huaire.

#### Acute Maternity Services (Downpatrick)

**Mr McGrady** asked the Minister of Health, Social Services and Public Safety if she will undertake a review into the proposed loss of acute services from the Downe and Downpatrick maternity hospitals.

(AQW 2/99)

**Ms de Brún:** This is one of a number of important matters which I am currently considering. I hope to make a statement on the way forward in due course.

Tá sé seo ar cheann de roinnt ceisteanna tábhachtacha a bhfuil mé ag breathnú orthu i láthair na huaire. Tá mé ag brath ráiteas a dhéanamh in am trátha maidir leis an bhealach chun tosaigh.

#### Occupational Therapy Referrals (Down Lisburn Trust)

**Mr McGrady** asked the Minister of Health, Social Services and Public Safety what steps will be taken to increase the financial resource allocation to Down Lisburn Trust in order to reduce the waiting list for occupational therapy referrals. (AQW 2/99)

**Ms de Brún:** I can advise that, in response to pressures on waiting times, the Eastern Health and Social Services Board has commissioned a review of occupational therapy services across the board area. Having regard to the outcome of this review, the board will be in a position to consider what, if any, additional resources can be made available to Down Lisburn Trust for this purpose.

Tig liom a thabhairt le fios go bhfuil Bord Sláinte agus Seirbhísí Sóisialta an Oirthir, mar fhreagairt ar bhrú ar amanna feithimh, i ndiaidh athbhreithniú a choimisiúnú ar na seirbhísí Teiripe Saothair ar fud cheantar an Bhoird. Nuair a bheidh toradh an athbhreithnithe sin ar fáil, beidh an bord i riocht a mheas cad iad na hacmhainní breise, más ann dóibh, is féidir a chur ar fáil d'Iontaobhas an Dúin-Lios na gCearrbhach chuige sin.





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## Written Answers to Questions

## OFFICE OF FIRST MINISTER AND DEPUTY FIRST MINISTER

### Civic Forum

Wednesday 15 December 1999

### EDUCATION

#### Integrated Schools

**Mrs E Bell** asked the Minister of Education how many of the pupils who applied to an integrated school in September this year were unable to secure a place.

(AQW 4/99)

**The Minister of Education (Mr M McGuinness):** The numbers of unsuccessful first-preference applications to integrated schools for admission in September 1999 were 11 for primary school and 253 for secondary school.

**Mr Ford** asked the Office of the First Minister and the Deputy First Minister what progress has been made in the establishment of the Civic Forum. (AQW 5/99)

**Reply:** On 16 February 1999 the Assembly agreed a report from the First Minister (Designate) and Deputy First Minister (Designate) which included a section on the Civic Forum. Initial work was undertaken on the basis of that report on preliminary arrangements for securing nominations for the Forum. Action is now being taken forward under the auspices of the First Minister and the Deputy First Minister. Consultation on membership will take place shortly with a range of sectoral interests. Consideration is also being given to the location and staffing of the Forum.



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## Written Answers to Questions

Monday 17 January 2000

### OFFICE OF FIRST MINISTER AND DEPUTY FIRST MINISTER

#### Civic Forum

**Mr B Hutchinson** asked the Office of the First Minister and the Deputy First Minister when they plan to report to the Assembly on progress made in the establishment of the Civic Forum. (AQW 10/99)

**Reply:** Work on developing proposals in relation to the establishment of the Civic Forum is moving ahead under the auspices of the First Minister and the Deputy First Minister. Our aim remains that all the work relating to the establishment of the Forum be completed within six months. A progress report will be made in the new year.

#### Ministerial Advisers

**Mr B Hutchinson** asked the Office of the First Minister and Deputy First Minister to list all ministerial advisers and outline to the Assembly what salaries these advisers are receiving for their service. (AQW 11/99)

**Reply:** The appointment of special advisers is a matter for individual Ministers and is subject to the provisions of the Civil Service Commissioners (Northern Ireland) Order 1999.

In the Office of the First Minister and Deputy First Minister six special advisers have been appointed: three to the First Minister and three to the Deputy First Minister. The advisers are David Campbell, Dr Graham Gudgin, David Kerr, Brian Barrington, Colm Larkin and Hugh Logue. The last two are on secondment from the European Commission and, as such, they continue to be paid by the Commission.

Special advisers may be paid on a salary scale from £26,728 to £78,186. They enter at the minimum of the salary scale or at a rate to be determined on the basis of their previous remuneration package. This rate is not determined by Ministers and is reviewed annually in line with changes to the Senior Civil Service pay bands. Special advisers' salaries are confidential to protect the privacy of the individuals concerned.

#### North/South Ministerial Council

**Mr Taylor** asked the Office of the First Minister and the Deputy First Minister (a) how many persons have been appointed to the secretariat of the North/South

Ministerial Council; (b) how many of these persons are from Northern Ireland; (c) whether these appointments comply with Northern Ireland Fair Employment legislation; and (d) if they will make a statement on the employment procedures of the North/South Ministerial Council.

(AQW 72/99)

**Reply:** The Good Friday Agreement provided, at paragraph 16 of strand 2, that the North/South Ministerial Council was to be supported by a standing joint secretariat staffed by members of the Northern Ireland Civil Service and of the Irish Civil Service. The question of the staffing of the Southern side of the Secretariat is a matter for the Irish Government. On the Northern side, there are five staff in post at present, including one on a temporary basis until the appointment of a joint secretary, and two subject to review after six months. All five staff were transferred from existing Northern Ireland Civil Service posts. Fair employment legislation therefore already applies to these staff.

### AGRICULTURE AND RURAL DEVELOPMENT

#### Agricultural Support Measures

**Mr Ford** asked the Minister of Agriculture and Rural Development if she will make a statement on the implications for Northern Ireland of the statement made on 7 December 1999 by Mr Nick Brown MP covering agricultural support measures. (AQW 6/99)

**The Minister of Agriculture and Rural Development (Ms Rodgers):** The main implication for Northern Ireland of the statement made by Mr Nick Brown MP on 7 December is that it announces an earlier decision agreed at UK level to implement modulation or redirection of direct farm subsidies. The formula for this envisages a flat rate cut of 2.5% in 2001, rising to 4.5% in 2006. This is on the basis that the amount redirected would be matched by an equal amount from the Exchequer.

In Northern Ireland there will now follow an exercise to seek the views of the agriculture industry and other interested parties on priorities and methodology for using the funds thus generated within the EU rules.

#### Kilkeel Harbour

**Mr McGrady** asked the Minister of Agriculture and Rural Development when funding will be made available for the development of a new harbour at Kilkeel, County Down. (AQW 19/99)

**Ms Rodgers:** I understand that the Northern Ireland Fishery Harbour Authority has examined carefully a range of options to improve the entrance to Kilkeel Harbour. It is now assessing related issues, including the

wider development of Kilkeel. To date, however, the authority has not made a request for funding for improvements to the harbour entrance or for the development of a new harbour at Kilkeel.

### Pig Industry

**Mr Taylor** asked the Minister of Agriculture and Rural Development if she will make a statement on the future prospects of the Northern Ireland pig industry; and what proposals she has to support this industry.

(AQW 83/99)

**Ms Rodgers:** It is likely that the Northern Ireland pig industry will continue to experience difficulties while the European Union market remains oversupplied and the current relationship between the value of sterling and the euro holds.

I currently have no proposals to support the sector as there are no funds available to allow me to do so. Furthermore, European state aid rules are very strict with regard to providing aid to producers.

I am discussing the issues involved in the pig sector with my agricultural counterparts in Great Britain and the Republic of Ireland to see if anything can be done to ease the difficulties of the industry.

### Farmers: Retirement Scheme

**Mr McGrady** asked the Minister of Agriculture and Rural Development when she will implement an early retirement scheme for farmers.

(AQW 86/99)

**Ms Rodgers:** An early retirement scheme is one of a number of discretionary elements of the Agenda 2000 agreement. Following industry consultation, I am presently considering the content of the plan covering the schemes that might be operated under the rural development regulation for the period from 2000 to 2006. Due consideration must, of course, be given to the issues of funding and value for money, but it is extremely unlikely that a scheme could be funded in the early years of the plan period. However, I will wish to reflect on the views of the Assembly Committee on Agriculture and Rural Development before coming to a decision.

I will announce the schemes that will operate in Northern Ireland over the next seven years under the Rural Development Regulation as soon as possible.

### BSE

**Mr Taylor** asked the Minister of Agriculture and Rural Development how many cases of BSE in cattle there were in the year 1999 in (a) Northern Ireland and (b) the Republic of Ireland and whether she has made any representations to the Republic of Ireland about

the number of BSE cases in that country and if she will make a statement about BSE.

(AQW 109/99)

**Ms Rodgers:** In 1999 there were six cases of BSE in Northern Ireland and 91 in the Republic of Ireland.

BSE was one of a number of issues I discussed with the Minister of Agriculture for the Republic of Ireland, Mr Joe Walsh TD, when I met him shortly after taking up my appointment as Minister of Agriculture and Rural Development.

BSE is now at a very low level in Northern Ireland, and the rate of decline of the disease has closely followed the predictions made by the Department of Agriculture in 1992. Using these predictions, we would expect to see only three cases this year.

### Pig Industry

**Mr Paisley Jnr** asked the Minister of Agriculture and Rural Development, with farmers losing over £15 per pig, how long she envisages the industry surviving.

(AQW 125/99)

**Ms Rodgers:** I am very aware of the severe difficulties currently facing pig producers but I am unable to predict how long they can cope with the prevailing conditions.

The pig meat market is likely to remain depressed while European and world markets remain oversupplied and the current relationship between the value of sterling and the euro holds.

**Mr Paisley Jnr** asked the Minister of Agriculture and Rural Development how she will alleviate the financial burden of £45 million owed by pig producers to banks and grain companies.

(AQW 126/99)

**Ms Rodgers:** I currently have no proposals to support the sector, as there are no funds available to allow me to do so. Furthermore, European Union state-aid rules are very strict with regard to providing aid to producers.

I am discussing the issues involved in the pig sector with my agricultural counterparts in Great Britain and the Republic of Ireland to see if anything can be done to ease the difficulties of the industry.

## ENTERPRISE, TRADE AND INVESTMENT

### Natural Gas

**Mr McGrady** asked the Minister of Enterprise, Trade and Investment what plans he has to extend the natural gas line to the constituency of South Down.

(AQW 15/99)



**The Minister of Enterprise, Trade and Investment (Sir Reg Empey):** I am keen that the gas industry in Northern Ireland be extended, but any expansion of the gas network outside the Greater Belfast area is a matter for the private sector. The director general of gas for Northern Ireland, who is responsible for the granting of licences under the Gas (Northern Ireland) Order 1996, is currently considering licence applications from several private companies to take gas to the south-east of Northern Ireland, and I understand that he hopes to conclude his initial deliberations shortly.

### Energy

**Mr McGrady** asked the Minister of Enterprise, Trade and Investment what assessment he has made of the recent consultation paper entitled 'Energy Efficiency, Fuel Poverty and Supply Price Control' published on Monday 13 December by the Office for the Regulation of Electricity and Gas, (OFREG). (AQW 65/99)

**Sir Reg Empey:** In a privatised and independently regulated industry such as electricity, prices are neither set nor controlled by Government. The proposals in the OFREG consultation paper relate to the domestic energy efficiency sector, and the implications for the fuel poor and for domestic energy efficiency are matters for my colleague the Minister for Social Development.

### Economic Development

**Mr Byrne** asked the Minister of Enterprise, Trade and Investment if he accepts that for his Department to implement a coherent economic development policy, it should incorporate a productivity target within the Strategy 2010 proposals, as suggested by the Northern Ireland Economic Council. (AQW 110/99)

**Sir Reg Empey:** It is widely accepted that productivity is a good measure of economic performance, and many of the recommendations in Strategy 2010 are aimed at improving the relatively poor productivity performance of the Northern Ireland economy. Changes in two of the strategy indicators — GDP per head and earnings — will normally reflect changes in productivity. There is no reason, however, why a specific target for productivity, as measured by, for example, GDP per person employed, should not also be included.

### PPS-Type Appointments

**Mr Ford** asked the Minister of Enterprise, Trade and Investment to detail any appointments he has made of a Member of the Assembly to a role analogous to that of a Parliamentary Private Secretary, detailing the terms of their employment and outlining any access they will have to departmental papers. (AQW 142/99)

**Sir Reg Empey:** I have not made any appointment.

### Economic Development (West Tyrone)

**Mr McMenamin** asked the Minister of Enterprise, Trade and Investment if he will ensure that the IDB will give a fair share of the latest economic development package to West Tyrone, particularly Strabane.

(AQO 13/99)

**Sir Reg Empey:** As a designated TSN area, West Tyrone is already eligible for enhanced support to encourage projects to locate there. This will continue to be the approach for West Tyrone under my Department's new TSN action plan.

### Norfil: Closure

**Mr McClelland** asked the Minister of Enterprise, Trade and Investment if his Department intends to co-operate with other relevant Departments to ensure that the former workforce of the Norfil company receive assistance with training and/or searching for employment.

(AQO 18/99)

**Sir Reg Empey:** My Department is working closely with other Agencies — in particular the Department of Higher and Further Education, Training and Employment — to endeavour to provide training and employment opportunities for those who have been made redundant.

### Enkalon Industrial Park

**Mr McClelland** asked the Minister of Enterprise, Trade and Investment what steps are being taken by Government agencies to promote the Enkalon industrial park in Antrim. (AQO 19/99)

**Sir Reg Empey:** The Industrial Development Board (IDB), in partnership with the Valuation and Lands Agency, maintains a database of available private-sector industrial and commercial property. The IDB has been notified of premises available within the privately owned Enkalon estate, and these will be brought to the attention of client companies and potential investors as appropriate.

### Employment (Western Areas)

**Mr McElduff** asked the Minister of Enterprise, Trade and Investment if he will commit greater resources and priority to meaningful job creation in rural areas west of the River Bann, including Omagh and Strabane, where unemployment has been disproportionately high for decades. (AQO 28/99)

**Sir Reg Empey:** Under the Department of Enterprise, Trade and Investment new TSN action plan, which is at present out for consultation, IDB, LEDU and the Northern Ireland Tourist Board are committed to directing efforts and resources to areas, including those referred

to by the hon Member, where long-term unemployment is disproportionately high.

## THE ENVIRONMENT

### Area Plans (Down / South Armagh)

**Mr McGrady** asked the Minister of the Environment when work will commence on the area plans for the Newry and Mourne and Banbridge district council areas.

(AQW 13/99)

**Mr McGrady** asked the Minister of the Environment what progress has been made on the development of a new area plan for the Down District Council area.

(AQW 14/99)

**The Minister of the Environment (Mr Foster):** Work will commence on the combined Newry and Mourne and Banbridge area plan in February 2000.

Work commenced on the Ards and Down area plan in January 1999, but the statutory process which must be followed means that adoption will not take place until March 2003 at the earliest.

### Genetically Modified Foods

**Mr McGrady** asked the Minister of the Environment what is his policy on field trials for genetically modified foods in Northern Ireland.

(AQW 28/99)

**Mr Foster:** Field trials to release genetically modified organisms (GMOs) into the environment are regulated under EC Directive 90/220/EEC. The Directive has been transposed into Northern Ireland legislation by the Genetically Modified Organisms (NI) Order 1991 and the Genetically Modified Organisms (Deliberate Release) Regulations (NI) 1994. The Department of the Environment is one of four UK competent authorities for the purposes of the Directive.

The Directive sets down the framework within which applications for authority to undertake GMO field trials are to be considered.

There are currently no such applications before the Department.

**Mr McGrady** asked the Minister of the Environment if he can confirm that any field trials for genetically modified foods took place between 1 April 1999 and 30 November 1999 in Northern Ireland.

(AQW 29/99)

**Mr Foster:** There were no field trials for the release of genetically modified organisms (GMOs) between 1 April 1999 and 30 November 1999 in Northern Ireland.

## Environmental Protection

**Mr McGrady** asked the Minister of the Environment what plans he has to establish an Environmental Protection Agency for Northern Ireland.

(AQW 30/99)

**Mr Foster:** Operational responsibility for environmental protection rests with the Environment and Heritage Service of the Department of the Environment. I have no plans to change these arrangements.

## PPS-Type Appointments

**Mr Ford** asked the Minister of the Environment to detail any appointments he has made of a Member of the Assembly to a role analogous to that of a Parliamentary Private Secretary, detailing the terms of their employment and outlining any access they will have to departmental papers.

(AQW 141/99)

**Mr Foster:** I have not made an appointment such as that detailed in the description.

## FINANCE AND PERSONNEL

### Social Deprivation: Robson Statistics

**Mr McGrady** asked the Minister of Finance and Personnel what proposals he has to review the Robson statistics for social deprivation in Northern Ireland, and if he will make a statement.

(AQW 20/99)

**The Minister of Finance and Personnel (Mr Durkan):** The Robson measures were published by this Department in 1994 and have informed a wide range of Government projects aimed at areas of economic and social need. The measures have proved a useful tool for targeting, but are based largely on census of population data, which are now eight years old. Accordingly, my Department will be examining the scope to update work on social deprivation indices early this year.

### Devolution: Cost

**Mr Paisley Jnr** asked the Minister of Finance and Personnel to give a breakdown of how much devolution has cost the taxpayer of Northern Ireland and how this will be reflected in this year's rates.

(AQW 120/99)

**Mr Durkan:** With the sole exception of the regional rate, there is no direct link between the level of expenditure and the revenue raised through taxation in Northern Ireland. The departmental expenditure limit for Northern Ireland for 1999-2000 assumed increases of 8% and 5.5% in the domestic regional rate poundage and the non-domestic regional rate poundage respectively. However, because the regional rate is an unhypothecated

tax, revenue from this source cannot be attributed to any specific element of expenditure.

The latest estimated devolution-related expenditure for 1999-2000, reflecting the transfer of powers at the beginning of last December, is as follows:

	£ million
Northern Ireland Assembly	18.7
Departmental restructuring (including accommodation)	8.8
North/South implementation bodies	1.4
Executive Information Service	0.7
Civic Forum	0.2
Office of the Executive Support	2.6
North/South Ministerial Council	0.6
Equality Commission	0.4
Total	33.4

### PPS-Type Appointments

**Mr Ford** asked the Minister of Finance and Personnel to detail any appointments he has made of a member of the Assembly to a role analogous to that of a Parliamentary Private Secretary detailing the terms of their employment and outlining any access they will have to departmental papers. (AQW 140/99)

**Mr Durkan:** I have not made any appointment of a member of the Assembly to a role analogous to that of a Parliamentary Private Secretary.

## HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

### Northern Ireland Fire Authority

**Mr McGrady** asked the Minister of Health, Social Services and Public Safety, what steps she will take to ensure that additional financial and staff resources are allocated to the Northern Ireland Fire Authority. (AQW 7/99)

**The Minister for Health, Social Services and Public Safety (Ms de Brún):** These are among a number of important matters which I am currently considering, and I hope to be able to make a statement in due course.

Tá siad seo ar roinnt ceisteanna tábhachtacha a bhfuil mé á meas i láthair na huaire agus tá súil agam bheith ábalta ráiteas a dhéanamh in am tráth.

**Mr McGrady** asked the Minister of Health, Social Services and Public Safety what progress has been made in resolving the crisis within the Northern Ireland Fire Authority over salary and conditions of service for firefighters, and if she will make a statement.

(AQW 8/99)

**Ms de Brún:** These are among a number of important matters which I am currently considering, and I hope to be able to make a statement in due course.

Tá siad seo ar roinnt ceisteanna tábhachtacha a bhfuil mé á meas i láthair na huaire agus tá súil agam bheith ábalta ráiteas a dhéanamh in am tráth.

### Ambulance Service (Downpatrick Area)

**Mr McGrady** asked the Minister of Health, Social Services and Public Safety what assessment she has made of the report published on Monday 22 November 1999 into the Ambulance Service in the Downpatrick and surrounding areas, and what action will be taken for the implementation of recommendations on the need for additional resources to improve the service.

(AQW 18/99)

**Ms de Brún:** I can confirm that the report published on the 22 November 1999 will be considered within the broader context of the provision of ambulance services and in conjunction with the recommendations which are expected to emerge from the comprehensive review of the Ambulance Service. Further investment will need to be considered in accordance with the outcome of the comprehensive review.

Tig liom a dheimhniú go mbreathnófar ar an tuarascáil a foilsíodh ar 22 Samhain 1999 taobh istigh de chomhthéacs níos leithne an tsoláthair seirbhísí otharchairr, agus i gcomhar leis na moltaí lena bhfuiltear ag dúil leo a theacht ón Athbhreithniú Cuimsitheach ar an tSeirbhís Otharchairr. Beidh gá le breathnú ar a thuilleadh infheistithe de réir thoradh an Athbhreithnithe Chuimsitheach.

### Maternity Services (Belfast)

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety what is the current position in regard to maternity services in Belfast following the recent review, and whether a decision has been arrived at in light of the submissions made by interested parties. (AQW 25/99)

**Ms de Brún:** I am considering carefully the views expressed during the recent public consultation. I have met staff from both hospitals — the Jubilee Action Group and the Royal Maternity Joint Liaison Group. I have also discussed the matter with the Assembly's Health, Social Services and Public Safety Committee. I intend to announce my decision on the way forward in the very near future.

Tá mé ag breathnú go cúramach ar na tuairimí a nochtadh le linn an chomhairliúcháin phoiblí ar na mallaibh. Bhuaill mé le baill foirne ón dá ospidéal, leis an Jubilee Action Group agus leis an Royal Maternity Joint Liaison Group. Phléigh mé an cheist fosta le Coiste Sláinte, Seirbhísí agus Sábháilteachta Poiblí an

Tionóil. Tá rún agam mo chinneadh maidir leis an bhealach chun tosaigh a fhógairt gan mhoill.

### Occupational Therapy (EHSSB)

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety what steps are being taken to alleviate the waiting list in the Eastern Health and Social Services Board for occupational therapy, which is now at 4,946, and whether there will be a regional review on this matter. (AQW 26/99)

**Ms de Brún:** The Eastern Health and Social Services Board's senior management team has recently initiated a stocktake of work done and developments in respect of occupational therapy issues in an effort to determine the potential for significant improvements on waiting issues. The board has also established a working group to look at longer-term solutions to OT waiting times.

As increasing demand for housing adaptations assessments is a particular pressure for the OT service, officials in my Department and the Housing Executive are exploring the practicalities of carrying out a fundamental review of the housing adaptations service, to be undertaken jointly by both organisations.

Tá Foireann Bhainistíochta Shinsearach Bhord Sláinte agus Seirbhísí Sóisialta an Oirthir i ndiaidh stocáireamh a thiomsú ar na mallaibh ar an obair atá déanta agus ar fhorbairtí i dtaca le saincheisteanna Teiripe Saothair, mar iarracht le fáil amach cé na feabhsuithe cuimsitheacha is féidir a dhéanamh maidir le saincheisteanna feithimh. Chomh maith leis sin, tá an Bord i ndiaidh grúpa oibre a bhunú le hamharc ar réitigh níos fadtéarmaí ar amanna feithimh Teiripe Saothair.

Ó tharla go bhfuil brú ar leith ar an tseirbhís Teiripe Saothair de bharr an mhéadaithe ar an éileamh ar mheastacháin faoi choinne oiriúnuithe tithíochta, tá oifigigh i mo Roinn agus san Fheidhmeannas Tithíochta ag fiosrú cá phraiticiúla a bheadh sé athbheithniú bunúsach, faoina dtabharfadh an dá eagraíocht I gcomhar le chéile, a dhéanamh ar an tseirbhís oiriúnuithe tithíochta.

### Tobacco Advertising

**Mr Ford** asked the Minister of Health, Social Services and Public Safety if she will introduce legislation to ban tobacco advertising in Northern Ireland.

(AQW 27/99)

**Ms de Brún:** It is my intention to introduce legislation banning tobacco advertising here in line with proposals for similar action in Great Britain.

Tá rún agam reachtaíocht a thabhairt isteach ag toirmeasc fógraíocht tobac anseo ar aon dul le moltaí

faoi choinne beartais den chineál chéanna sa Bhreatain Mhór.

### Nurses

**Mr McGrady** asked the Minister of Health, Social Services and Public Safety what action will be taken to increase the number of qualified nurses and the number of students in nurse training in Northern Ireland.

(AQW 64/99)

**Ms de Brún:** My Department aims to provide qualified nurses to meet workforce requirements for health-care providers here by commissioning an appropriate number of student places on the three-year Higher Education Diploma in Nursing Studies course provided by the Queen's University of Belfast.

Commissioning arrangements for 440 student places per annum for a period of five years have been in place since September 1997.

The number of places for the September 1999 intake has been increased by 5% to 462. There were 1,678 applicants for these places, and 869 were called for interview.

There are currently 1,230 diploma nursing students at the university.

A total of 351 nursing diploma students qualified in October 1999 and became available for employment.

A Nursing and Midwifery Workforce Advisory Group, which is representative of health-care providers here, has been established to advise my Department on nurse education commissioning matters, and student numbers are kept under review.

Additionally, the University of Ulster (Coleraine campus) currently offers 40 places per annum on its four-year BSc(Hons) nursing courses, and 144 students are currently pursuing this course.

Tá sé d'aidhm ag mo Roinn banaltraí cáilithe a sholáthar le riar ar riachtanais líon saothair na soláthróirí cúraim sláinte anseo trí uimhir chuí áiteanna a choimisiúnú do mhic léinn ar an Chúrsa 3 bliana Dioplóma Ardoideachais i Léann na Banaltrachta atá Ollscoil na Banríona, Béal Feirste, a chur ar fáil.

Tá socruithe coimisiúnaithe i bhfeidhm faoi choinne 440 áit do mhic léinn in aghaidh na bliana ar feadh tréimhse 5 bliana ó bhí Meán Fómhair 1997 ann.

Tháinig méadú 5% suas go dtí 462 ar an líon áiteanna d'iontógáil Mheán Fómhair 1999. Chuir 1678 iarratas isteach ar na háiteanna sin agus cuireadh agallamh ar 869.

Tá 1230 mac léinn sa dioplóma banaltrachta san ollscoil faoi láthair.



Cháiligh 351 mac léinn san iomlán sa dioplóma banaltrachta I nDeireadh Fómhair 1999 agus bhí siad ar fáil faoi choinne fostaíochta.

Bunaíodh Grúpa Comhairliúcháin maidir le Líon Saothair Banaltrachta agus Ban Cabhrach, atá ionadaitheach do sholáthróirí cúraim sláinte anseo, le comhairle a chur ar mo Roinn maidir le saincheisteanna coimisiúnaithe oideachais banaltrachta, agus coinnítear súil ar bhonn leanúnach ar an líon mac léinn.

Lena chois sin, tairgeann Ollscoil Uladh (Campas Chúil Raithin) 40 áit faoi láthair ar a Cúrsaí 4 bliana BSc Onóracha le Banaltracht agus tá 144 mac léinn ag déanamh an Chúrsa seo faoi láthair.

### Clifton Special School

**Mr Weir** asked the Minister of Health, Social Services and Public Safety what plans there are to provide a permanent school nurse for Clifton Special School in Bangor. (AQW 73/99)

**Ms de Brún:** I can confirm that a full-time nurse was appointed to Clifton Special School in September 1999. The appointment is on a pilot basis to establish the effectiveness and appropriateness of employing a skilled paediatric nurse in a special-school setting.

The Eastern Health and Social Services Board will consider the recommendations of the regional review group on the health and social services requirements of children with special educational needs and its own evaluation of the pilot before taking a final decision about a permanent nurse placement at the school.

Tig liom a dheimhniú gur ceapadh banaltra lánaimseartha do Scoil Speisialta Clifton i Meán Fómhair 1999. Tá an ceapachán ar bhonn píolótach le fáil amach cé chomh héifeachtach agus cé chomh cuí agus atá sé banaltra oilte phéidiatraiceach a fhostú i suíomh scoile speisialta.

Breathnóidh Bord Sláinte agus Seirbhísí Sóisialta an Oirthir ar mholtaí an Ghrúpa Athbhreithnithe Réigiúnaigh maidir le riachtanais sláinte agus seirbhísí sóisialta na bpáistí le riachtanais oideachais ar leith agus ar a mheastóireacht féin ar an scéim phiolótach sula ndéanfaidh sé an cinneadh deiridh maidir le banaltra a chur in ionad go buan sa scoil.

### Drugs Awareness/Education

**Mr Weir** asked the Minister of Health, Social Services and Public Safety what was the total expenditure by her Department on drugs awareness/education programmes in (a) 1998 and (b) 1999. (AQW 74/99)

**Ms de Brún:** During the years in question such programmes were funded by the Northern Ireland

Office under the banner of the Northern Ireland drugs campaign. As part of this campaign, the Health Promotion Agency spent £256,302 in 1997-98 and £220,925 in 1998-99 on drug awareness/education programmes. In addition, my Department awarded grants totalling £200,000 in 1997-98 and £230,000 in 1998-99 to voluntary organisations engaged in tackling substance misuse.

I rith na mblianta atá i gceist bhí a leithéidí seo de chháir á maoiniú ag Oifig Thuaisceart Éireann faoi mheirge Fheachtas Drugaí Thuaisceart Éireann. Mar chuid den fheachtas seo, chaith an Ghníomhaireacht um Chur chun Cinn na Sláinte £256,302 i 1997/98 agus £220,925 i 1998/99 ar chlár feasachta/oideachais maidir le drugaí. Lena chois sin, bhronn mo Roinnse deontais ina raibh iomlán £200,000 i 1997/98 agus £230,000 i 1998/99 ar eagraíochtaí deonacha a bhí gníomhach in éadan mí-úsáid substaintí.

**Mr Weir** asked the Minister of Health, Social Services and Public Safety what is the projected expenditure by her Department in the next financial year on drugs awareness/education programmes.

(AQW 75/99)

**Ms de Brún:** Expenditure plans for drug awareness/education programmes in the next financial year have not yet been finalised. However, education/awareness of the dangers of illicit drugs is a priority for my Department.

Níl na pleananna caiteachais le haghaidh clár feasachta/oideachais maidir le drugaí sa bhliain airgeadais seo chugainn críochnaithe go fóill. Mar sin féin, is tosaíocht ag mo Roinn é an fheasacht/oideachas faoi chontúirtí drugaí toirmiscthe.

### Senior Citizens (Telephone Service)

**Mr Bradley** asked the Minister of Health, Social Services and Public Safety whether she is prepared to initiate negotiations with British Telecom with a view to establishing a scheme to provide a free domestic telephone service for senior citizens. (AQW 96/99)

**Ms de Brún:** Investigations are currently being carried out by other Departments on the possibility of providing free transport and TV licences to senior citizens here. I am happy to listen to representations on the provision of a free domestic telephone service.

Tá fiosrúcháin á ndéanamh faoi láthair ag Ranna eile féachaint arbh fhéidir iompar agus ceadúnais theilifíse a sholáthar saor in aisce do sheandaoine anseo. Tá mé sásta éisteacht le hionadaíochtaí maidir le soláthar seirbhís theileafóin bhaile shaor in aisce.

### DHSSPS Buildings: Union Flag

**Mr Weir** asked the Minister of Health, Social Services and Public Safety what policy she will pursue in relation to the flying of the Union Jack from her Department's buildings. (AQW 107/99)

**Ms de Brún:** The issue of the flying of flags at public buildings has been raised with the First Minister and the Deputy First Minister, and until the matter is resolved I have decided to suspend the flying of the British national flag alone at Department of Health, Social Services and Public Safety buildings.

Tógadh saincheist na mbratach ar foluain ar fhoirgnimh phoiblí leis an Chéad-Aire agus leis an LeasChéad-Aire, agus go dtí go réitítear an tsaincheist tá cinneadh déanta agam go gcuirfear foluain bhratach náisiúnta na Breataine ina aonair ar fionraí ar fhoirgnimh RSSSP.

### Homefirst Community Trust

**Mr Paisley Jnr** asked the Minister of Health, Social Services and Public Safety if she was aware of the current plight of the Homefirst Community Trust, whose overspend stands at £983,423, and how she intends to alleviate this increased burden on the trust. (AQW 129/99)

**Ms de Brún:** I am acutely aware of the financial position of the health and personal social services as a whole and, specifically, of the current and projected position of the Homefirst Community Trust.

Homefirst Community Trust, like all other trusts, has a responsibility to meet specific financial obligations, one of which is to break even on income and expenditure. The trust is currently in the process of negotiating additional funding, in conjunction with its main commissioner, to enable it to meet this financial obligation. The Department will continue to monitor the position, and I will initiate any necessary action when the final position for 1999-2000 is determined, following the completion of discussions between the trust and its main commissioner.

Tá mé ar an eolas go glinn faoi shuíomh airgeadais na seirbhísí sóisialta sláinte agus pearsanta ina n-iomláine agus, go sonrach, faoi shuíomh an Homefirst Community Trust faoi láthair agus a réamh-mheastachán.

Dála gach Iontaobhas, tá freagracht ar Homefirst Community Trust oibleagáidí sonracha airgeadais a chomhlíonadh, ar a bhfuil bheith meá ar mheá in ioncam agus caiteachas. Tá an tIontaobhas faoi láthair i mbun idirbheartaíochta le maoiniú breise a fháil, i gcomhar lena phríomhchoimisinéir, le cur ar a chumas an oibleagáid airgeadais seo a chomhlíonadh. Leanfaidh an Roinn de bheith ag déanamh monatóireachta ar an chás agus tionscnóidh mé aon bheartaíocht is gá

nuair a bheidh an suíomh deiridh do 1999/00 socraithe, nuair a bheidh na hidirbheartaíochtaí idir an tIontaobhas agus a phríomhchoimisinéir críochnaithe.

### IRA Violence: Hospitalisation of Victims

**Mr Paisley Jnr** asked the Minister of Health, Social Services and Public Safety if she will condemn IRA violence that has resulted in the hospitalisation of so many of the people of Northern Ireland. (AQW 130/99)

**Ms de Brún:** The suffering which has been inflicted upon all sections of our people in the past should be a matter of profound regret to us all. It would appear that the person who has asked this question does not recognise the suffering of all sections of our society. If so, that too is a matter of regret.

Ba chóir gur cúis mhór aiféala dúinn go léir an fhulaingt a gearradh ar gach aicme den phobail sna blianta thart. Tá cuma ar an scéal nach n-aithníonn an duine a chuir an cheist seo fulaingt gach aicme den phobail. Más é sin an cás, is cúis aiféala sin fosta.

### PPS-Type Appointments

**Mr Ford** asked the Minister of Health, Social Services and Public Safety to detail any appointments she has made of a Member of the Assembly to a role analogous to that of a Parliamentary Private Secretary, detailing the terms of their employment and outlining any access they will have to departmental papers. (AQW 145/99)

**Ms de Brún:** I can confirm that I have made no such appointment.

Cinntim nach ndearna mé aon ainmniúchán den tsaghas sin.

## HIGHER AND FURTHER EDUCATION, TRAINING AND EMPLOYMENT

### Action for Community Employment

**Mr McCarthy** asked the Minister of Higher and Further Education, Training and Employment what plans he has to replace the Action for Community Employment Scheme. (AQW 9/99)

**The Minister of Higher and Further Education, Training and Employment (Dr Farren):** New Deal is now the main initiative to combat unemployment. In particular, the Environmental Task Force and Voluntary options of New Deal 18-24 may appeal to those young people who seek experience of community-based activity.

From 1 August 1999, the Training and Employment Agency has been providing Worktrack as a new programme for the long-term unemployed. It complements

the New Deal by providing temporary employment opportunities for long-term unemployed adults who are not eligible for New Deal. The programme aims to progress participants into sustainable paid employment at the earliest possible opportunity.

### Student Grants/Loans

**Mr C Murphy** asked the Minister of Higher and Further Education, Training and Employment if he will undertake an immediate review of the educational consequences of replacing student grants with loans and the financial implications of returning to a policy of student grants. (AQW 44/99)

**Dr Farren:** I will be reviewing the current student support arrangements in Northern Ireland, and the review will cover all the available options, together with their educational and cost implications. It will also have regard to proposals for change elsewhere in the United Kingdom. I am currently considering the form that the review should take and will announce my intentions in due course.

### Software and Technology: Skills and Training

**Mr McGrady** asked the Minister of Higher and Further Education, Training and Employment what assessment he has made of training needs and skills in the software and technology spheres in Northern Ireland, and if he will make a statement. (AQO 3/99)

**Dr Farren:** The Department has made a number of assessments of training and skills needs in the growing software and technology centres. The Software Industry Federation, working closely with the Training and Employment Agency and the Industrial Development Board, has developed a strategy for growth in the industry. The Northern Ireland skills task force has commissioned further research on the issue, and I will ensure that creating and maintaining skills in the sector is a priority.

Arising from the Software Industry Federation strategy, a number of initiatives have been taken, including an expansion of higher and further education places, a conversion programme for non-IT graduates and a modern apprentice programme in the industry. I met with the Software Industry Federation on 13 January and discussed progress on skills issues with it.

### Lifelong Learning

**Mr Dallat** asked the Minister of Higher and Further Education, Training and Employment what resources will be made available to ensure that lifelong learning becomes a reality, especially for those people who

have missed out during the last 30 years of political instability. (AQO 14/99)

**Dr Farren:** All of the Department's programme resources aim to encourage a greater culture of lifelong learning. Specifically an additional £63 million has been made available for the three years to March 2002 for a range of initiatives to increase and widen participation in adult learning.

### Student Population

**Dr Birnie** asked the Minister of Higher and Further Education, Training and Employment to outline the composition of the student population in Northern Ireland, within both higher and further education, in terms of the following: (1) male/female, (2) Catholic/Protestant, (3) age profile and (4) social class. (AQO 26/99)

**Dr Farren:** In 1998-99 the composition of the student population in higher education institutions was as follows:

- (1) 40% male and 60% female;
- (2) 22% Catholic, 17% Protestant and 62% other or unknown;
- (3) 37% aged under 21, 26% aged 21 to 24, 35% aged 25 and over and 2% unknown;
- (4) professional 7%, intermediate 42%, skilled non-manual 17%, skilled manual 24%, partly skilled 8% and unskilled 3%.

The figures for further education institutions are as follows:

- (1) 40% male and 60% female;
- (2) 40% Catholic, 35% Protestant and 25% other or unknown;
- (3) 50% aged under 21, 9% aged 21 to 24, 40% aged 25 and over and 0.5% unknown;
- (4) social class profile not available.

## REGIONAL DEVELOPMENT

### Rural Roads

**Mr Bradley** asked the Minister for Regional Development if he will undertake to review expenditure on the upkeep of rural roads and put in place a programme to reinstate and upgrade the rural roads network. (AQW 16/99)

**The Minister for Regional Development (Mr P Robinson):** I will be considering, as part of work on a long-term transport strategy, the need to maintain properly the existing road network, including rural

roads. This will include examining the criteria used in prioritising capital and maintenance schemes within the available resources. I am very conscious that I have inherited a significant roads maintenance backlog and that the existing levels of funding fall far short of what is required. These are issues which I will also be pursuing in my input to the programme of government and consideration of public expenditure priorities.

### Senior Citizens (Free Travel Scheme)

**Mr Bradley** asked the Minister for Regional Development if he will undertake to implement a free travel scheme for senior citizens at the earliest possible opportunity. (AQW 23/99)

**Mr P Robinson:** I have for many years supported the case for free travel on public transport for Northern Ireland's senior citizens. I am still committed to this policy. I will therefore be consulting shortly with the Assembly's Regional Development Committee about how the existing concessionary fares scheme might be replaced by more appropriate arrangements and about how such changes might be financed.

### Regional Strategic Framework

**Mr McGrady** asked the Minister for Regional Development what is the expected date of publication by the independent panel of the draft regional strategic framework (RSF), following the consultation sessions that were held throughout Northern Ireland.

(AQW 31/99)

**Mr P Robinson:** I understand that the panel hopes to present its report to me in February. I will then arrange for its publication.

### Sewerage (North Down / Ards)

**Mr Weir** asked the Minister for Regional Development when the Department intends to announce the location for the new sewerage works for the North Down/Ards area.

(AQW 79/99)

**Mr P Robinson:** I am replying as this is a matter for the Department for Regional Development. The Department's Water Service has commissioned consultants to carry out detailed environmental assessments of the two possible sites identified in an earlier appraisal study, which was published in March 1999. These environmental assessments are to be submitted to the Department later this month.

I wish to consider all the issues very carefully, as I am aware of the concerns expressed by public representatives and members of the public about the siting of the proposed Wastewater Treatment Works. I hope to be in a position to make an announcement in about two to three months.

### Ballygowan-Belfast Road (Gritting)

**Mr Taylor** asked the Minister for Regional Development if he has received any complaints about the level of gritting on the main Ballygowan to Belfast road within the Borough of Castlereagh; what arrangements are in place to grit this section of roadway; and if he will make a statement. (AQW 85/99)

**Mr P Robinson:** As this is a matter for the Department of Regional Development, I am replying. The Department's Roads Service has informed me that it has received one complaint in the current winter period about the salting of the main Ballygowan to Belfast road, within the Borough of Castlereagh. The entire length of this road between Ballygowan and Knockbreda Road, Belfast, is included in the Roads Service salted network. This route, like all routes in the salted network, is treated when weather forecasts predict snow or icy conditions.

### Comber Bypass

**Mr Taylor** asked the Minister for Regional Development what is the present programme for commencement of phase 2 of the Comber bypass road scheme; what is the estimated cost; whether the land has been acquired; whether the final design has been completed; and if he will make a statement.

(AQW 97/99)

**Mr P Robinson:** The scheme to construct stage 2 of the Comber bypass is included in the Department's current five-year major works programme. The scheme is currently scheduled to commence in 2003-04 and is estimated to cost £3.1m. The land required for the scheme has not yet been acquired. The design of the scheme has been completed, although some alteration may be required if a proposed housing development adjacent to the line of the road is approved.

### PPS-Type Appointments

**Mr Ford** asked the Minister for Regional Development to detail any appointments he has made of a Member of the Assembly to a role analogous to that of a Parliamentary Private Secretary, detailing the terms of their employment and outlining any access they will have to departmental papers. (AQW 138/99)

**Mr P Robinson:** Parliamentary Private Secretaries at Westminster are regarded as part of the Government team. No Minister would be in a position to make such an appointment in the Assembly. I have, however, in consultation with my party, appointed Mr Jim Wells (South Down) to provide assistance and back-up in the Assembly and to improve the linkage between the party and myself when I am absent on ministerial duties.

There is no question of Mr Wells, as a party adviser, having a right to access departmental papers, or of his



role being supported directly or indirectly from public funds.

## SOCIAL DEVELOPMENT

### Housing Associations

**Mr McGrady** asked the Minister for Social Development when he will introduce to the Northern Ireland Assembly, legislation relevant to the registration and monitoring of housing associations.

(AQW 12/99)

#### The Minister for Social Development (Mr Dodds):

I will shortly be giving careful consideration to all housing policies and the structures required to deliver those policies. The Member will appreciate that until such time as those decisions are made, it is not possible to indicate the content or timing of related legislation to be brought to the Assembly.

### Mersey Street / Connswater: Redevelopment

**Mr Ford** asked the Minister for Social Development what action he will take to ensure a prompt start to the redevelopment of the Mersey Street/Connswater area and if he will meet with local residents to discuss the plans.

(AQW 136/99)

**Mr Dodds:** The assessment of the need to carry out a redevelopment scheme and the timing of any such development are matters for the Northern Ireland Housing Executive. I have been advised by the Chief Executive that plans for the redevelopment of the Mersey Street/Connswater area are well advanced and that, subject to financial provision, this project should commence in the next financial year. The Chief Executive has confirmed that the Housing Executive remains committed to the Mersey Street/Connswater community and to ensuring the delivery of good housing as soon as possible.

As regards the local residents, I am presently considering a request from Mr Peter Robinson MP and the Mersey Street Residents Association to discuss the redevelopment of the area.

### PPS-Type Appointments

**Mr Ford** asked the Minister for Social Development to detail any appointments he has made of a Member of the Assembly to a role analogous to that of a

Parliamentary Private Secretary, detailing the terms of their employment and outlining any access they will have to departmental papers. (AQW 137/99)

**Mr Dodds:** Parliamentary Private Secretaries at Westminster are regarded as part of the Government team. No Minister would be in a position to make such an appointment in the Assembly. I have, however, in consultation with my party, appointed Mr Mark Robinson (South Belfast) to provide assistance and back-up in the Assembly and to improve the linkage between the party and myself when I am absent on ministerial duties. This appointment is currently on hold.

As a party advisor there is no question of Mr Robinson's having a right to access departmental papers or of his role being supported directly or indirectly from public funds.

### Public-Sector Housing: Allocation

**Mr McGrady** asked the Minister for Social Development if he could confirm that all public sector housing, including all housing association property, is available on a common waiting list for allocation on the basis of priority. (AQO 2/99)

**Mr Dodds:** All mainstream general needs accommodation and certain other specified properties owned by the Housing Executive or registered housing associations are available for allocation, using a common waiting list and common selection scheme. It is planned to extend the common selection scheme to the allocation of all social housing (both general needs and special needs) with effect from November 2000, irrespective of which social landlord owns the property.

### Black-Market Trading

**Mr Berry** asked the Minister for Social Development when he intends to introduce the necessary legislation to curb black-market trading and amend the current street trading laws, which are generally recognised to be inadequate. (AQO 25/99)

**Mr Dodds:** A review of the existing street trading legislation is currently under way, and I intend to introduce revised legislation as soon as possible.

I am unable to answer on the matter of black-market trading, which falls outside the scope of my responsibilities.



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## Written Answers to Questions

Monday 24 January

### OFFICE OF FIRST MINISTER AND DEPUTY FIRST MINISTER

#### North/South Implementation Bodies

**Mr Ford** asked the Office of the First Minister and the Deputy First Minister to list all those appointed to the boards of North/South implementation bodies, detailing information normally supplied on appointments to public bodies in Northern Ireland, including party political affiliation. (AQW 17/99)

**Reply:** A list of those appointed to the boards of North/South implementation bodies by the North/South Ministerial Council is attached.

These appointments have not been classified as public appointments falling within the remit of the Northern Ireland Commissioner for Public Appointments. The information requested on political activity is therefore not available.

*Following is the list:*

#### FOOD SAFETY PROMOTION BOARD

Dr Vincent Cavanagh

Mr Leslie Craig

Ms Carmel Foley

Mr Ronan Garvey

Prof Mike Gibney

Prof Cecily Kelleher

Mr Bertie Kerr

Mr Damien O'Dwyer

Dr Danny O'Hare

Ms Ann Speed

Prof Sean Strain

One further member to be appointed

#### TRADE AND BUSINESS DEVELOPMENT BODY

The Duke of Abercorn

Ms Mary Ainscough

Ms Mary Breslin

Mr Harold Ennis

Mr Barry Fitzsimons

Ms Jackie Harrison

Mr Carl McCann

Mr Feargal McCormack

Ms Inez McCormack

Mr Kieran McGowan

Mr Martin Naughton

Mr Robbie Smith

#### NORTH/SOUTH LANGUAGE BODY

Irish Language Agency

Liam Corey

Anne Craig

Gordon McCoy

Patrick McGlone

Aodán MacPóilín

Gearóid MacSiacais

Treasa Ní Ailpín

Jacqueline Nic Fheargasa

Brid Ní Néill

Maelisheachlainn Ó Caollai

Lochlann Ó Catháin

Liam Ó Cuinneagáin

Pádraig Ó Duibhir

Cionnaith Ó Suilleabháin

Séamus Ó Tonnaigh

Maighréad Uí Mháirtín

Ulster-Scots Agency

Dr Pádraig de Bhál

James Devenney

John Erskine

Lyn Franks

Lord Laird of Artigarvan

Dr Linda Lunney

John McIntyre

Dr Philip Robinson

#### FOYLE, CARLINGFORD AND IRISH LIGHTS COMMISSION

Mr Jack Allen

Mr Keith Anderson

Mr Dick Blakiston-Houston

Lord Cooke of Islandreagh

Mr Francis Feely

Dr Patrick J Griffin

Ms Soibhán Logue

Mr Joseph Martin

Mr Arthur Morgan

Mr Peter Savage

Ms Sheila Tyrrell

Mr Andrew Ward

### Civic Forum

**Ms McWilliams** asked the Office of the First Minister and the Deputy First Minister to outline the details of activity between their office and the nominating bodies in the Civic Forum as outlined in their report of 15 February 1999. (AQW 24/99)

**Reply:** Following the Assembly's consideration of the report in February 1999, contact was made with all the sectors identified in the report from which nominations would be sought. That contact was in line with the recommendations in paragraphs 5.8 to 5.17 of the report. Discussions were held so that action could begin to identify the processes which would be appropriate in each sector to secure nominations.

Preparatory work on establishing the Civic Forum was resumed following devolution, and contact is being made again with each of the nominating sectors.

We have asked Denis Haughey and Dermot Nesbitt to take forward the preparatory work as a matter of urgency.

### Areas of Responsibility

**Ms McWilliams** asked the Office of the First Minister and the Deputy First Minister what Committee of scrutiny will be responsible for scrutinising the following areas of responsibility in their office: liaison with NSMC, liaison with BIC, liaison with the Secretary of State (excepted or reserved), liaison with IFI, information services, legislation progress unit, Office of the Legislative Counsel, visits, honours, machinery of government, policy innovation unit, cross-departmental co-ordination and Assembly Ombudsman (liaison and appointment issues). (AQW 32/99)

**Reply:** The functions listed in the question are not subject to scrutiny by a Committee of the Assembly but are matters on which the First Minister and the Deputy First Minister will report directly to the Assembly.

In addition, the Committee of the Centre has as its remit the following:

- (a) Economic Policy Unit (other than the programme of government);
- (b) Equality Unit;
- (c) Civic Forum;
- (d) European affairs and international matters;
- (e) Community Relations;
- (f) public appointments policy;
- (g) freedom of information;

(h) victims

(i) Nolan standards;

(j) Public Service Order;

(k) emergency planning; and

(l) women's issues.

### Office of First Minister and Deputy First Minister: Proposed Budget

**Mr Weir** asked the Office of the First Minister and the Deputy First Minister to give a detailed breakdown of the proposed budget of the Office of the First Minister and the Deputy First Minister. (AQW 80/99)

**Reply:** The total resources currently allocated to the Office of the First Minister and the Deputy First Minister in 2000-01 are £27.301 million. These resources are required for expenditure on those pre-devolution functions which are now part of the Office together with expanded and new functions as agreed by the Assembly on 18 December 1998. Additional resources may be needed as the new Department is created and developed. An initial breakdown, based on a broad assessment of the resources currently provided, is as follows:

	£ million
Community Relations,	
Human Rights and Equality	13.4
Executive Information Services	1.8
Public Service Office	1.7
Office of the Legislative Counsel	0.8
IFI Secretariat	0.6
NI Bureau	0.3
Executive Committee Secretariat	0.3
Support for Private Offices,	
Central Co-ordination and Administration,	
North South Ministerial Council and Civic Forum	8.4
<b>Total</b>	<b>27.3</b>

### Civic Forum

**Mr Weir** asked the Office of the First Minister and the Deputy First Minister what will be the remuneration and allowances for members of the Civic Forum.

(AQW 81/99)

**Reply:** No decisions have yet been made on remuneration or allowances for members of the Civic Forum.

### PPS-Type Appointments

**Mr Ford** asked the Office of the First Minister and the Deputy First Minister to detail any appointments they have made of a Member of the Assembly to a role analogous to that of a Parliamentary Private Secretary, detailing the terms of their employment and outlining any access they will have to departmental papers.

(AQW 147/99)



**Reply:** The First Minister and the Deputy First Minister have made no such appointments. Furthermore, on 14 December 1999 the Executive Committee decided that “Parliamentary Private Secretaries” should not be given official recognition by Departments, should not have access to departmental papers or meetings, and should not be supported, directly or indirectly, by public funds.

### **Decommissioning of IRA Weapons**

**Rev Dr Ian Paisley** asked the Office of the First Minister and the Deputy First Minister what progress reports they have received in regard to the decommissioning of IRA weapons. (AQO 40/99)

**Reply:** The Office of the First Minister and the Deputy First Minister has not directly received any reports. However, the Independent International Commission on Decommissioning reported to the British and Irish Governments on 12 December 1999, and that report was published. In its report the Commission recorded meetings with representatives of the IRA, the UVF/RHC and the UFF.

It is also noted that

“a timetable for decommissioning is best agreed with the representatives of the paramilitary groups”

and that

“the Commission is prepared, if necessary, to state that actual decommissioning is to start within a specified period.”

The Commission stated

“The naming of new representatives and the initial meetings we have held with them demonstrate some progress. We expect more to follow.”

The Commission concluded that it would report again to the British and Irish Governments this month.

### **Civic Forum**

**Mrs Bell** asked the Office of the First Minister and the Deputy First Minister when they expect to announce the list of nominees to the Civic Forum and when they envisage the first meeting of the Civic Forum will take place. (AQO 69/99)

**Reply:** It is intended that the Civic Forum will come into operation within six months of the date of devolution. This will mean that the Forum will meet for the first time by the end of May 2000.

Work is moving ahead as a matter of priority to agree the methods of securing nominations from the range of sectors listed in the report which the Assembly considered in February 1999.

It is not possible at this stage to give a date on which the list of nominees will be announced, but every effort

will be made to ensure that this happens as soon as possible.

### **Government Administration (Decentralisation)**

**Mrs Nelis** asked the Office of the First Minister and the Deputy First Minister to support the principle of decentralising Government administration in the interests of equality. (AQO 88/99)

**Reply:** Decentralisation of Government administration has not yet been considered by the Executive Committee. The location of North/South implementation body headquarters or sub-offices in Enniskillen, Newry, Derry, Omagh and Coleraine, as well as Belfast, indicates a recognition of the value of decentralisation. Within the Executive Committee, lead policy responsibility for the location of offices within the Northern Ireland Civil Service rests with the Minister of Finance and Personnel. He appreciates the contribution which public sector jobs can make to the economic and social development of local communities.

### **Quangos**

**Mr C Murphy** asked the Office of the First Minister and the Deputy First Minister whether they intend to produce a paper on the replacement of unelected quangos with fully representative and accountable bodies. (AQO 89/99)

**Reply:** The Executive Committee has not yet considered a review of public administration in Northern Ireland but is expected to do so in the future. The role of quangos and non-departmental public bodies could be considered in the context of such a review. The Executive Committee is committed to improving the delivery and accountability of public services.

### **Honours**

**Mr Maskey** asked the Office of the First Minister and the Deputy First Minister to indicate how they intend to deal with the issue of “honours”. (AQO 94/99)

**Reply:** Nominations for honours, being an excepted matter under the Northern Ireland Act 1998, are a matter for the Prime Minister.

## **AGRICULTURE AND RURAL DEVELOPMENT**

### **Rural White Paper**

**Mr McGrady** asked the Minister of Agriculture and Rural Development what plans she has for the

preparation and publication of a rural White Paper, and if she will make a statement. (AQW 21/99)

**The Minister of Agriculture and Rural Development**

**(Ms Rodgers):** Having considered this matter, I am not convinced that there is a need for a Northern Ireland rural White Paper. I am afraid I could not justify embarking on a lengthy process (with significant resource implications) without any obvious benefits to rural dwellers.

My main reasons for this are as follows.

There are a number of mainstream programmes and structures (including those of the rural development programme and the EU peace programme) already in place which focus on the particular needs of rural areas. Several of these programmes have concentrated on community involvement, social inclusion and regeneration.

There is little or nothing contained in other UK White Papers which is not dealt with adequately by these programmes and structures.

A rural development steering group is in place to ensure co-ordinated effort, or “joined-up government”, in rural policy.

There has been extensive consultation with rural interest groups and individuals on the proposals for the next round of EU structural funds, both within mainline agriculture and complementary rural development measures.

Rural interests have also been widely consulted as the draft regional strategic framework has developed. This may provide the overall policy context within which dedicated rural development actions will take place. The Department for Regional Development is currently awaiting the report of the independent panel, which is expected in February.

Those within the agriculture industry who are facing grave difficulties are unlikely to welcome further extensive consultation, particularly where there is little likelihood of additional resources being made available to meet new expectations which might be raised during the process.

**Rural Development  
(EU Structural Funds)**

**Mr McGrady** asked the Minister of Agriculture and Rural Development what proposals have been presented to the European Commission for the future development of rural areas under the next round of EC Structural Funds. (AQW 22/99)

**Ms Rodgers:** I refer you to the Northern Ireland structural funds plan 2000-06, entitled ‘Northern Ireland: A Region Achieving Transition’, and the two draft operational programmes submitted to the

European Commission in November 1999, copies of which I sent to you recently and which are also available in the Assembly Library.

**Mr McGrady** asked the Minister of Agriculture and Rural Development if she will establish a special interdepartmental task force on problems facing the farming industry in Northern Ireland, and if she will make a statement. (AQW 60/99)

**Ms Rodgers:** You will no doubt be aware that one of my first initiatives on becoming Minister of Agriculture and Rural Development was to announce my intention of establishing a review team to look at the problems and opportunities facing the rural economy and to come forward with a vision for the development of the agri-food industry in Northern Ireland over the period covered by the recent reform of the CAP.

I am currently taking views from industry leaders to help to inform my decisions on the best way forward for this process and to ensure that the review team has the necessary mix of industry expertise, strategic vision and original thought. I intend to announce the composition of the team and its terms of reference in early February and will be asking the team to make recommendations by late spring or early summer.

**Mr McGrady** asked the Minister of Agriculture and Rural Development what schemes have been submitted for approval to the new EC structural funds programme under the new Objective 1 transition programme. (AQW 61/99)

**Ms Rodgers:** I refer you to the Northern Ireland structural funds plan 2000-06, entitled ‘Northern Ireland: A Region Achieving Transition’, and the two draft operational programmes submitted to the European Commission in November 1999, copies of which I sent to you recently and which are also available in the Assembly Library.

**Farmers: Financial Assistance**

**Mr McGrady** asked the Minister of Agriculture and Rural Development what information and education programmes will be established to inform farmers of the Government financial assistance to which they may be entitled. (AQW 62/99)

**Ms Rodgers:** The Department already has well-established information and education arrangements, which take the form of promotional literature, press articles and exhibitions.

In addition to existing arrangements, during the last week in January and the first week in February the Department intends to hold nine information meetings around Northern Ireland to inform producers of the changes, including financial changes, arising out of the Agenda 2000 agreement on the common agricultural policy.

### Farmers' Debts

**Mr McGrady** asked the Minister of Agriculture and Rural Development what financial assistance will be offered to farmers to help them to defray debts, and whether she will make a statement. (AQW 63/99)

**Ms Rodgers:** Problems arising from indebtedness in the agriculture industry are a symptom of its current low income, making it difficult for certain individual farmers to service existing levels of debt. The question of farmers' debt is a commercial matter between farmers and their creditors. Consequently, it is not an area in which I can play any direct role. While there are constraints on my ability to help with the income problem, not least of which is the availability of funds, it is one of the reasons for my setting up a group to develop a vision for the future of the Northern Ireland agri-food industry.

### Farmgate Prices

**Mr Paisley Jnr** asked the Minister of Agriculture and Rural Development if she will explain what she intends to do to rectify the gulf between farmgate and retail prices, especially as Northern Ireland farmgate prices are much lower than in Great Britain.

(AQW 122/99)

**Ms Rodgers:** I am, of course, aware of producer concerns at the apparent gap between farmgate and retail prices and between farmgate prices here and in Great Britain. You will, of course, be aware of the ongoing investigation by the Competition Commission into the power of the UK food retailing multiples and their behaviour in the market place, and I await the outcome of this investigation with interest.

My Department provides practical and technical marketing support through the Agri-Food Development Service in encouraging a better understanding by producers of existing and potential markets and in improving the competences/skills of producers to produce successfully for these markets. It also provides financial assistance to improve marketing skills in the agri-food sector, including collaborative marketing by producers. This is done mainly through a marketing development scheme, for which I hope to obtain additional funding as part of the current structural funds bid.

### Northern Ireland Produce: Promotion

**Mr Paisley Jnr** asked the Minister of Agriculture and Rural Development what she intends to do to help publicise the campaign to buy Northern Ireland produce.

(AQW 123/99)

**Ms Rodgers:** Although I welcome any moves by the local industry to promote its own produce, there are

very strict EU rules limiting the extent to which Governments can support publicity campaigns which promote domestically produced goods in preference to similar goods from other parts of the EU. Consequently, public funds cannot be used to endorse food produce on the basis of its region of origin.

However, my Department is providing £2 million to support the marketing of Northern Ireland red meat on the basis of its quality. In addition, £400,000 has been earmarked to support marketing in the pig meat sector, which may include promotional activity. My Department also works closely with the Department of Enterprise, Trade and Investment in supporting the marketing and promotional activities of the Northern Ireland agri-food sector.

Where possible, I will encourage the use of local produce, and in this context I will be writing to public procurement bodies in Northern Ireland reminding them of the high animal-welfare and production standards of locally produced pig meat. I will also be meeting with the major food retailers in Northern Ireland to encourage their greater use of locally sourced products.

### Millennium Bug

**Mr Paisley Jnr** asked the Minister of Agriculture and Rural Development if she could outline the budget for promoting Northern Ireland produce relative to the amount spent on publicising the millennium bug.

(AQW 124/99)

**Ms Rodgers:** The Department of Agriculture and Rural Development spent a total of £22,510 on publicising the millennium bug. The Department's budget for promoting Northern Ireland produce is £1,035,000 (1999-2000). In addition, the Department contributes £30,000 per annum to Taste of Ulster.

Under the terms of the red-meat strategy, the Department of Agriculture and Rural Development will spend £1 million on the promotion of red meat in the current financial year.

In addition, the Department's budget for promoting Northern Ireland as a source of high-quality food from a clean and green countryside is £35,000 (1999-2000). The promotional activities of the Department assist in providing a promotional backdrop for individual farm or food supply businesses as well as groups of businesses or sectoral/trade organisations. These activities occur both in Northern Ireland and in other parts of the British Isles to reflect the market destination of produce from Northern Ireland.

It should be noted that the main support for trade promotion and export marketing in respect of food from Northern Ireland is delivered through the development agencies, IDB and LEDU. A number of sectoral and trade organisations also make a substantial contribution

— for example, the Livestock and Meat Commission, the Northern Ireland Dairy Council, the Pork and Bacon Forum and the Ulster Farmers' Union.

Also, the Department of Agriculture and Rural Development contributes £30,000 per annum to Taste of Ulster. Taste of Ulster is jointly funded by the Department, IDB and the Northern Ireland Tourist Board and has a remit to raise the standard of excellence and service in the Northern Ireland hospitality sector, the generic promotion of Northern Ireland food and its countryside, and the development of speciality foods within Northern Ireland.

### PPS-Type Appointments

**Mr Ford** asked the Minister of Agriculture and Rural Development to detail any appointment she has made of a Member of the Assembly to a role analogous to that of a Parliamentary Private Secretary, detailing the terms of their employment and outlining any access they will have to departmental papers. (AQW 144/99)

**Ms Rodgers:** I have not appointed any Member of the Assembly to a role analogous to that of a Parliamentary Private Secretary.

### Interest-Relief Loan Scheme

**Mr Paisley Jnr** asked the Minister of Agriculture and Rural Development to make a statement about recent proposals placed before the Prime Minister, Tony Blair MP, about the £100,000,000 interest-relief loan scheme and whether the Minister supports the proposals. (AQW 163/99)

**Ms Rodgers:** The proposals in question were placed before the Prime Minister, and I await his reaction with interest. It would be inappropriate for me to comment on these proposals until they have been submitted formally to me.

## CULTURE, ARTS AND LEISURE

### Sports Council Budget

**Mr Weir** asked the Minister of Culture, Arts and Leisure what has been the budget of the Sports Council for Northern Ireland for each of the last five years. (AQW 100/99)

**The Minister of Culture, Arts and Leisure (Mr McGimpsey):** The information is as follows:

	Recurrent £	Maintenance £	Capital £	Total £
1994-95	2,117,000	20,000	58,118	2,195,118
1995-96	2,481,000	20,000	885,594	3,386,594
1996-97	2,482,000	20,000	187,781	2,689,781
1997-98	2,781,470	33,008	137,120	2,951,599
1998-99	2,412,000	28,000	108,000	2,548,000
1999-00	2,292,000	67,000	50,000	2,409,000

### Sports: Public Funding

**Mr Weir** asked the Minister of Culture, Arts and Leisure what has been the total public funding for sport in Northern Ireland for each of the last five years. (AQW 101/99)

**Mr McGimpsey:** Funding for sport in Northern Ireland is made available through the Sports Council for Northern Ireland. The figures are as follows:

1994-95	1995-96	1996-97	1997-98	1998-99
625,720	656,606	658,953	664,966	585,253

**Mr Weir** asked the Minister of Culture, Arts and Leisure how much public funding has been given in each of the past five years to (a) the Gaelic Athletic Association, (b) the Irish Football Association, (c) the Irish Rugby Football Union, (d) the Northern Ireland Cricket Association, (e) the Northern Ireland Cycling Federation. (AQW 102/99)

**Mr McGimpsey:** Funding for sport in Northern Ireland is made available through the Sports Council for Northern Ireland. The figures are as follows:

#### GAA Gaelic Games

1994-95	1995-96	1996-97	1997-98	1998-99
18,489	35,166	32,090	44,346	20,267

#### IFA Football

1994-95	1995-96	1996-97	1997-98	1998-99
15,148	37,044	60,115	47,719	36,851

#### IRFU Rugby

1994-95	1995-96	1996-97	1997-98	1998-99
6,973	3,631	5,829	23,544	10,073

#### NICA Cricket

1994-95	1995-96	1996-97	1997-98	1998-99
23,865	24,357	24,799	25,866	30,943

#### Cycling\*

1994-95	1995-96	1996-97	1997-98	1998-99
24,595	20,819	18,808	13,270	427

\* The recognised body for cycling is the Ulster Cycling Federation, and figures shown indicate funds made available for the sport of cycling, not specifically for the Northern Ireland Cycling Federation.

**Mr Weir** asked the Minister of Culture, Arts and Leisure what is the total public funding given to each of the following sports in each of the last five years: (a) gaelic football, (b) camogie, (c) hurling, (d) association football, (e) rugby football, (f) athletics, (g) cricket, (h) hockey, (i) cycling. (AQW 103/99)

**Mr McGimpsey:** Funding for sport in Northern Ireland is made available through the Sports Council for Northern Ireland. The figures are as follows:

#### Camogie

1994-95	1995-96	1996-97	1997-98	1998-99
1,000	8,784	3,500	10,000	5,000



## Association Football

1994-95	1995-96	1996-97	1997-98	1998-99
15,148	37,044	60,115	47,719	36,851

## Rugby Football

1994-95	1995-96	1996-97	1997-98	1998-99
6,973	3,631	5,829	23,544	10,073

## Athletics

1994-95	1995-96	1996-97	1997-98	1998-99
57,907	57,396	75,885	70,544	64,830

## Cricket

1994-95	1995-96	1996-97	1997-98	1998-99
23,865	24,357	24,799	25,866	30,943

## Hockey

1994-95	1995-96	1996-97	1997-98	1998-99
65,295	73,687	60,444	38,647	65,165

## Cycling\*

1994-95	1995-96	1996-97	1997-98	1998-99
24,595	20,819	18,808	13,270	427

\* The recognised body for cycling is the Ulster Cycling Federation and figures shown indicate funds made available for the sport of cycling, not specifically for the Northern Ireland Cycling Federation.

## Gaelic Games\*

1994-95	1995-96	1996-97	1997-98	1998-99
18,489	35,166	32,090	44,346	20,267

\* To include football and hurling

## PPS-Type Appointments

**Mr Ford** asked the Minister of Culture, Arts and Leisure to detail any appointments he has made of a Member of the Assembly to a role analogous to that of a Parliamentary Private Secretary, detailing the terms of their employment and outlining any access they will have to departmental papers. (AQW 143/99)

**Mr McGimpsey:** I can confirm that I have not made any such appointment.

## EDUCATION

## Primary-Secondary Transfer Procedure

**Mr K Robinson** asked the Minister of Education to clarify his recently reported statements concerning the transfer procedure and to explain how they might impact upon the review currently being undertaken by the working party set up at the instigation of his Department. (AQW 58/99)

**The Minister of Education (Mr M McGuinness):** Future arrangements for secondary education must be considered against the principles of equality, excellence, choice, accessibility and affordability. The project team researching the impact of selection will report early this year, and I will take its findings into account, along with the issues raised, in the ensuing public and political debate in considering the future of selective education.

Schools: Grant Aid  
(External Funding: Integrated/Irish-Medium Education)

**Mr K Robinson** asked the Minister of Education what account he takes of external funding sources for integrated or Irish-medium education in determining the availability of funding to these and the other (ie, controlled, maintained and voluntary grammar) sectors of education.

(AQW 59/99)

**Mr M McGuinness:** No account is taken of external funding sources in determining the recurrent budget of any school grant-aided by the Department of Education.

## Regent House Grammar School

**Mr Taylor** asked the Minister of Education what proposal he has to extend Regent House Grammar School; what is the timescale of any proposed extension; and if he will make a statement. (AQW 66/99)

**Mr M McGuinness:** Advance site works in connection with the extension of Regent House Grammar School have been undertaken by the South Eastern Education and Library Board.

The main building contract for Regent House is one of a number of high-priority schemes being considered for inclusion in this year's school building programme, which I hope to announce within the next month or so. The Regent House project has been linked to the sale of the former Scrabo High School site by the South Eastern Board, and, whilst the timing of the disposal continues to be uncertain, the board is aware that the proceeds from the sale will be applied in due course towards the cost of developing Regent House.

I am sorry I was unable to provide this answer on 13 January 2000 as I was out of the country.

St Patrick's Grammar School  
(Downpatrick)

**Mr Taylor** asked the Minister of Education (a) how many pupils are enrolled at St Patrick's Grammar School, Downpatrick; (b) how many applicants for admission were refused enrolment in the academic year beginning September 1999; (c) what proposals he has for an extension to the grammar school; and if he will make a statement. (AQW 67/99)

**Mr M McGuinness:**

(a) There are 729 pupils enrolled at St Patrick's Grammar School in 1999-2000.

(b) 20 applicants were refused admission to year 8 in the 1999-2000 school year.

(c) A capital scheme to cater for a long-term enrolment of 800 has been approved in principle by the Department to replace existing temporary and sub-standard accommodation.

It is a matter for the South Eastern Education and Library Board in the first instance to ensure that there are sufficient school places in its area.

I am sorry I was unable to provide this answer on 13 January 2000 as I was out of the country.

### **Killyleagh High School**

**Mr Taylor** asked the Minister of Education what representation he has received to reopen Killyleagh High School; what is the estimated capital cost to reopen Killyleagh High School; and if he will make a statement.

(AQW 68/99)

**Mr M McGuinness:** Representations were made to my predecessor in April 1999 about the possible reopening of Killyleagh High School.

The statutory responsibility for determining the level of secondary school provision in the area is a matter, in the first instance, for the South-Eastern Education and Library Board. I understand that the board is currently carrying out a major review of school provision in its area and that this will consider the demand for places in the Killyleagh area. I am not in a position to estimate the cost of reopening the school.

I am sorry I was unable to provide this answer on 13 January 2000 as I was out of the country.

### **Castle Gardens Primary School (Newtownards)**

**Mr Taylor** asked the Minister of Education what proposals he has to replace Castle Gardens Primary School in Newtownards; what is the timetable for such a scheme; and if he will make a statement. (AQW 69/99)

**Mr M McGuinness:** I understand from the South-Eastern Education and Library Board that the board is currently seeking tenders for a replacement school on a new site on the Bowtown Road, Newtownards, and work on the new school is expected to start on site in early spring.

I am sorry I was unable to provide this answer on Thursday 13 January 2000 as I was out of the country.

### **Saintfield High School and Down High School**

**Mr Taylor** asked the Minister of Education how many students applied for enrolment into (a) Saintfield High School; and (b) Down High School for the academic year beginning September 1999; (c) how many in each school were refused admission and if he will make a statement. (AQW 70/99)

**Mr M McGuinness:** The number of applications (first and subsequent preferences) for admission to year 8 in September 1999 to (a) Saintfield High School

was 128 and (b) Down High School was 157. (c) The numbers refused admission were: Saintfield High School 63, and Down High School 27.

There were alternative places available for pupils who did not gain admission to these schools.

It is a matter for the South-Eastern Education and Library Board in the first instance to ensure that there are sufficient school places in its area.

I am sorry I was unable to provide this answer on 13 January 2000 as I was out of the country.

### **Department Buildings: Union Flag**

**Mr Taylor** asked the Minister of Education whether a Union flag has been supplied to the Education Centre, Market House, Armagh City; whether the Union flag was flown at this centre on 25 December 1999; and if he will make a statement. (AQW 71/99)

**Mr M McGuinness:** The flying of the Union flag at the premises concerned is not a matter for me or my Department. I am sorry I was unable to provide this answer on 13 January 2000 as I was out of the country.

### **Drugs Awareness/Education**

**Mr Weir** asked the Minister of Education what was the total expenditure by his Department on drugs awareness/education programmes in (a) 1998 and (b) 1999. (AQW 76/99)

**Mr M McGuinness:** Provision for drugs awareness and education programmes is an integral part of the curriculum in schools, and the costs involved are not separately identified. Similarly, training and support given to teachers on this subject is dealt with through the curriculum advice and support services of the education and library boards and is not costed separately. Additional resources totalling £247,000 were made available in the 1996-97 (£222,000) and 1997-98 (£25,000) financial years to provide for additional training for teachers and resource materials for schools. Further additional resources are to be made available over the next three financial years to support the drive against the use of illegal drugs, and consideration is currently being given, on an interdepartmental basis, to bids from both the statutory and the voluntary sectors for the use of these resources.

**Mr Weir** asked the Minister of Education what is the projected expenditure by his Department in the financial year on drugs awareness/education programmes. (AQW 77/99)

**Mr M McGuinness:** Provision for drugs awareness and education programmes is an integral part of the curriculum in schools, and the costs involved are not separately identified. Similarly, training and support given to teachers on this subject is dealt with through

the curriculum advice and support services of the education and library boards and is not costed separately. Additional resources totalling £247,000 were made available in the 1996-97 (£222,000) and 1997-98 (£25,000) financial years to provide for additional training for teachers and resource materials for schools. Further additional resources are to be made available over the next three financial years to support the drive against the use of illegal drugs, and consideration is currently being given, on an interdepartmental basis, to bids from both the statutory and the voluntary sectors for the use of these resources.

### Clifton Special School

**Mr Weir** asked the Minister of Education what plans are there for his Department to provide a new school building for Clifton Special School in Bangor.

(AQW 78/99)

**Mr M McGuinness:** My Department accepts the need for a new school for Clifton, and planning of this is being taken forward by the South-Eastern Education and Library Board. When planning is sufficiently advanced the school will be considered for a place in the capital programme in light of the resources available to the education service.

### Department Buildings: Union Flag

**Mr Weir** asked the Minister of Education what policy he will pursue in relation to the flying of the Union Jack from departmental buildings. (AQW 104/99)

**Mr M McGuinness:** My policy is that no flags should be flown from departmental buildings.

### Schools: Selection Procedure

**Mr Weir** asked the Minister of Education what plans he has on the issue of selection procedure in the Northern Ireland schools system. (AQW 105/99).

**Mr M McGuinness:** Future arrangements for secondary education must be considered against the principles of equality, excellence, choice, accessibility and affordability. The project team researching the impact of selection will report early this year, and I will take their findings into account, along with the issues raised, in the ensuing debate, which I believe is important in considering the future of selective education. That debate might include the views of everyone who has an interest in secondary education.

### Irish Language (Promotion in Schools)

**Mr Weir** asked the Minister of Education what plans he has to promote the teaching of the Irish language in voluntary grammar and controlled secondary/primary schools. (AQW 106/99)

**Mr M McGuinness:** I believe that the Irish language is an important element in the cultural heritage of all the people of Ireland, and I would encourage as many schools as possible in all sectors to offer pupils the opportunity to learn the language. It is, however, a matter for schools themselves to determine the curriculum they offer to pupils, subject, of course, to their meeting their statutory obligations.

### Integrated Schools

**Ms E Bell** asked the Minister of Education how many children applied for a place at each of the integrated schools in Northern Ireland in September 1999 and how many were admitted to each school.

(AQW 108/99)

**Mr M McGuinness:** The total number of applicants and the total number of pupils admitted to each grant-aided integrated school in Northern Ireland in September 1999 are as follows:

#### INTEGRATED PRIMARY SCHOOLS

	Total Applications (First preference and subsequent Applications)	Total Admissions
<b>BELFAST BOARD</b>		
Forge	34	34
Hazelwood	52	52
Cranmore	28	28
<b>WESTERN BOARD</b>		
Enniskillen	32	30
Omagh	55	55
Oakgrove	30	25
<b>NORTH-EASTERN BOARD</b>		
Carhill	8	8
Rathenraw	19	19
Mill Strand	31	31
Braidside	43	43
Corran	23	23
Acorn	42	30
Spire	28	28
<b>SOUTH-EASTERN BOARD</b>		
Hilden	15	15
Kircubbin	13	13
Portaferry	12	12
Bangor	60	60
Annsborough	4	4
All Children's	32	29
Loughview	34	34
Cedar	33	25
Oakwood	37	25
<b>SOUTHERN BOARD</b>		
Kilbroney	10	10
Bridge	71	60
Portadown	29	29
Windmill	30	30
Saints & Scholars	39	39

## INTEGRATED SECONDARY SCHOOLS

	Total Applications (First preference and subsequent applications)	Total Admissions
<b>BELFAST BOARD</b>		
Hazelwood	151	124
Malone	255	130
<b>WESTERN BOARD</b>		
Oakgrove	244	145
Erne	58	58
Drumragh	114	114
<b>NORTH-EASTERN BOARD</b>		
Slemish	213	128
North-Coast	85	82
<b>SOUTH-EASTERN BOARD</b>		
Priory	64	64
Fort Hill	239	195
Down Academy	58	58
Lagan	321	173
Shimna	103	80
Strangford	131	85
<b>SOUTHERN BOARD</b>		
Brownlow	53	53
Newbridge	114	80
Integrated College, Dungannon	117	92

**Minister of Education**

**Mr Paisley Jnr** asked the Minister of Education, in light of the public reaction to his appointment, whether he feels that if he were to resign, the children of Northern Ireland would have a better future. (AQW 132/99)

**Mr M McGuinness:** No. I believe that the interests of all our children for the future are best served by the implementation of the Good Friday Agreement, from which my appointment derives and to which I am fully committed. The public reaction to my appointment has been generally positive.

**IRA Violence  
(School Children)**

**Mr Paisley Jnr** asked the Minister of Education if he will condemn IRA violence against school children. (AQW 133/99)

**Mr M McGuinness:** I am absolutely and totally opposed to violence against school children from any quarter.

**Minister of Education:  
Visit to United States**

**Mr Paisley Jnr** asked the Minister of Education how much expenditure the Department incurred in respect of the Minister's visit to the United States of America commencing on 12 January 2000. (AQW 134/99)

**Mr M McGuinness:** It is not possible to provide a total figure of the expenditure incurred by my Department today. I will write to you as soon as the information is available. I should point out that my own expenses were met from party funds. The only costs incurred by my Department were for my two senior officials, who engaged extensively with the United States Department of Education.

**PPS-Type Appointments**

**Mr Ford** asked the Minister of Education to detail any appointments he has made of a Member of the Assembly to a role analogous to that of a Parliamentary Private Secretary, detailing the terms of their employment and outlining any access they will have to Departmental papers. (AQW 146/99)

**Mr M McGuinness:** I have made no appointments of this nature.

**ENTERPRISE, TRADE AND  
INVESTMENT****Wheelchairs**

**Mr Fee** asked the Minister of Enterprise, Trade and Investment if he will give details of any application for grant assistance, received within his Department or its predecessor, from companies involved in the supply, maintenance or repair of wheelchairs, in the past three years, and if he will give details of any awards. (AQO 15/99)

**The Minister of Enterprise, Trade and Investment (Sir Reg Empey):** During the last three years IRTU's Compete Programme has awarded £99,000 to James Leckey Design Ltd, Dunmurry (wheelchair manufacture and design), in response to two applications. LEDU has awarded £30,184 to Just Mobility, Warrenpoint, to establish a business to refurbish wheelchairs. LEDU is currently considering an application from a further company concerning the setting up of an operation to manufacture and refurbish wheelchairs.

**Business Use of Energy**

**Mr Hay** asked the Minister of Enterprise, Trade and Investment if he will make a statement on the implications for Northern Ireland of the proposal by the Chancellor of the Exchequer to introduce a levy on the business use of energy from April 2001. (AQO 67/99)

**Sir Reg Empey:** The proposed climate change levy in its present form could have adverse effects in Northern Ireland. It could increase electricity prices, inhibit industrial competitiveness and frustrate current efforts to secure private sector investment for the



development of the gas industry. Northern Ireland's concerns have been highlighted to the Prime Minister and the Chancellor, and I have met with the Financial Secretary to the Treasury. He has given an undertaking that HM Treasury will examine the possibility of a modification to accommodate Northern Ireland's concerns.

## THE ENVIRONMENT

### Development: Environmentally Sensitive Areas

**Mr K Robinson** asked the Minister of the Environment how his Department intends to protect the environment along the shores of Belfast and Larne Loughs from pressures associated with significant increases in housing developments, and if he will make a statement.

(AQW 50/99)

**Mr K Robinson** asked the Minister of the Environment when he intends visiting the boroughs of Larne, Carrickfergus and Newtownabbey to ascertain how sensitive environmental areas might be protected from increasing development and its associated problems.

(AQW 52/99)

**The Minister of the Environment (Mr Foster):** My Department will act within the current planning policies for the protection of both the developed and undeveloped coastline, which are set out in the publication 'A Planning Strategy for Rural Northern Ireland', published in September 1993. The strategy itself is a matter for which the Department of Regional Development is the lead Department.

As for visiting the boroughs of Larne, Carrickfergus and Newtownabbey, I have asked my officials to consider how best to link this to a programme of contact with councils, which I hope to embark on early in the year.

### Landfill

**Mr K Robinson** asked the Minister of the Environment how his Department proposes dealing with the growing problems associated with large landfill sites for waste disposal, and what steps he will take to ensure the protection of sensitive areas which might lie close to potential future landfill.

(AQW 51/99)

**Mr Foster:** The statutory planning process ensures that the impact of development is fully considered and that a proper balance between environmental impact, remedial measures and other material considerations is achieved. The Department's proposed waste management strategy will result in a progressive reduction in the number of landfill sites, which will be subject to much more stringent performance standards, as well as being controlled by a new licensing regime.

### Areas of Special Control

**Mr McGrady** asked the Minister of the Environment if he will initiate a review of areas of special control and reassess their impact in terms of environmental and planning policy.

(AQW 89/99)

**Mr Foster:** My Department will act within the current planning and environmental policies governing areas of special control, which are set out in the publication 'A Planning Strategy for Rural Northern Ireland'. The strategy itself is a matter for the Department of Regional Development, which is the lead Department.

### District Councils: Exchequer Allocations

**Mr McGrady** asked the Minister of the Environment if he will make a statement on the general allocations to district councils for the 2000-01 financial year.

(AQW 90/99)

**Mr Foster:** The total estimated provision for the general Exchequer grant for the financial year 2000-01 is £41.7 million, £23.2 million is for the derating element, and £18.5 million is for the resources element of the grant.

Councils have been advised of their allocations for next year, which have been based on the existing statutory formula.

### National Parks: Mourne

**Mr McGrady** asked the Minister of the Environment what plans he has to designate the Mourne as a national park, and if he will make a statement.

(AQW 91/99)

**Mr Foster:** There are no plans to designate any national park in Northern Ireland at present.

### Air Quality

**Mr Savage** asked the Minister of the Environment when the revised air quality strategy for England, Scotland, Wales and Northern Ireland will be published.

(AQW 172/99)

**Mr Foster:** The air quality strategy for England, Scotland, Wales and Northern Ireland was published on 19 January 2000. The revised strategy aims to provide a clear and workable framework for improving air quality, based on the impact on human health of the most common pollutants.

When compared to the former strategy the revised strategy sets tougher limits for benzene, 1,3-butadiene, carbon monoxide, lead and nitrogen dioxide. The objectives for sulphur dioxide and ozone are unchanged. The objective for particles has been replaced with the less stringent EU limit value to take account of the impact of wind-blown particulate matter from sources outside the UK. This is an interim step to

allow further work to be undertaken on a new objective for particles.

Copies of the strategy are available from the Business Office, Parliament Buildings.

### **Omagh Bomb Explosion: Expenditure**

Mr Armstrong asked the Minister of the Environment how additional expenditure amounting to £660,368 incurred by Omagh District Council in the aftermath of the bomb explosion in August 1998 is to be funded.

(AQW 173/99)

**Mr Foster:** In these very exceptional circumstances I do not consider it appropriate that the ratepayers of Omagh district should have to shoulder the additional burden of this expenditure. The Assembly's approval will therefore be sought in a Supplementary Estimate for Vote 10 — Environmental and Other Services — to assist Omagh District Council with the additional costs it incurred in dealing with that emergency. Pending approval, the expenditure will be met by a repayable advance from the Northern Ireland Consolidated Fund.

### **Radon Gas**

**Mr McCarthy** asked the Minister of the Environment if he will examine reports of increases in the levels of radon gas in both public and private buildings and report to the Assembly.

(AQO 35/99)

**Mr Foster:** My Department published a report in May 1999 showing the levels of radon gas in private dwellings throughout Northern Ireland. The report, based on some 16,000 measurements in private dwellings, gives more extensive information on radon than was previously available but does not indicate an increase in levels.

The average level of radon in private dwellings in Northern Ireland, at 19 becquerels per cubic metre, is similar to the rest of the UK. Homes in the west and south-east of Northern Ireland are more likely to be affected than those elsewhere in the region. The Environment and Heritage Service of my Department offers a free test to householders in areas where more than 5% of homes are above the action level of 200 becquerels per cubic metre.

The control of exposure in commercial and public buildings is the responsibility of the Health and Safety Executive for Northern Ireland or district councils.

### **Biodiversity Strategy**

**Dr Birnie** asked the Minister of the Environment to list the environmental organisations he has met in relation to the Northern Ireland biodiversity strategy.

(AQO 43/99)

**Mr Foster:** Since my appointment I have accepted invitations from a number of environmental bodies with

an interest in biodiversity — most notably the Royal Society for the Protection of Birds. Arrangements for these meetings are currently being made.

Consultations undertaken during 1999 on proposals for a Northern Ireland biodiversity strategy were extensive and included the main environmental organisations. Responses to these consultations are being analysed, and my Department's advisory group on biodiversity will be making recommendations for a strategy in due course. I will wish to take the views of the Assembly Environment Committee before coming to firm conclusions.

### **Planning Applications**

**Mr Leslie** asked the Minister of the Environment how many planning applications are received each year and, of these, how many are currently outstanding.

(AQO 45/99)

**Mr Foster:** The number of planning applications received each year is currently over 20,000; in 1998-99 it was 20,550. The number of applications outstanding at the end of December 1999 was 8,275.

### **Local Government Reform**

**Mr Poots** asked the Minister of the Environment whether the reform of local government will be pursued as a matter of urgency, given that the next local government elections are scheduled for May 2001.

(AQO 60/99)

**Mr Close** asked the Minister of the Environment what consideration is being given to the reform of local government and what priority is being given to the issue.

(AQO 78/99)

**Mr Foster:** A review of local government in Northern Ireland has not been initiated. Any such exercise would need to be part of a wider review of the future of the whole public sector in Northern Ireland, and this will be a matter for further consideration with my ministerial colleagues and the Assembly in due course.

### **Waste Management**

**Mr McGrady** asked the Minister of the Environment what discussions he has held with District Councils concerning future waste management strategy.

(AQO 72/99)

**Mr Foster:** District councils have been closely involved in the development of the draft waste management strategy which my Department is currently finalising. The process of developing the draft strategy included initial conferences, the formation of a steering group, which included district council officials, and meetings with all district councils individually.

Officials will be making a presentation on the draft strategy to the Assembly Environment Committee on 3 February.

### **Telecommunications Masts**

**Mr Fee** asked the Minister of the Environment to take steps to ensure that the erection of telecommunications masts is subject to the same planning process and scrutiny as domestic or industrial buildings. (AQO 85/99)

**Mr Foster:** Telecommunications masts over 15 metres in height are subject to the same planning process as domestic or industrial buildings. Those under 15 metres in height are subject to a special planning regime whereby prior notice of the proposal is given to the Department to enable consideration to be given to siting and design. I am presently considering whether the period for public consultation on prior notice for ground-based masts should be extended.

### **Climate-Change Levy**

**Mr A Doherty** asked the Minister of the Environment to outline his intentions with regard to the need, on environmental and other grounds, to seek derogation in Northern Ireland of the climate-change levy. (AQO 87/99)

**Mr Foster:** The climate-change levy is a fiscal measure and is therefore an excepted matter for which HM Treasury Ministers are responsible. However, I understand the concern that the levy, despite its good intentions, may not have the desired effect of reducing emissions in Northern Ireland.

Representations have been made by the First Minister and the Deputy First Minister to the Prime Minister and by the Minister for Enterprise, Trade and Investment to the Financial Secretary to the Treasury. I have indicated my support for these approaches on environmental grounds. I have also drawn attention to the Environment Committee's interest in this matter.

### **Buildings of Architectural and Historical Importance**

**Ms Morrice** asked the Minister of the Environment what he intends to do to prevent destruction of buildings of architectural and historical importance. (AQO 96/99)

**Mr Foster:** My Department will continue to list buildings of special architectural or historic interest within a policy framework that clearly favours the retention of listed buildings. My Department also has statutory enforcement powers under the Planning (Northern Ireland) Order 1991.

The Department continues to pay grant aid to owners of listed buildings, and additional protection is afforded to buildings by the designation of conservation areas, of which there are currently 53.

In March 1999 the Department published a consultation document which included proposals to strengthen enforcement powers and to require planning permission for the demolition of certain buildings. Responses are being analysed by officials, and I will wish to take the views of the Assembly Environment Committee on the policy proposals that emerge.

### **Dog Fouling (Public Places)**

**Ms Hanna** asked the Minister of the Environment what measures he is considering to discourage dog owners for allowing their pets to foul in public places. (AQO 97/99)

**Mr Foster:** Dog fouling in public places is already an offence under article 4 of the Litter (Northern Ireland) Order 1994.

My officials are currently reviewing the overall effectiveness of the legislation relating to litter and dog fouling, and I hope to consult on the findings later this year. This consultation will include the Environment Committee of the Assembly.

### **Vehicle Headlights (Daylight Hours)**

**Mr McMenamin** asked the Minister of the Environment if he would consider introducing legislation to require the use of dipped headlights on all vehicles during daylight hours. (AQO 101/99)

**Mr Foster:** The European Commission is currently examining this matter, and I will consider it in the light of their conclusions.

Rule 201 of the Highway Code for Northern Ireland sets out the legal requirement to use headlights when visibility is seriously reduced — generally when one cannot see for more than 100 metres.

### **Road Accidents**

**Mr Paisley Jnr** asked the Minister of the Environment to confirm the number of road traffic accidents in Northern Ireland since 1 January 2000 and the number of people fatally injured and the number injured in these accidents. (AQO 102/99)

**Mr Foster:** At 23 January 2000 the number of persons killed in road traffic accidents in Northern Ireland since 1 January 2000 was 14. Information on the number of road traffic accidents in the same period and the number injured in those accidents is not yet available.

## **FINANCE AND PERSONNEL**

### **Office Accommodation (Relocation)**

**Mr McGrady** asked the Minister of Finance and Personnel to confirm his policy on the decentralisation

of office accommodation in Northern Ireland, with particular emphasis on relocation in South Down.

(AQW 88/99)

**The Minister of Finance and Personnel (Mr Durkan):**

I appreciate the contribution which public service jobs can make to the economic and social development of local communities, including those in the South Down area. I intend to ensure that future Civil Service accommodation planning takes this fully into account, along with other factors, such as the regional planning strategy, service delivery, New TSN, the implications for equal opportunity within the Civil Service and cost.

## HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

### Health Service Review

**Mr McGrady** asked the Minister of Health, Social Services and Public Safety what are the terms of reference of the review of the Health Service which she announced on Wednesday 5 January 2000. (AQW 111/99)

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** In light of the recent unprecedented levels of flu and flu-related illness, I asked the health and social services boards to urgently review their plans for dealing with winter pressures. Boards are submitting reports covering the effectiveness of services this year, the level of demand for services compared with the same period last year; how the additional resources allocated earlier in the financial year have been used; what steps are being taken to cope with any further winter pressures over coming months; and what lessons have been learned from the events of this winter so far. Boards are also reporting on the use of intensive care and high-dependency beds.

In addition to this, I have asked the chief medical officer to undertake an urgent review of the availability and utilisation of intensive care beds. I have also asked the chief social services inspector to undertake an urgent review of the provision of care in the community and the relationship which it has with the admission and discharge of patients into and from hospitals.

Mar gheall ar na leibhéil fliú agus na ngalar a bhaineann leis ar na mallaibh — leibhéil atá níos airde ná riamh roimhe — d'iarr mé ar na boird sláinte agus seirbhísí sóisialta athbhreithniú práinneach a dhéanamh ar a bpleananna le déileáil le brú an gheimhridh. Tá na boird ag cur tuarascálacha faoi mo bhráid, ag cumhdach éifeachtacht na seirbhísí i mbliana; leibhéal an éilimh ar sheirbhísí i gcomparáid leis an tréimhse chéanna anuraidh; cad é mar a úsáideadh na hacmhainní breise a cionroinneadh níos luaithe sa bhliain airgeadais; cad iad na céimeanna atá á nglacadh le déileáil le brú geimhridh ar bith eile sna míonna amach romhainn; agus cad iad

na ceachtanna a foghlaimíodh ó imeachtaí an gheimhridh seo go dtí seo. Tá na boird ag tuairisciú fosta ar úsáid a leapacha dianchúraim agus ardspleáchais.

Lena chois sin, d'iarr mé ar an Phríomh-Oifigeach Leighis athbhreithniú práinneach a thionscnamh maidir leis an soláthar leapacha dianchúraim agus lena n-úsáid. D'iarr mé chomh maith ar Phríomh-Chigire na Seirbhísí Sóisialta athbhreithniú práinneach a thionscnamh maidir le soláthar cúraim sa phobal agus an ghaolmhaireacht idir sin agus glacadh isteach agus ligean amach othar ag na hospidéal.

### Treatment Waiting Times (SHSSB Area)

**Mr McGrady** asked the Minister of Health, Social Services and Public Safety what steps will be taken to reduce the waiting times for in-patient treatment in the Southern Health and Social Services area.

(AQW 112/99)

**Mr McGrady** asked the Minister of Health, Social Services and Public Safety which steps will be taken to reduce the waiting times for out-patient treatment in the Southern Health and Social Services Board area.

(AQW 113/99)

**Ms de Brún:** When I accepted responsibility for health and social services, I indicated that I intended to review all aspects of these services as soon as possible. I am concerned particularly about the length of time that patients here have to wait for in-patient and out-patient treatment. Waiting lists will rise even further in the near future because many operations have had to be deferred as a result of the unprecedented pressures created by the recent outbreak of flu and flu-related illnesses. One of my early priorities will be to consider what steps need to be taken by my Department, Boards and Trusts to tackle this problem effectively across all four Board areas. My aim is to ensure that no patient has to wait for any longer than is absolutely necessary for their hospital treatment.

Nuair a ghlac mé freagracht as na seirbhísí sláinte agus sóisialta, thug mé le fios go raibh rún agam athbhreithniú a dhéanamh ar gach gné de na seirbhísí sin a luaithe agus ab fhéidir. Tá inní ar leith orm faoin fhad ama a chaithfidh othair anseo fanacht faoi choinne cóireála d'othair istigh agus d'othair sheachtracha. Éireoidh na liostaí feithimh níos faide arís sa gharthodhchaí, óir b'éigean cuid mhór obráidí a chur ar athló mar gheall ar an bhrú ar leith a bhí ann ar na mallaibh de bharr na ráige den fhlú agus de na tinnis a bhaineann leis. Ar cheann de na tosaíochtaí luatha a bheidh agam, beidh breathnú cad iad na céimeanna is gá do mo Roinn, do na boird agus do na hiontaobhais a ghlacadh le haghaidh a thabhairt go héifeachtach ar an fhadhb seo ar fud na gceithre cheantar boird. Is é an



aidhm atá agam nach gcaithfidh aon othar fanacht níos faide ná is géarghá faoi choinne cóireáil ospidéal.

### Flu Epidemic

**Mr Paisley Jnr** asked the Minister of Health, Social Services and Public Safety if she has done anything to solve the present flu epidemic in the Health Service.

(AQW 127/99)

**Ms de Brún:** I have secured an additional £3.3 million to meet current pressures on the Health Service on account of the exceptional number of people suffering from flu-like symptoms who require emergency hospital treatment. My Department also made available an additional £550,000 in October towards implementation of local influenza immunisation programmes. I will be looking carefully at uptake rates and opportunities to increase take-up, particularly among those at risk.

Tá £3.3m breise faighte agam le riar ar an bhrú atá faoi láthair ar an tseirbhis sláinte mar gheall ar an líon as cuimse daoine atá ag éileamh le siomptóim cosúil leis an fhliú agus a bhfuil cóireáil phráinneach ospidéal de dhíth orthu. Chomh maith leis sin, chuir mo Roinn £550,000 breise ar fáil i nDeireadh Fómhair faoi choinne cláir áitiúla imdhíonaithe in aghaidh an fhliú. Beidh mé ag breathnú go géar ar an líon a bheidh ag baint leasa astu agus ar dheiseanna leis an líon sin a mhéadú, go háirithe ina measc siúd atá i gcontúirt.

### Accident and Emergency Services

**Mr Paisley Jnr** asked the Minister of Health, Social Services and Public Safety, in light of the current beds problem, which serves to underline the growing crisis in the NHS, if she would consider plans to reopen accident and emergency services that have been closed down over the years.

(AQW 128/99)

**Ms de Brún:** When I accepted responsibility for health and social services I indicated that I intended to review all aspects of these services as soon as possible. As part of that work, I shall want to consider whether our accident and emergency services are sufficient to meet the needs of patients. However, the level of present problems in our hospitals stem, first and foremost, from an unprecedented level of medical admissions, arising mainly as a result of people developing serious respiratory and other conditions following influenza. This has been exacerbated by staff shortages through illnesses in all hospitals.

I have written to board chairs asking them to look at the effectiveness of their winter pressure arrangements and have asked for detailed advice on the steps they will be taking to deal with the pressure over the next few months. I have asked the Chief Medical Officer to undertake an urgent review of the availability and utilisation of intensive-care beds. I have also asked the

chief social services inspector to undertake an urgent review of the provision of care in the community and the relationship it has with the admission and discharge of patients into and from hospitals.

Nuair a ghlac mé freagracht as na seirbhísí sláinte agus sóisialta, thug mé le fios go raibh rún agam athbhreithniú a dhéanamh ar gach gné de na seirbhísí sin chomh luath agus ab fhéidir. Mar chuid den obair sin, beidh mé ag iarraidh breathnú an leor na seirbhísí timpiste agus éigeandála atá againn le riar ar riachtanais na n-othar. Mar sin féin, is é is cúis go príomha leis na deacrachtaí atá ag ár n-ospidéal faoi láthair ná líon níos mó ná riamh roimhe othar a bheith á nglacadh isteach ar chúinsí leighis – go háirithe daoine a bhfuil riochtanna tromchúiseacha anáilaithe agus eile ag teacht orthu i ndiaidh fliú. Cuireadh leis na deacrachtaí sin mar gheall ar ghanntanas fóirne de dheasca tinneas sna hospidéal uile.

Tá mé i ndiaidh scríobh chuig cathoirleach na mbord ag iarraidh orthu amharc ar éifeacht acht na socrúithe atá acu do bhrú an gheimhridh agus d'iarr mé comhairle mhion maidir leis na beartaí a bheidh siad a chur i bhfeidhm le déileáil leis an bhrú i rith na míonna amach romhainn.

Tá mé i ndiaidh a iarraidh ar an príomh-oifigeach leighis athbhreithniú práinneach a thionscnamh maidir le soláthar agus úsáid na leapacha dianchúraim. D'iarr mé fosta ar phríomhchigire na seirbhísí sóisialta athbhreithniú práinneach a thionscnamh maidir le soláthar cúraim sa phobal agus an dóigh a mbaineann sé le hothair a bheith á nglacadh isteach agus á ligean amach ag na hospidéal.

### IRA Violence: NHS Treatment (Cost)

**Mr Paisley Jnr** asked the Minister of Health, Social Services and Public Safety how much is spent per annum by the NHS on patients directly affected by IRA violence.

(AQW 131/99)

**Ms de Brún:** The information is not available in the form requested. The information you request is not readily available and could only be obtained at a disproportionate cost to the service.

Níl an t-eolas ar fáil san fhoirm a iarradh. Níl fáil go réidh ar an eolas a d'iarr tú agus ní fhéadfaí é a fháil ach ar chostas a bheadh díréireach ag an tseirbhis.

### Mental Health: Expenditure

**Mr Ford** asked the Minister of Health, Social Services and Public Safety how much money will be developed specifically for spending on mental health for the next financial year and if she can provide an assurance that this funding will not be diverted to other programmes of care.

(AQW 135/99)

**Ms de Brún:** Financial provision for spending on mental health is subsumed within overall allocations to the health and social services boards. It will therefore be a matter for individual boards to determine the health and social care needs of their local populations in 2000-01, including those with mental health needs, and to purchase accordingly.

Tá an soláthar airgeadais le haghaidh caiteachais ar shláinte meabhrach comhchuimsithe sna cionroinntí iomlána do na boird sláinte agus seirbhísí sóisialta. Dá bhrí sin, is faoi gach bord ann féin a bheidh sé, cinneadh a dhéanamh ar riachtanais cúraim sláinte agus shóisialta a bpobal áitiúil i 2000-01, agus iad sin le riachtanais sláinte meabhrach san áireamh, agus ceannach dá réir.

## HIGHER AND FURTHER EDUCATION, TRAINING AND EMPLOYMENT

### PPS-Type Appointments

**Mr Ford** asked the Minister of Higher and Further Education, Training and Employment to detail any appointments he has made of a Member of the Assembly to a role analogous to that of a Parliamentary Private Secretary, detailing the terms of their employment and outlining any access they will have to departmental papers.

(AQW 139/99)

**The Minister of Higher and Further Education, Training and Employment (Dr Farren):** I have made no such appointment.

## REGIONAL DEVELOPMENT

### Roads (A8 and A75): Access to EU Markets

**Mr K Robinson** asked the Minister for Regional Development what plans his Department has to maximise links between the A8 trans-European network status route to Larne and the A75 through southern Scotland in order to exploit the northern corridor into the expanding European Union, and if he will make a statement.

(AQW 45/99)

**The Minister for Regional Development (Mr P Robinson):** On 12 May 1998 the Chancellor of the Exchequer announced a package of road measures as part of his economic strategy for Northern Ireland to improve the strategic road network. A scheme to improve the A8 Belfast-to-Larne road was included in this package. Possible improvements and design options are presently being considered for the scheme, which is estimated to cost £10 million. The earliest possible start date is 2001-02.

As far as shipping links between Larne and Scotland are concerned, shipping services are a reserved matter which is dealt with at UK level by the Department of the Environment, Transport and the Regions.

### Belfast-Larne Railway Line

**Mr K Robinson** asked the Minister for Regional Development what contact he has had with his colleague the Minister of the Environment and with local authorities in Newtownabbey, Carrickfergus and Larne to ensure that the potential of the Belfast-to-Larne railway line is maximised as an alternative transport option for commuters in East Antrim, and if he will make a statement.

(AQW 46/99)

**Mr P Robinson:** To date I have had no contact about the Belfast-to-Larne railway line with the Minister of the Environment or the local authorities in Newtownabbey, Carrickfergus and Larne.

**Mr K Robinson** asked the Minister for Regional Development how he intends to ensure that the Belfast-to-Larne railway line is accorded proper trans-European network status and what contacts his officials have had with their Scottish counterparts in the upgrading of this vital link.

(AQW 47/99)

**Mr P Robinson:** The Belfast-Larne railway line is part of the trans-European rail network, which includes the Cork-Dublin-Belfast-Larne-Stranraer conventional link. This TENs route is a priority project that was adopted by the European Council in Essen in December 1994. There has been no contact between officials in my Department and their Scottish counterparts to upgrade the Belfast-to-Larne part of the route.

### A2 Road: Upgrading

**Mr K Robinson** asked the Minister for Regional Development when he proposes to add the section of the A2 to his Department's priority road improvement scheme given the current gridlock experienced by commuters and commercial traffic in East Antrim.

(AQW 48/99)

**Mr P Robinson:** I assume that this question relates to the single carriageway section of the A2 between Jordanstown and Carrickfergus. I can confirm that a scheme to upgrade this section of road to dual carriageway standard is not included in the Road Service's current major works five-year planning programme, but it is in the six-to-15 year forward planning schedule.

The priority to be afforded to schemes included in the forward planning schedule will be reviewed, along with all other major road schemes and transportation measures, as part of the Belfast metropolitan area plan. Work on the preparation of the plan will commence during 2000-01.

## A2 Road: Traffic-Flow Figures

**Mr K Robinson** asked the Minister for Regional Development what progress has been made by his Department in collecting up-to-date traffic flow figures for the A2 Shore Road between Newtownabbey and Carrickfergus. (AQW 49/99)

**Mr P Robinson:** The Roads Service-traffic-count site on Shore Road, south of Jordanstown Road, Newtownabbey, has been damaged on a number of occasions in the recent past. The site is now fully operational, and traffic flow figures will be available shortly. The Roads Service will be making this information available to Newtownabbey Borough Council and Carrickfergus Borough Council.

## Londonderry-Belfast Rail Service

**Mr Dallat** asked the Minister for Regional Development when it is hoped to introduce a new high-speed rail service between Derry and Belfast. (AQO 32/99)

**Mr P Robinson:** There has been significant under-investment in the rail system in Northern Ireland. There are no plans to introduce a high-speed rail service between Londonderry and Belfast. The reinstatement of the Antrim to Bleach Green line will, however, reduce the journey time by around 30 minutes. Our priority is to introduce new rolling stock which could encourage more people to use rail, which in due course could induce the introduction of an express service between both cities.

## A2 Road (Belfast-Carrickfergus)

**Mr Neeson** asked the Minister for Regional Development what plans he has to upgrade the A2 road between Belfast and Carrickfergus. (AQO 37/99)

**Mr P Robinson:** There are no proposals in the Road Service's current major works five-year planning programme to upgrade this section of the A2. However, two schemes to widen this section of the Shore Road are included in the six-to-15-year forward planning schedule. These schemes, along with all other major road schemes and transportation corridors, will be considered in the context of the Belfast metropolitan area plan.

## A26 (Frosses Road): Safety Measures

**Mr Paisley Jnr** asked the Minister for Regional Development to update the Assembly on the progress of the A26 (Frosses Road) safety measures investigation and comment upon how quickly its recommendations are going to be implemented. (AQO 42/99)

**Mr P Robinson:** My Department's Roads Service has commenced a study of the A26 north of Glarryford

(Frosses Road) and intends to prepare a route strategy to improve the safety record along this 16-mile stretch of road. This study is being carried out in conjunction with the RUC. As soon as the results of the study are known, hopefully safety improvements can be identified which could be implemented this year.

## Elderly People (Free Transport)

**Ms McWilliams** asked the Minister for Regional Development if he will undertake to implement free transport for the elderly, ensuring that women between the ages of 60 and 65 are not discriminated against. (AQO 55/99)

**Mr P Robinson:** I have for some years been a supporter of free public transport travel for older people. I am therefore looking at a range of issues surrounding the existing Northern Ireland concessionary fare scheme, and I will be consulting shortly with my Department's Assembly Committee about changing the scheme and how this may be financed. There are constraints imposed by current legislation which prevent differential treatment of men and women in terms of the qualifying age for concessionary fares.

## Roads: Basic Maintenance

**Mr Poots** asked the Minister for Regional Development what are his proposals for providing basic road maintenance, in particular proper maintenance of verges and drain cleaning to reduce damage caused by flooded roads. (AQO 56/99)

**Mr P Robinson:** The structural integrity of the road network is the top priority of my Department's Roads Service. In support of this objective, the Roads Service undertakes a programme of routine maintenance to ensure that road gullies and drainage outlets are cleaned regularly and that roadside verges are adequately maintained to provide for the safety of road users. In the current financial year, the Roads Service expects to spend some £5.5 million on gully-cleansing activities and £3.5 million on verge maintenance.

## Rural Roads: Gritting

**Mr R Hutchinson** asked the Minister for Regional Development if he will reconsider the policy of gritting rural roads to take into consideration the fact that some of these roads are the only direct route to schools and places of employment. (AQO 61/99)

**Mr P Robinson:** The current criteria for the salting of roads are applied consistently across Northern Ireland. They provide that main through routes carrying 1,500 or more vehicles per day are salted during wintry conditions. In addition, some other routes that carry more than 1,000 vehicles per day are salted, provided



that there are special circumstances — for example, sharp bends or gradients.

I appreciate the concerns about this matter. Gritting costs £4.5m on average each year and deals with the roads which carry 80% of all traffic. Any significant increase in gritting could only be achieved by diverting resources from elsewhere in my roads budget. I will therefore be consulting the Regional Development Committee about the priority which this aspect of roads expenditure should have and the weighting to be given to rural areas.

### Comber Bypass

**Mrs I Robinson** asked the Minister for Regional Development what prospect there is of an early commencement of the construction of the Comber bypass. (AQO 66/99)

**Mr P Robinson:** A scheme to construct stage 2 of the Comber bypass is included in the Road Service's current major works planning programme, with a scheduled start date in 2003-04. Departmental officials have, however, met representatives from a consortium of private developers to explore options for advancing the scheme to accommodate their proposed residential development. The possibility of advancing the bypass scheme (at the expense of the private sector) will depend on a number of factors, including whether the developers obtain planning permission from the Department of the Environment for their development.

### Roads: Investment

**Mr McGrady** asked the Minister for Regional Development what assessment he has made of the financial investment in the roads infrastructure in Northern Ireland in each of the last 10 years, and if he will make a statement. (AQO 71/99)

**Mr P Robinson:** It is clear that the levels of expenditure on roads over recent years have been inadequate to maintain properly the existing roads and to improve the strategic road network. I will, in preparing a 10-year transport plan, be considering the scale of investment required on both roads and public transport and how such investment might be funded.

### Narrow Water (Mourne-Louth Traffic)

**Mr Bradley** asked the Minister for Regional Development if he will support the preliminary commitments of Newry and Mourne District Council and Louth County Council towards the provision of a road bridge at Narrow Water. (AQO 77/99)

**Mr P Robinson:** Whilst I appreciate the local desire for a bridge at Narrow Water, I regret that projected

traffic volumes would simply not be high enough to justify the high costs involved.

### Traffic-Calming Measures

**Mr Fee** asked the Minister for Regional Development whether he intends to take steps to ensure that the Roads Service has the full range of traffic-calming measures at its disposal, as compared with other European countries. (AQO 83/99)

**Mr P Robinson:** I am presently considering all aspects of spending across my Department in the light of the departmental budget allocations for 2000-01 which were announced by the Minister for Finance and Personnel last month. In this context, I will be looking closely at the level of resources which can be made available for traffic-calming measures, but Members should be aware that the budget allocation in this area has increased by 500% in the last six years.

The range of such measures presently available for use in Northern Ireland is broadly equivalent to elsewhere in Europe. Officials from my Department's Roads Service have established close contacts with their counterparts in other parts of the United Kingdom and in Europe, and I am satisfied that these contacts ensure that officials remain fully informed of all latest developments. New ideas and methods on traffic-calming are emerging on a regular basis.

### Roads Budget (Western Areas)

**Mr Molloy** asked the Minister for Regional Development to explain the criteria for the roads allocation budget for capital schemes west of the Bann. (AQO 91/99)

**Mr P Robinson:** The criteria for the allocation of the available resources in the roads budget to capital schemes west of the Bann are the same as apply throughout Northern Ireland. Schemes are assessed against a broad range of criteria, such as strategic planning policy, traffic flows, numbers of accidents, potential travel time savings, environmental impact and value for money. As part of the Department's action plan under the New Targeting of Social Needs initiative, consultants have been appointed to audit the framework for assessing major works. In the final analysis, I will be responsible for deciding annually which schemes will proceed.

### Roads (Down District / South Down)

**Mr O'Neill** asked the Minister for Regional Development what he intends to do about the submission to the Department by Down District Council on its road infrastructure and the road infrastructure in South Down in general. (AQO 92/99)

**Mr P Robinson:** Following receipt of the Down District Council's submission, my Department's Roads



Service has, in consultation with the council, developed a strategy for the improvement of the road network within the council area. The strategy focuses on trunk roads, urban streets, other main traffic routes and local roads and identifies a number of roads as worthy of improvement. Progress in implementing these measures will, of course, be dependent upon the level of resources available.

### **Recommendations of School Travel Advisory Group**

**Dr Birnie** asked the Minister for Regional Development what plans he has to implement the recommendations of the School Travel Advisory Group, which reported to the junior Transport Minister in London on 13 January 2000. (AQO 93/99)

**Mr P Robinson:** My Department is closely examining the recommendations of the School Travel Advisory Group and will consider how they can be effectively developed in Northern Ireland. My officials will be looking at a range of possibilities, including the establishment of a representative School Travel Advisory Group in Northern Ireland.

### **Traffic-Calming Measures**

**Ms Hanna** asked the Minister for Regional Development if he intends to allocate more resources to traffic-calming measures. (AQO 98/99)

**Mr P Robinson:** I am presently considering all aspects of spending across my Department in the light of the departmental budget allocations for 2000-01 which were announced by the Minister of Finance and Personnel last month. In this context, I will be looking closely at the level of resources which can be made available for traffic-calming measures, but Members should be aware that the budget allocation in this area has increased by 500% in the last six years.

The range of such measures presently available for use in Northern Ireland is broadly equivalent to elsewhere in Europe. Officials from my Department's Roads Service have established close contacts with their counterparts in other parts of the United Kingdom and in Europe, and I am satisfied that these contacts ensure that officials remain fully informed of all latest developments. New ideas and methods on traffic-calming are emerging on a regular basis.

## **SOCIAL DEVELOPMENT**

### **Housing Market 2000-03: Housing Executive Document**

**Mr McGrady** asked the Minister for Social Development what assessment he has made of the document published by the Housing Executive entitled

'The Northern Ireland Housing Market 2000/2003 – Review and Perspectives', and if he will make a statement. (AQW 92/99)

### **The Minister for Social Development (Mr Dodds):**

I will shortly be giving careful consideration to all housing policies and priorities. In the meantime, it would not be appropriate to come to any conclusion on the findings of one document in isolation from general policy on housing.

### **Social Housing Programme**

**Mr McGrady** asked the Minister for Social Development what discussions he has held with the Northern Ireland Housing Executive concerning the future social housing programme. (AQW 93/99)

**Mr Dodds:** I have met the Housing Executive to discuss a wide number of issues, including housing requirements and social rented provision.

I will be holding further meetings to discuss specific issues, including any that may arise after I have considered all aspects of spending across my Department in the light of the departmental budgets for 2000-01, announced by the Minister of Finance and Personnel on 16 December 1999.

### **Unfit Housing (Private Sector and Rural Areas)**

**Mr McGrady** asked the Minister for Social Development what plans he has to tackle housing unfitness in the private sector and in rural areas. (AQW 94/99)

**Mr Dodds:** The private sector grants scheme administered by the Housing Executive has played an important part in reducing unfitness to its present level of 7.3% and will continue to be a key programme. I have yet to give full consideration to future housing policies, but I intend to examine the potential for greater flexibility in the scheme, if it were to change in nature from the present mandatory scheme to a discretionary scheme. This could allow better targeting towards, for example, rural areas, where unfitness tends to be a greater problem.

Outside of strategic policy decisions, budgets, plans and programmes addressing unfitness are operational matters for the Housing Executive, which has advised that, for example,

- i. the recent increase in grant maxima (from £20,000 to £25,000 for renovation grants, and from £30,000 to £31,500 for replacement grants) should assist low-income households in rural areas;
- ii. it is considering the potential of a repairs grant to help to prevent properties from falling into unfitness;

- iii. its development of an empty-homes strategy will assist in addressing problems of unfit, unoccupied properties; and
- iv. closer links are being developed with rural community groups and agencies (such as the Rural Community Network) in order that isolated rural householders can be more aware of the assistance available for improving housing conditions.

### **Housing Programme (2000-03): Finance**

**Mr McGrady** asked the Minister for Social Development what discussions he has held with the

Minister of Finance and Personnel about a special package for the housing programme from 1 April 2000 to 31 March 2003.  
(AQW 95/99)

**Mr Dodds:** I met with Mark Durkan, Minister of Finance and Personnel, on 15 December 1999 to discuss the budget for my Department, including housing, and the way forward.

## Written Answers to Questions

Tuesday 25 January 2000

### CULTURE, ARTS AND LEISURE

#### Irish-Language Groups: Funding

**Mr Weir** asked the Minister of Culture, Arts and Leisure what has been the total public funding to Irish-language groups for each of the last five years. (AQW 98/99)

**The Minister of Culture, Arts and Leisure (Mr McGimpsey):** There is no standard definition of "Irish-language group". The term can encompass groups which have the promotion of the Irish language as their primary objective, groups with a variety of objectives whose membership is Irish-speaking and groups which may include an element of Irish-medium activity within a much wider remit.

It is not always possible to identify separately the Irish-language-related element, if any, of funding.

Community or voluntary sector groups with some Irish-language connection received funding from programmes with a variety of objectives, including promotion of community relations, economic and social development, training, arts and culture. Also included in the total public funding amounts shown below is the Department of Education expenditure on Irish-medium education.

	£million
1994-95	2·023
1995-96	2·876
1996-97	3·241
1997-98	3·950
1998-99	6·720
Total	18·810

#### Ulster-Scots Language Groups

**Mr Weir** asked the Minister of Culture, Arts and Leisure what has been the total public funding to Ulster-Scots Language groups for each of the last five years. (AQW 99/99)

**Mr McGimpsey:** Public funding in support of the Ulster-Scots language has been made available to community or voluntary groups involved in promoting Ulster-Scots or Ulster-Scots cultural issues. Funding as follows has come from programmes with objectives covering promotion of community relations, rural development, arts and culture. It is not possible to

identify separately the language-related element. The amounts shown below include European programme funding.

	£,000
1994-95	Nil
1995-96	Nil
1996-97	128
1997-98	108
1998-99	119
Total	355

#### Disabled Anglers: Concessionary Rate

**Mr Paisley Jnr** asked the Minister of Culture, Arts and Leisure to detail when the Fisheries Act 1966 and the Foyle Fisheries Act 1952 will be amended to permit Northern Ireland's disabled anglers to receive a concessionary rate to our rivers. (AQW 121/99)

**Mr McGimpsey:** It is intended that a Fisheries (Amendment) Bill 2000, which will amend the Foyle Fisheries Act (Northern Ireland) 1952 and the Fisheries Act (Northern Ireland) 1966, will be in the legislative programme for the current session of the Assembly. Provided that it passes through all the stages required by the legislative process, it should be made and come into operation in May 2000. This would enable the Fisheries Conservancy Board and the Foyle, Carlingford and the Irish Lights Commission, which are the licensing authorities, to prescribe licence charges at concessionary rates for the 2001 angling season, provided that the board and the commission considered it appropriate to introduce concessions.

### HIGHER AND FURTHER EDUCATION, TRAINING AND EMPLOYMENT

#### Student Loans/Grants

**Mr Paisley Jnr** asked the Minister of Higher and Further Education, Training and Employment if he holds to the SDLP policy to phase out the system of loans and to return to a form of grants. (AQW 116/99)

**The Minister of Higher and Further Education, Training and Employment (Dr Farren):** The underlying objective of the SDLP's policy on student funding is to ensure that students are adequately supported during the course of their studies. I am committed to ensuring that this objective is upheld, and I have indicated that a review of student financial support should be undertaken. Details as to how that review will be conducted are being finalised and will be announced in the near future.

### **Unionist Students (Great Britain Universities)**

**Mr Paisley Jnr** asked the Minister of Further and Higher Education, Training and Employment if he agrees that there is a chill factor in our local universities which has forced many Unionist students to attend university on the mainland to get an education.

(AQW 117/99)

**Dr Farren:** The Department does not collect data on the political affiliations of Northern-Ireland-domiciled students. There are many different reasons why individual students might choose to study outside Northern Ireland.

**Mr Paisley Jnr** asked the Minister of Further and Higher Education, Training and Employment to explain what he intends to do to provide a parity service to students who study elsewhere in the UK rather than Northern Ireland and to halt the brain drain of Unionist students.

(AQW 118/99)

**Dr Farren:** Student support and other services are provided to students on broadly the same basis across the United Kingdom. You will be aware, of course, that my authority outside Northern Ireland extends only to student support. All Northern-Ireland-domiciled students are assessed against the same criteria, regardless of where they study in the United Kingdom.

### **Colleges of Further Education: Links with Business and Industry**

**Mr Paisley Jnr** asked the Minister of Further and Higher Education, Training and Employment what he intends to do to encourage the growth of links between colleges of further education and the world of business and industry.

(AQW 119/99)

**Dr Farren:** I fully recognise the importance of the further education sector to the world of business and industry. The further education sector is the main provider of vocational education and training, with some 80,000 enrolments. It is also a major provider for the Training and Employment Agency's Jobskills programme, with some 6,000 trainees. In addition, there are a number of current policies and initiatives which aim to enhance and develop links between the further education sector and the world of business and industry:

- a) under the Further Education (Northern Ireland) Order 1997 it is a statutory requirement that at least half of the members of the governing body of a college must be drawn from the business and industry community;
- b) a collaboration fund has been established to facilitate colleges in establishing partnerships and links with, amongst others, local business and industry;
- c) recent expansion within the further education sector and at both higher and further education levels has focused on meeting the needs of the Northern Ireland economy in identified areas of skills needs, such as computing and engineering, through an incentive fund and the distribution of 600 additional full-time higher education places;
- d) a programme has been established to provide further education lecturers with placements in industry.

The Further Education Consultative Committee has also been considering how the further education sector might better support the Northern Ireland economy and the needs of local business and industry. The Committee is due to report shortly. The colleges of further and higher education already have many strong links with industry and commerce, and much work is already being undertaken to strengthen and enhance those links. This is, however, a very important area and one which I will keep under review to see how the links might be improved and built upon.



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## Written Answers to Questions

Monday 31 January 2000

### OFFICE OF FIRST MINISTER AND DEPUTY FIRST MINISTER

#### Parliament Buildings, Stormont: Union Flag

**Mr Paisley Jnr** asked the Office of the First Minister and the Deputy First Minister to make a statement detailing the rules concerning the flying of the Union flag on Parliament Buildings and whether they can confirm if it was flown on 25 December 1999.  
(AQW 152/99)

**Reply:** This is a matter for the Assembly Commission.

#### Civic Forum

**Mr Paisley Jnr** asked the Office of the First Minister and the Deputy First Minister whom they intend to appoint to the Civic Forum to represent the victims of terrorism in Northern Ireland.  
(AQW 153/99)

**Reply:** Work on establishing the Civic Forum is moving ahead. No decisions on appointments have yet been made.

#### Office Furniture

**Mr Paisley Jnr** asked the Office of the First Minister and the Deputy First Minister to confirm that junior Minister Dermot Nesbitt spent two hours in December meeting with the head of the Northern Ireland Civil Service to discuss his office furniture, and what contribution this made to the delivery of good government.  
(AQW 155/99)

**Reply:** No such meeting took place.

#### Northern Ireland and Scotland: Links

**Mr Paisley Jnr** asked the Office of the First Minister and the Deputy First Minister what representations, if any, they have made to their Scottish Office equivalents about future links between Northern Ireland and Scotland.  
(AQW 156/99)

**Reply:** We are fully committed to establishing and maintaining links with Scotland where we identify issues of common interest or concern. On 17 December we attended the inaugural meeting of the British-Irish Council, which provides a forum for contact with the Scottish Executive, among others, on matters of mutual

interest within our competence. There is also provision for Joint Ministerial Councils, again involving Ministers of the Scottish Executive, to study specific areas of interest, and we will participate fully in these arrangements.

#### UUP Downing Street Delegation

**Mr Paisley Jnr** asked the Office of the First Minister and the Deputy First Minister to confirm whether civil servants from Northern Ireland accompanied a UUP delegation to a meeting with the Prime Minister in Downing Street on Wednesday 12 January 2000.  
(AQW 207/99)

**Reply:** The First Minister attended a meeting with the Prime Minister at No 10 Downing Street on Thursday 13 January 2000. Both the Prime Minister and the First Minister were supported at the meeting by their officials. The First Minister was supported by his principal private secretary and his chief of staff, who is a special adviser and a temporary civil servant.

#### North/South Implementation Bodies

**Mr Paisley Jnr** asked the Office of the First Minister and the Deputy First Minister whether appointments to the North/South implementation bodies were carried out under the Peach recommendations.  
(AQW 211/99)

**Reply:** Appointments to the North/South implementation bodies do not fall within the remit of the Northern Ireland Commissioner for Public Appointments and were not, therefore, subject to the Peach recommendations.

#### North/South Ministerial Secretariat

**Mr Paisley Jnr** asked the Office of the First Minister and the Deputy First Minister whether appointments made to the North/South ministerial secretariat reflect fair employment guidelines.  
(AQW 212/99)

**Reply:** The staffing of the Southern side of the Secretariat is a matter for the Irish Government. On the Northern side, the Secretariat is currently made up of staff who were transferred from existing Northern Ireland Civil Service posts. Fair employment guidelines therefore already apply to these staff. Their transfer was in line with the normal considerations of the operational need of the secretariat and the suitability of the staff to fill the posts effectively.

#### Deputy First Minister: Rome Visit

**Mr Paisley Jnr** asked the Office of the First Minister and the Deputy First Minister whether civil servants accompanied the Deputy First Minister during his visit to Rome and to explain what political purpose was served by this visit.  
(AQW 246/99)

**Reply:** During his visit to Rome the Deputy First Minister was accompanied by his private secretary. The purpose of the visit was threefold: first, to meet Pope John Paul II, head of the Vatican State and the Catholic Church, and update him on political developments; secondly, to carry out a series of engagements where he met business and political figures to hear at first hand about the Italian experience of developing programmes of government and how they approach regional representation within the EU; thirdly, the visit provided an opportunity to brief a range of people about the devolved Administration and the scope for greater linkages, business and political, between Northern Ireland and Italy.

## AGRICULTURE AND RURAL DEVELOPMENT

### Rural Poverty: Alleviation

**Mr Paisley Jnr** asked the Minister of Agriculture and Rural Development what discussions she has had with the Minister for Social Development about a special financial package to alleviate rural poverty.  
(AQW 164/99)

**The Minister of Agriculture and Rural Development (Ms Rodgers):** I have not had an approach from the Minister for Social Development about any plans for a special financial package to alleviate rural poverty. I would welcome the opportunity to discuss rural issues with him or with any other Minister.

### Imported Potatoes

**Mr Poots** asked the Minister of Agriculture and Rural Development what action she will take to ensure that imported potatoes meet the standards of Northern Ireland produce, particularly with regard to brown rot.  
(AQW 181/99)

**Ms Rodgers:** The Department is already taking all preventative measures permissible under EU rules in relation to imported potatoes and will continue to take all possible steps to prevent the introduction of quarantine pests and diseases, including brown rot, into Northern Ireland.

Control measures currently being taken include sample checking on imports and inspections of registered potato businesses, including importers, processors and packers.

## EDUCATION

### Classroom Assistants and School Secretaries

**Mr McMenamin** asked the Minister of Education if he will provide for classroom assistants and school secretaries to be paid during school holidays.  
(AQO 109/99)

**The Minister of Education (Mr M McGuinness):** The payment of classroom assistants and school secretaries is a matter for their employing authority, and it would be inappropriate for me to intervene.

### Local Management of Schools: Funding

**Mr B Hutchinson** asked the Minister of Education if he recognises the negative effects emanating from the funding formula incorporated in local management of schools and, if so, what he proposes to do to alleviate these problems.  
(AQO 110/99)

**Mr M McGuinness:** The current use of seven different LMS formulae leads to inequities in the funding of schools. This will be addressed through the development of a single common formula, based on the relative needs of schools.

### Pre-School Provision

**Mr McHugh** asked the Minister of Education, to indicate when he intends to introduce the provision of pre-school education within all age bands to schools under his control.  
(AQO 134/99)

**Mr M McGuinness:** I am fully committed to increasing the availability of pre-school education. My Department is investing £38 million over the four years from 1998-99 in the pre-school education expansion programme. These resources will have secured 9,000 new pre-school education places by 2001-02, making places available for 85% of all children in their final pre-school year. Our long-term aim is to provide a year of free pre-school education for every child whose parents wish it.

### Schools: Parental Choice

**Mr J Kelly** asked the Minister of Education what approach he intends to take to ensure that parents have full information in deciding which schools their children should attend.  
(AQO 140/99)

**Mr M McGuinness:** Each education and library board publishes booklets setting out information about the schools in its area, their admissions and enrolment numbers and their admissions criteria, the arrangements for open enrolment and the provision of home-to-school transport. These booklets are available in December to parents of children below compulsory school age and in

January to parents of children in their last year at primary school.

All schools are required to publish a school prospectus. In the post-primary sector, school performance tables are published by the Department.

In August of a child's final primary school year the parents receive a leaflet summarising the arrangements/timetable for the transfer of pupils from primary to secondary education, and a further leaflet before the transfer test results are issued in February offering advice on the factors to be considered when choosing a school and how to complete the child's transfer report/application form.

**Mr Neeson** asked the Minister of Education to explain if parental choice is diminished by Article 16(8) of the Education (Northern Ireland) Order 1997.  
(AQO 148/99)

**Mr M McGuinness:** Article 16(8) of the Education (Northern Ireland) Order 1997 does not diminish the principle of parental preference in the open enrolment procedures.

### **St Patrick's Primary School (Ballygalget, County Down)**

**Mr McCarthy** asked the Minister of Education if he will consider funding a permanent extension to St Patrick's Primary School, Ballygalget, County Down, in preference to additional mobile classrooms.  
(AQO 149/99)

**Mr M McGuinness:** My Department has approved a new mobile classroom with integrated toilet facilities to replace the existing temporary classroom at the school. The cost of a permanent extension to replace a single mobile would not be a proper use of scarce capital resources.

### **Integrated Schools**

**Mr Ford** asked the Minister of Education if he supports a target of 5% of pupils in Northern Ireland being taught in integrated schools by 2005 and 10% by 2010.  
(AQO 150/99)

**Mr M McGuinness:** It is not my role to set or recommend targets for the development of integrated schools or any other school sector. I am committed to the principles of equality, accessibility, excellence and parental choice in education, and my Department will assess proposals for new schools or the transformation of existing schools to integrated status using robust criteria which ensure educational effectiveness and the safeguarding of the public purse.

### **La Salle Secondary School (West Belfast)**

**Mr Attwood** asked the Minister of Education if he will confirm when funding will be made available for new accommodation for La Salle Secondary School, West Belfast.  
(AQO 151/99)

**Mr M McGuinness:** Funding for any school building project depends on its admission to the capital programme, the completion of planning and the availability of resources. The development of La Salle is inextricably linked to the ongoing plans for the replacement of the neighbouring St Genevieve's High School, which is being taken forward under the private finance initiative.

The planning of the capital project for La Salle will be accorded high priority by my Department.

### **Dromintee Primary School**

**Mr C Murphy** asked the Minister of Education if he agrees that the conditions in Dromintee Primary School are intolerable and to give priority to their improvement.  
(AQO 153/99)

**Mr M McGuinness:** I am aware of the poor accommodation conditions in Dromintee Primary School. A capital development scheme to replace the present buildings is in the early stages of planning consideration. This involves the preparation of an economic appraisal to determine the most suitable method of meeting the school's long-term accommodation needs.

### **Schools: Parental Choice**

**Mr McNamee** asked the Minister of Education how he will ensure that parents have full information in deciding which school their children should attend.  
(AQO 154/99)

**Mr M McGuinness:** Each education and library board publishes booklets setting out information about the schools in its area, their admissions and enrolment numbers and their admissions criteria, the arrangements for open enrolment and the provision of home-to-school transport. These booklets are available in December to parents of children below compulsory school age and in January to parents of children in their last year at primary school.

All schools are required to publish a school prospectus. In the post-primary sector, school performance tables are published by the Department.

In August of a child's final primary school year the parents receive a leaflet summarising the arrangements/timetable for the transfer of pupils from primary to secondary education, and a further leaflet before the transfer tests results are issued in February offering advice on the factors to be considered when choosing a

school and how to complete the child's transfer report/application form.

### School Sectors: Funding

**Mr Molloy** asked the Minister of Education if he accepts the need for equality of funding across all school sectors and to outline the steps he intends to take to meet the need. (AQO 155/99)

**Mr M McGuinness:** I accept that schools in all sectors should be funded on a common basis according to relative need, and this is the aim of the ongoing work on the development of a common LMS formula to replace the seven existing formulae.

### Council for Irish-Medium Education

**Mr McElduff** asked the Minister of Education to outline what plans are in place to establish the Council for Irish-medium education. (AQO 156/99)

**Mr M McGuinness:** I intend shortly to meet a number of Irish-medium education support organisations to hear their views on the establishment of an Irish-medium education promotional body. Subject to the timing of these discussions, I hope to make an announcement in February about the arrangements for establishing the new body.

### Rural Schools: Closure

**Mr Dallat** asked the Minister of Education to assure the Assembly that rural schools are not threatened with closure against the wishes of the local communities. (AQO 197/99)

**Mr M McGuinness:** In considering any statutory development proposal made by an education and library board or the Council for Catholic Maintained Schools for a school closure or amalgamation, the views of the local community would be taken into account along with issues such as enrolment viability, educational effectiveness, the proximity and accessibility of neighbouring schools and social, economic and demographic considerations. Each case must be considered on its own merits with the overriding objective of serving the educational interests of the pupils.

## ENTERPRISE, TRADE AND INVESTMENT

### Ballycastle-Campbeltown Ferry Service

**Mr Paisley Jnr** asked the Minister of Enterprise, Trade and Investment to make a statement on the future of the Ballycastle-Campbeltown ferry service. (AQW 165/99)

**The Minister of Enterprise, Trade and Investment (Sir Reg Empey):** I am familiar with the Ballycastle-

Campbeltown ferry issue and have met with the current operators of the service. In principle, I am keen to see the service maintained, and I am holding discussions with Brian Wilson MP, Minister of State, Scottish Office, to ascertain options which may improve the viability of the route.

### Payments by LEDU and IDB

**Mr Paisley Jnr** asked the Minister of Enterprise, Trade and Investment how much money has been paid out to companies in North Antrim by LEDU and the IDB for each year from 1991-99 and to list those companies and the individual amounts paid. (AQW 166/99)

**Sir Reg Empey:** I attach details of assistance paid to companies in North Antrim by LEDU and the IDB for each financial year from 1991-92 to 1998-99 (Annex A).

For reasons of commercial confidentiality, it has been long-standing policy and practice not to disclose actual assistance paid to individual companies which are still operational. I therefore attach at Annex B a list of assistance offered to IDB companies in North Antrim during this period, and at Annex C a list of assistance offered to LEDU companies.

*Following are the annexes:*

#### ANNEX A

#### IDB

1. Selective Financial Assistance paid by IDB to companies in North Antrim

Year	Assistance Paid (£,000)
1991-92	Not Available
1992-93	4,896
1993-94	2,793
1994-95	2,934
1995-96	2,822
1996-97	2,144
1997-98	3,294
1998-99	8,038

#### LEDU

2. LEDU assistance paid to client companies in North Antrim

Year	Total Commitment (£,000)
1991-92	428
1992-93	430
1993-94	15
1994-95	6
1995-96	47
1996-97	66
1997-98	205
1998-99	177



## ANNEX B

## IDB

Selective financial assistance offered to Companies in North Antrim Constituency:

Company Name Year 1991-92 (£,000)

Fleming Poultry Ltd 251

Flexibox (NI) Ltd 418

Lovell & Christmas (Ulster)  
(now Malton Foods) 1,514

Hicking Pentecost Plc 15

Cantrell & Cochrane Ltd 106

Total 2,304

Year 1992-93 (£,000)

Daesung Circuits Ltd 2,020

Hicking Pentecost & Co (NI) Ltd 398

Elastic Olympian Ltd 180

Total 2,598

Year 1993-94 (£,000)

Maine Soft Drinks Ltd 114

Robert Wright & Son  
(Coachworks) Ltd 300

Stevenson & Co 173

Braid Water Spinning Co Ltd 50

Michelin Tyre plc 1,804

Total 2,441

Year 1994-95 (£,000)

Michelin Tyre plc 3,000

Braidwater Spinning Co Ltd 180

Regatta Fashions Ltd 113

Regatta Fashions Ltd 112

Francis Dinsmore Ltd 200

Total 3,605

Year 1995-96 (£,000)

O'Kane Poultry Ltd 1,200

Flexibox (NI) Ltd 346

R Wright & Son (Coachworks) Ltd 364

Elastic Olympian Ltd 186

Total 2,096

Year 1996-97 (£,000)

Cynamide of Great Britain Ltd 3,526

Gallagher Ltd 9,957

Total 13,483

Year 1997-98 (£,000)

Unigate (UK) Ltd 2,600

WFB Baird & Co Ltd 343

Michelin Tyre plc 2,500

Service & Systems Solutions 42

Elastic Olympian Ltd 320

Stevenson & Company 229

Robert Wright & Son 831

Total 6,865

Year 1998-99 (£,000)

Fleming Poultry Ltd 395

Total 395

## ANNEX C

## LEDU

Offers to Client Companies 1991-92 to 1998-99  
(greater/equal to £5,000)

Client Name	Total Commitment for Client £
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Etherson Foods Ltd	37,350
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Chris O'Neill	5,470
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Charles F Metson & Karen Heggarty	37,500
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Finbar McGarry	11,327
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Joe McKillop	16,875
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Iain & Valerie McCulloch	17,560
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African Clothing Exports Ltd	42,000
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Moore Uni-Drill Ltd	128,135
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M Hasson & Sons Ltd	74,905
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John Telfer	24,050
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Red Bay Boats Ltd	35,068
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Ballymoney Engineering Co Ltd	21,688
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Clinty Chemicals Ltd	60,243
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Sean & Kieran Casey	16,195
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Waveney Engineering Ltd	25,922
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Capemist Gloves Ltd	45,671
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Woodland Furniture Ltd	80,450
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Brian Johnston	82,757
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McKeown Fine Foods Ltd	166,516
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Grants Electrical Svs (NI) Ltd	264,373
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Billy Warke	68,850
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J M F Ltd	16,267
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Glens of Antrim Potatoes Ltd	119,376
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P B T & S Doherty	248,527
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Dominic McCann	11,200
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Dontaur Engineering Ltd	20,678
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James Geddis	26,462
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D K M Graphics Ltd	333,865
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SCP (Specialist Computer Programming)	100,010
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James Harkness	243,691
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Thomas Adair	6,501
Hubert Brown-Kerr	93,977
C S Power Automation Ltd	34,141
Robert Wilson	6,100
Wilbert Moore	72,140
Messrs Kearney & Murray	64,350
Gerald Freestone	7,590
Gary McConnell	9,317
William & Sheena Mc Curdy	136,142
S&B Text & Clothing Processors Ltd	75,143
Robert Gilbert	11,895
Alan Ferguson	7,900
Alison Hurst	10,000
Mary Elizabeth Lynn	20,503
Jean Howard	15,824
Axis Control Systems Ltd	82,882
John Gary & Trevor McLean	26,435
Richard Chapman	6,000
Thomas Rainey	12,423
M & J Christie	10,000
Joe Sloan	9,044
John Simpson	7,418
Finbarr & Brendan Dooley	10,450
William Hogg	10,400
Kenneth Greer	10,621
Cyril Reid	19,924
Garage Door Systems Ltd	85,440
Mary Collins	39,649
Andrew Linton	9,340
Raymond Todd	27,183
Aidan McClements	8,000
C & C Frames Ltd	71,660
Hayburn Wood Products Ltd	35,112
Robert Freeman	7,000
Patrick McGarry	26,576
Unitas Software Ltd	115,441
Heather Hargy & Janice Mayne	13,215
Hugh & Declan McCaughan	6,506
Colm McCluskey	10,500
Gary Hood	15,248
Danny Stewart	5,153
Breen Activity Centre Ltd	20,500
Paul Caves	8,600
New World Developments Ltd	226,306
R Dixon P Kelly & K McCarroll	43,000
Sean Christie	17,000
Sean Blaney	23,188
Carlingnose (NI) Ltd	51,997

J Robinson & Sons Ltd	22,029
Canla Trading Ltd	18,000
Charles & Kathleen McKillop	16,600
Richard McKeown	5,425
Fearghas Quinn	61,584
Canopies Awnings (NI) Ltd	17,623
David & Frances Cartwright	34,120
Shaun Butler & Cosmona Sarkar	8,959
Aerosubs Ltd	29,190
Stephen Barr	15,625
GRQ Machine Manufacturing Ltd	42,080
Derek Anderson	8,680
John Fullerton	8,467
Danny Stewart	13,507
Ricky Pollock	8,500
Rowen Ceramics Ltd	8,293
Jonathan McAuley	30,545
Greenways Garden & Maint Svcs Ltd	18,000
Orchard Art & Crafts Ltd	19,000
Marie Smyth	18,875
Clean Technologies Ltd	43,100
Basil Haslett	16,380
Peter O'Kane	12,950
Niall McCamphill	15,650
Enda McAuley & Barrie Mulholland	8,000
Robert Hoey	5,000
Glover Site Investigations Ltd	23,245

### **LEDU and IDB Payments: Compliance with Fair-Employment Legislation**

**Mr Paisley Jnr** asked the Minister of Enterprise, Trade and Investment to make a statement about how the Minister intends to ensure that payments to companies made by LEDU and the IDB are tested for compliance with fair-employment legislation.  
(AQW 167/99)

**Sir Reg Empey:** All offers of selective financial assistance which are made by the IDB incorporate a note drawing the company's attention to article 66 of the Fair Employment and Treatment (Northern Ireland) Order 1998, which provides that a Northern Ireland Department may refuse to give to any unqualified person any financial assistance to which the article applies. The Equality Commission for Northern Ireland notifies the IDB of all such unqualified persons.

Offers of assistance made by LEDU also contain the condition that the client will comply with all statutes,

orders and regulations governing discrimination in employment and the provision of services on the grounds of race, religion, political affiliation, disability, sexual orientation or sex. Any breach of such legislation is therefore deemed a breach of the client's obligations under its letter of offer.

### **Ballymoney: Investment**

**Mr Paisley Jnr** asked the Minister of Enterprise, Trade and Investment to make a statement about what steps his Department has taken to attract investment to Ballymoney.

(AQW 168/99)

**Sir Reg Empey:** The IDB has been working closely with Ballymoney Council in promoting the area. In July 1999 the IDB met with Ballymoney Borough Council as part of ongoing discussions on their priorities for local economic development and to understand the council's key marketing message. Since then the IDB has continued to work with the economic development team — in particular, on the linking of the council's website to that of the IDB. The website is being revised and will include details of all the IDB's property, including the 7.6 acres of land at Garryduff Road available for investment. The link to the council's website will also provide potential investors with a wide range of information on the Ballymoney area.

### **Lignite**

**Mr Paisley Jnr** asked the Minister of Enterprise, Trade and Investment to make a statement on the potential for lignite development in North Antrim.

(AQW 171/99)

**Sir Reg Empey:** The main commercial potential for the development of the proven lignite reserves in North Antrim lies in their use for fuelling an electricity generating station located close to the mine.

Any such development would be dependent on planning and other relevant statutory consents being granted for both the lignite mine and the electricity generating station and, crucially, on the electricity produced by the generating station being able to compete successfully, in price terms, in the increasingly competitive and liberalised markets in Northern Ireland and neighbouring, interconnected countries.

### **Textile Industry**

**Mr Poots** asked the Minister of Enterprise, Trade and Investment what action will be taken to ensure that the textile industry has a future within Northern Ireland.

(AQW 182/99)

**Sir Reg Empey:** The recent announcement of a significant number of potential job losses has again brought into focus the challenges facing our textiles and clothing companies. The long-term trend in employment

in the sector continues to be downward, but increased competition from imports from lower-cost economies and the continuing strength of sterling are keeping pressure on the sector.

The textiles and clothing industry in Northern Ireland is a major employer, and we have some very strong and competitive companies with a vast resource of skills and knowledge. I believe that the industry has a future, but it must continue to meet the challenges of competition. The IDB has worked, and continues to work, with organisations such as the Northern Ireland Growth Challenge and the Northern Ireland Textiles and Apparel Association and other key influencers to develop a strategy for the future development of the industry, which will focus on growth through improvements in management quality and marketing, product differentiation through design and innovation, customer service and increased exporting.

The industry itself, as evidenced by its contribution to the development of Strategy 2010, recognises the need for change and that implementation of these strategies is the key to its future.

### **Hotels (Development): Grant Aid**

**Mr Poots** asked the Minister of Enterprise, Trade and Investment whether the moratorium on grant aid beyond a 10-mile radius of Belfast city centre should be lifted without delay.

(AQW 188/99)

**Sir Reg Empey:** The moratorium applies to grant aid within, rather than beyond, a 10-mile radius of Belfast. During the past five years the number of hotel rooms in Belfast has almost doubled. New hotels and expansion of existing hotels have been and are presently being developed without grant aid from the Northern Ireland Tourist Board. Therefore there is no compelling reason to lift the moratorium on investment support for hotel projects in Belfast.

## **THE ENVIRONMENT**

### **Wildlife Habitats**

**Mr Dallat** asked the Minister of the Environment if he has plans to offer added legal protection to the natural habitats of wildlife, including bogs, wetlands and woods.

(AQW 187/99)

**The Minister of the Environment (Mr Foster):** My Department is currently finalising the list of candidate special areas of conservation under the EC Habitats directive and recently designated 11 special protection areas under the EC birds directive.

Officials are also considering the need for other measures in the context of developments elsewhere in the United Kingdom and in the European Union. When

I see the outcome of this work I may wish to seek the views of interested parties in deciding the way forward.

### Local Government Review

**Mr A Doherty** asked the Minister of the Environment to state his intentions regarding a review of local government organisation and structures. (AQW 189/99)

**Mr Foster:** A review of local government would need to be part of a wider review of the future of the whole public sector in Northern Ireland. This will be a matter for further consideration by the ministerial Executive and the Assembly in due course.

### Incineration of Waste

**Ms Lewsley** asked the Minister of the Environment what criteria are to be applied when considering any application for a proposed incinerator for the disposal of meat-and-bone meal and tallow at Glenavy. (AQW 190/99)

**Mr Foster:** Anyone wishing to operate an incinerator of this nature will require a pollution control authorisation issued by the chief industrial pollution inspector of the Environment and Heritage Service, as well as planning permission. The operator will need to demonstrate that the most appropriate techniques for pollution control are being applied and that the environmental impact of the proposal is acceptable.

National guidance has been produced for combustion of meat-and-bone meal covering both emissions from the process and requirements for ash testing to demonstrate complete destruction of material. This guidance will be used in Northern Ireland.

A European directive on the incineration of waste is now in its final stages of development. The chief inspector will take the proposed requirements of the directive into account in considering any new application.

Finally, as part of the determination process, the chief inspector will consult a range of other bodies, including the Department of Agriculture and Rural Development and the relevant district council. The consultation responses will be considered in reaching a decision on the final set of requirements to be placed on any authorisation.

### Road Safety

**Mr Dallat** asked the Minister of the Environment whether he intends to put forward recommendations on the future role of the Road Safety Council and other bodies connected with road safety. (AQW 193/99)

**Mr Foster:** I have no plans to do so. Organisations which are sponsored by Government Departments are subject to regular review.

The activities of the Road Safety Council of Northern Ireland, its affiliated committees and the road safety work of the Belfast office of the Royal Society for the Prevention of Accidents were reviewed in 1996 by the British Institute of Traffic Education Research. The Department has implemented a number of the institute's recommendations aimed at improving the efficiency and effectiveness of these organisations.

### Grants to Local Authorities

**Mr Shannon** asked the Minister of the Environment whether, as a result of the difficulties caused by the distribution of grants to local authorities, he will make a statement. (AQW 220/99)

**Mr Foster:** The problem with the distribution of the general exchequer grant was due to an error in the methodology for determining the penny product figures which are provided by the Rate Collection Agency. This information is incorporated in the statutory formula for allocating the grant. District councils have now been informed of the revised provisional grant factors for next year.

### Planning Applications

**Mr Shannon** asked the Minister of the Environment to review the current backlog of planning applications currently lying with the Planning Service, what proposals he might have to address the problem, and if he will make a statement. (AQW 221/99)

**Mr Foster:** Planning Service staff are working outside normal hours in an attempt to reduce the current backlog. In addition, a new computer system supporting the development control process is at an advanced stage of implementation and is expected to improve efficiency as the year progresses. Additional resources were made available to the Planning Service in late 1999 and are being used to centralise the processing of major applications that represent significant investment in the local economy. This should also benefit the processing of more routine applications at divisional planning office level. However, I do not anticipate that these efforts will be enough to eliminate the backlog and cope with the rising number of planning applications. I will therefore be seeking additional resources for the Planning Service in 2000-01.

## FINANCE AND PERSONNEL

### Regional Rate

**Mr McCarthy** asked the Minister of Finance and Personnel if he will agree that an above-inflation increase in the regional rate is a form of progressive taxation. (AQO 118/99)



**The Minister of Finance and Personnel (Mr Durkan):**

Above-inflation increases ensure that the rate burden keeps pace with or even exceeds increases in household income and wealth and therefore reinforces the existing incidence of the regional rate burden. It also ensures that adequate funding is available for the public expenditure plans.

The incidence of the regional rate — who ultimately pays it — and whether it is progressive in nature is a complex issue. When the Layfield Committee (UK, 1976) examined the incidence of net rates — that is, when rate rebates were taken into account — their conclusion was that rates became more progressive in the lower half of the income distribution, proportional for middle incomes, and regressive in the higher part of the income distribution.

The fairness of the rate burden is something which we will need to examine as part of any review of the rating system.

**European Union Programmes**

**Mr B Bell** asked the Minister of Finance and Personnel if he will ensure that the current European structural funds programmes will give priority to economic growth. (AQO 133/99)

**Mr Durkan:** This is likely to be the last significant tranche of structural funds support which Northern Ireland will receive, and it is essential that the new programmes take full advantage of the opportunities created by peace to help to develop a modern, self-sustaining regional economy for the lasting benefit of all the people.

**Anti-Poverty Programmes: Finance**

**Mrs Nelis** asked the Minister of Finance and Personnel how much of his budget will be directed at assisting agencies involved in anti-poverty programmes. (AQO 196/99)

**Mr Durkan:** Detailed distribution of budgets to anti-poverty programmes is the responsibility of each Department. In the Department of Finance and Personnel there is no such programme. However, I see my Department's main role as helping Departments to develop the methodologies, indicators and measures which can make targeting, appraisal and evaluation of programmes and use of resources more effective.

**HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY****Occupational Therapists (East Antrim)**

**Mr K Robinson** asked the Minister of Health, Social Services and Public Safety how many occupational therapists are now in post to serve the residents of East Antrim, and to indicate the current waiting times experienced by new patients between initial referral and actual assessment and what action she will take to reduce delays. (AQW 53/99)

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** There are 10.9 WTE occupational therapy staff in Homefirst Community Trust serving East Antrim. A further 1.5 WTE staff are being appointed. Current waiting times for assessment are: up to 10 working days for priority cases; and a minimum of three months for non-priority cases. The trust has agreed a strategy to target, by June 2000, clients waiting six months or more.

As increasing demand for housing adaptation assessments is a particular pressure for the occupational therapy service, officials in my Department and in the Housing Executive are exploring the practicalities of carrying out a regional review of the housing adaptations service, to be undertaken jointly by the two organisations.

Tá 10.9 ball foirne teiripe saothair CLA in Iontaobhas Pobail Homefirst atá ag freastal ar Aontroim Thoir. Tá 1.5 ball foirne CLA breise á gceapadh. Is iad na hamanna feithimh le haghaidh measúnaithe faoi láthair ná suas le 10 lá oibre do chásanna tosaíochta agus íosmhéid 3 mhí do chásanna neamhthosaíochta. Tá an tIontaobhas i ndiaidh comhaontú ar straitéis le díriú, faoi Mheitheamh 2000, ar na cliaint atá ag feitheamh le 6 mhí nó níos mó.

Ó tharla go bhfuil brú ar leith ar an tseirbhís TS de bharr an éilimh atá ag méadú ar mheasúnuithe le haghaidh oiriúnuithe tithíochta, tá oifigigh i mo Roinn agus san Fheidhmeannas Tithíochta ag iniúchadh cé chomh praiticiúil agus a bheadh sé an dá eagraíocht a thabhairt i gcomhar le chéile faoi athbhreithniú ar an tseirbhís oiriúnuithe tithíochta.

**Whiteabbey Hospital  
Accident and Emergency Department**

**Mr K Robinson** asked the Minister of Health, Social Services and Public Safety what steps she will take to reduce the six- to seven-hour waiting period for patients presenting to the accident and emergency department at Whiteabbey Hospital. (AQW 54/99)

**Ms de Brún:** Figures supplied by United Hospitals Trust, which manages Whiteabbey Hospital, indicate that the vast majority of patients attending the accident and emergency department at Whiteabbey are being seen and attended to within a reasonable time.

During the period 1 July 1999 to 31 December 1999 there was a total of 13,402 new attendances. Of these, 98% were assessed by a triage nurse within five minutes of arrival. The figures also show that 97% of those attending accident and emergencies were treated in under three hours, and 99% in under four hours. I regard this as a very acceptable level of performance, particularly as the number of patients attending Whiteabbey's accident and emergency department in December 1999 rose by 20% over the same period in the previous year.

Tugtar le fios sna figiúirí a sholáthair United Hospitals Trust, atá i mbun bhainistíocht Ospidéal na Mainistreach Finne, go bhfuiltear ag amharc agus ag cur cóireála taobh istigh d'achar réasúnta ama ar mhórthromlach na n-othar a thagann chuig an roinn Timpistí agus Éigeandála sa Mhainistir Fhionn.

Le linn na tréimhse ó 1 Iúil 1999 go 31 Nollaig 1999, d'fhreastail líon iomlán de 13,402 othar úr ar an roinn seo. Rinne banaltra triage 98% díobh a mheas taobh istigh de 5 nóiméad i ndiaidh dóibh an áit a shroicheadh. Taispeánann na figiúirí fosta gur cuireadh cóireáil i níos lú ná 3 uair an chloig ar 97% díobh sin a d'fhreastail ar T&É; agus ar 99% i níos lú ná 4 uair an chloig. Measaim féin gur leibhéal éifeachtachta iontach soghlactha é seo, go háirithe agus ardú 20% tagtha ar an líon othar a d'fhreastail ar roinn TUÉ na Mainistreach Finne i Nollaig 1999 i gcomparáid leis an tréimhse chéanna an bhliain roimhe sin.

### **Whiteabbey Hospital: Health Service Provision**

**Mr K Robinson** asked the Minister of Health, Social Services and Public Safety what positive progress has been made in providing the residents of the rapidly expanding area of East Antrim with a level of Health Service provision acceptable in the twenty-first century, based at Whiteabbey Hospital, and if she will make a statement.

(AQW 55/99)

**Ms de Brún:** People living in East Antrim use a range of hospitals, including Whiteabbey Hospital, Antrim Area Hospital and the major Belfast hospitals. Following a review of acute hospital services within its area in 1998, the Northern Health and Social Services Board recommended changes to the pattern of acute and other hospital services. These envisaged Antrim becoming the focus for acute services in the southern part of the board's area, with local hospital services, including day surgery, outpatient services and diagnostic facilities, being developed at Whiteabbey.

I am at present considering how our hospital services can be developed in a way which ensures high-quality hospital care for all those who need it. In doing so, I am very aware of how important hospital services are to local communities in particular. Before any changes are made, therefore, I shall want to ensure that decisions about the future of such services are based on the fullest possible information.

Bíonn raon d'ospidéal in úsáid ag daoine a chónaíonn in Aontroim Thoir, raon ar a bhfuil ospidéal na Mainistreach Finne, ospidéal Cheantar Aontroma agus na hospidéal mhóra i mBéal Feirste. I ndiaidh athbhreithnithe ar na géarsheirbhísí ospidéal taobh istigh dá cheantar i 1998, mhol Bord Seirbhísí Sláinte agus Sóisialta an Tuaiscirt go ndéanfaí athruithe ar an phatrún géarsheirbhísí agus seirbhísí eile ospidéal. Bhí i gceist sna hathruithe seo go mbeadh Aontroim ina fhócas le haghaidh géarsheirbhísí sa chuid theas de cheantar an bhoird, le seirbhísí ospidéal áitiúla, ar a mbeadh ionad máinliachta lae, seirbhísí d'othair sheachtracha agus áiseanna fáithmheasa, á bhforbairt ar an Mhainistir Fhionn.

Faoi láthair, tá mé ag breathnú cad é mar is féidir ár seirbhísí ospidéal a fhorbairt i ndóigh a chinnteoidh cúram ardchaighdeán ospidéal dóibh siúd uile a mbíonn sé de dhíth orthu. Agus mé á dhéanamh sin, is maith is eol dom cé chomh tábhachtach agus atá seirbhísí ospidéal do phobail áitiúla go háirithe. Sula ndéanfar aon athruithe, mar sin de, beidh mé ag iarraidh a chinntiú go mbeidh cinntí faoi thodhchaí a leithéid de sheirbhísí bunaithe ar eolas chomh hiomlán agus is féidir.

### **NHS Direct**

**Mr Beggs** asked the Minister of Health, Social Services and Public Safety if, given that modern telecommunications infrastructures exist in Northern Ireland, she can advise when the National Health Service Direct advice service will operate in this part of the United Kingdom to provide additional health advice.

(AQW 115/99)

**Ms de Brún:** I have no plans to introduce NHS Direct at present. However, my officials are currently examining the issue. In doing so, they will analyse the findings from a review of the operation of NHS Direct which is currently being carried out. The report of the review is due in the spring.

Níl plean ar bith agam faoi láthair NHS Direct a thabhairt isteach. Mar sin féin, tá oifigigh s'agam ag scrúdú na ceiste faoi láthair. Agus iad á dhéanamh sin, déanfaidh siad iniúchadh ar an chinneadh ó athbhreithniú atá sa siúl faoi láthair ar oibriú NHS Direct. Táthar ag dréim le tuarascáil an athbhreithnithe san earrach.

### Acute and Maternity Services: Centralisation

**Mrs Carson** asked the Minister of Health, Social Services and Public Safety if the centralisation of acute and maternity services contravenes the policy on social inclusion, as their removal affects the most vulnerable sections of the community, especially those who live in rural areas. (AQO 104/99)

**Ms de Brún:** As I indicated earlier, I am at present considering how hospital services, including acute and maternity services, can best be developed so as to ensure that they are able to meet the needs of all our people. I have not yet reached any conclusions on the matter. In taking this work forward, however, I shall want to look in particular at the needs of rural communities and vulnerable groups in our society, as I am anxious to ensure that their needs are fully recognised in the decisions that are taken about the future shape of our hospital services.

Mar a luaigh mé cheana, tá mé faoi láthair ag machnamh ar an dóigh ab fhearr le seirbhísí otharlainne, agus géarsheirbhísí agus seirbhísí máithreachais san áireamh, a fhorbairt le cinntiú go riarfaidh siad ar riachtanais ár muintire uilig. Níor chinn mé ar chomhairle go fóill ar an ábhar. Ach, agus mé ag tabhairt ar ghnó chun tosaigh, beidh aird go háirithe agam ar riachtanais na bpobal tuaithe agus na ngrúpaí so-ghonta sa tsochaí againn, nó is mór mo mhian a chinntiú go naitheofar a gcuid riachtanas sna socruithe a dhéanfar fá chruth feasta ár gcuid seirbhísí otharlainne.

### Health Service: Proposed Review

**Mr Kane** asked the Minister of Health, Social Services and Public Safety to give details of her proposed review of the Health Service and if there will be a reassessment of the cost-effectiveness of health and social services trusts. (AQO 107/99)

**Ms de Brún:** I have not yet decided whether to review the current structure and organisation of the health and social services, including trusts. I am giving the matter careful consideration, and I intend to seek the views of the public and of health and social services staff before reaching any conclusions on the matter.

Níl cinneadh déanta agam go fóill cé acu athbhreithniú a dhéanamh nó gan é a dhéanamh ar struchtúr agus ar chúrsaí riaracháin seirbhísí sláinte, sóisialta agus ar na hiontaobhais comh maith. Tá mé ag déanamh machnamh cúramach ar an ábhar seo agus cuardóidh mé barúlacha an phobail agus barúlacha fhoireann na Roinne sula ndéanaim cinneadh ar bith ar na cúrsaí seo.

### Occupational Therapy (West Tyrone)

**Mr McMenamin** asked the Minister of Health, Social Services and Public Safety what steps are being taken to reduce the waiting time for occupational therapists to visit homes in West Tyrone — in particular, Strabane. (AQO 108/99)

**Ms de Brún:** Foyle Health and Social Services Trust appointed two temporary senior occupational therapists in September 1999 specifically to target its waiting lists. Sperrin Lakeland Health and Social Services Trust has provided an additional 0.5 WTE senior occupational therapist for the Omagh area.

Tá beirt theiripí shinsearacha saothair ceaptha ag Iontaobhas SSS an Fheabhail i Meán Fómhair 1999, agus aird go háirithe acu ar na scuainí feithimh. Agus chuir Iontaobhas SSS Lochlann Shliabh Speirín 0.5 Coibhéisi Lánaimseartha (CLA) teiripí sinsearach saothair eile ar fáil i gceantar na hOmaí.

### Punishment Beatings: Treatment (Cost)

**Mr Weir** asked the Minister of Health, Social Services and Public Safety what was the total cost to her Department, in each of the last five years, of treating the victims of punishment beatings. (AQO 112/99)

**Ms de Brún:** The information is not readily available in the form requested. Information on spending by the NHS on victims of punishment beatings is not readily available and could only be obtained at a disproportionate cost to the service.

Níl an t-eolas a iarradh san fhoirm infhaighte. Níl an caiteachas atá déanta ag an Roinn Sláinte, Seirbhísí Sóisialta agus Sábháilteachta Poiblí ar íobartaigh buailte pionóis infhaighte ach ar chostais dhiréireacha a ghearradh ar an tSeirbhis.

### Department Advertising (Languages)

**Mr Beggs** asked the Minister of Health, Social Services and Public Safety to advise if she expects the cost of job and campaign advertising in her Department to double during the year 2000, given her decision to advertise in both English and Irish. (AQO 113/99)

**Ms de Brún:** The Good Friday Agreement supports the facilitation and encouragement of the use of the Irish language in speech and writing in public and private life and the removal, where possible, of restrictions which would discourage or work against the maintenance or development of the language.

The Agreement also makes provision for liaising with the Irish language community.

There will be an increase in advertising and translation costs. However, at present it is difficult to

estimate what this will be. I do not anticipate at the moment that costs will double.

Tacaíonn Comhaontú Aoine an Chéasta le héascaíocht a dhéanamh d'úsáid na Gaeilge agus le Gaeilge labhartha agus scríofa sa saol poiblí agus príobháideach a spreagadh agus áit ar bith ar féidir bacanna a bheadh in éadan chaomhnú nó fhorbairt na teanga a ghlanadh.

Cuirtear ar fáil sa Chomhaontú chomh maith foráil don teagmháil le pobal na Gaeilge.

Beidh méadú ar chostais fógraíochta agus aistriúcháin agus cé gur deacair meastachán a dhéanamh ar an chostas amach anseo, beidh mé ag tnúth nach dhá oiread an chostais a bheas i gceist.

### Nurses (Health and Social Services)

**Mrs E Bell** asked the Minister of Health, Social Services and Public Safety what action she intends to take to recruit, train and retain nurses in health and social services in Northern Ireland. (AQO 115/99)

**Ms de Brún:** In the light of the difficulties evident in recent weeks I have asked for an urgent review of the number of places my Department commissions on the three-year diploma course at Queen's University Belfast. I will then consider the case for increasing the planned number in the next academic year.

I have also announced higher-than-inflation pay awards for nurses, with substantial awards for experienced people at grades C and E. Proposals to provide a better and more supportive environment for staff are currently being developed in conjunction with health and personal social services employer and trade union interests, and I hope to consult on these before too long.

De dheasca na ndeacrachtaí a tháinig chun solais le roinnt seachtainí anuas, d'iarr mé athbhreithniú práinneach ar líon na n-áiteanna a choimisinaíonn an Roinn s'againn i dtaca le cúrsa Dioplóma 3 bliana ar Ollscoil na Banríona, Béal Feirste. Cíorfaidh mé an cás ansin do mhéadú ar an líon atá beartaithe don chéad bhliain acadúil eile.

Thug mé le fios fosta dámhachtainí pá do bhanaltraí níos airde ná boilsciú agus dámhachtainí ollmhóra do bhanaltraí a bhfuil táthí acu atá ar ghrád C agus E. Táthar ag forbairt faoi láthair moltaí a chuirfeadh ar fáil timpeallacht ní b'fhearr tacaíochta don fhoireann i gcuideachta le fostóir HPSS agus le hábhair spéise ceardchumainn agus tá mé ag dúil le dul i mbun comhairle leo gan mhoill.

### Community Police Liaison Committees

**Ms Armitage** asked the Minister of Health, Social Services and Public Safety if she supports the

participation of staff attached to her Department in community police liaison committees. (AQO 135/99)

**Ms de Brún:** There are no restrictions in place on staff attached to the Department of Health, Social Services and Public Safety participating in community police liaison committees.

Níl aon srian ar bhaill foirne na Roinne Sláinte, Seirbhísí Sóisialta agus Sábháilteachta Poiblí i dtaca le bheith rannpháirteach i gcoistí idirchaidrimh póilíní pobail.

### Community Care Budget

**Mr Close** asked the Minister of Health, Social Services and Public Safety to confirm that the community care budget will not be reduced to fund, in whole or in part, the pay increase to doctors and nurses. (AQO 181/99)

**Ms de Brún:** This is one of the costs which health and social services bodies will have to meet within the overall resources available to them. The allocations which I will shortly make available to these bodies will include adequate provision for pay and price increases. I do not, therefore, anticipate the need for them to make any reduction in the community care budget to meet the pay increase to doctors and nurses.

Seo ceann de na costais a chaithfidh na heagrais sláinte agus seirbhísí sóisialta a chlúdach istigh de na hachmhainní atá ar fáil dóibh. Beidh soláthair is sna suimeanna airgid a chuirfeas mé ar fáil do na heagrais seo le hardú praighis agus ardú pá a chlúdach. Ní fheicim go mba ghá dóibh, mar sin de, aon laghdú a dhéanamh ar bhuiséad scéim comhar na gcomharsan chun le teacht slán ar ardú pá na ndochtúirí agus na mbanaltraí.

### GP Out-of-Hours Scheme

**Mr Fee** asked the Minister of Health, Social Services and Public Safety if she will initiate a comprehensive review of the out-of-hours general practitioner scheme. (AQO 182/99)

**Ms de Brún:** I have no plans at present to review the general practitioner out-of-hours arrangements.

Níl aon phleananna agam faoi láthair athbhreithneamh a dhéanamh ar na socruithe mar a bhaineas faoi láthair le seirbhís as uaireanta na ngnáthdhochtúirí.

## HIGHER AND FURTHER EDUCATION, TRAINING AND EMPLOYMENT

### Third-Level Education: Students (Areas of Origin)

**Mr Paisley Jnr** asked the Minister of Higher and Further Education, Training and Employment to outline the composition of the student population in third-level



institutions in Northern Ireland within higher and further education, in terms of the council area in which they originate. (AQW 170/99)

**The Minister of Higher and Further Education, Training and Employment (Dr Farren):** It is not possible to determine the council area from which Northern-Ireland-domiciled students at Northern Ireland higher education institutions originate. Data on postcode of home addresses are not currently available for students attending further education colleges.

### **REGIONAL DEVELOPMENT**

#### **A2 Road (Warrenpoint Newcastle) Accidents**

**Mr Bradley** asked the Minister for Regional Development if he will produce a record of the reported accidents (fatal and non-fatal) for the last 10 years on the section of the A2 route between Warrenpoint and

Newcastle and to make a statement on any proposed upgrading at that section of roadway. (AQW 148/99)

**The Minister for Regional Development (Mr P Robinson):** The RUC is responsible for collating details of all personal-injury road accidents. I have requested the appropriate information and will advise the Member of the details in due course. I can, however, advise that the accident rate per million vehicle kilometres of travel for the Warrenpoint-to-Newcastle section of the A2 is less than the overall Northern Ireland average for all routes.

As regards the upgrading of the route, subject to the successful acquisition of the necessary land, the Department's Roads Service proposes to carry out an accident remedial scheme to improve the Quarter Road / A2 Glassdrumman Road junction in 2000-01. In addition, a minor-works scheme to realign the carriageway at Killowen chapel is programmed for 2001-02.



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## Written Answers to Questions

Tuesday 1 February 2000

### OFFICE OF FIRST MINISTER AND DEPUTY FIRST MINISTER

#### Special Advisers

**Mr Paisley Jnr** asked the Office of the First Minister and the Deputy First Minister how many special advisers have been appointed by members of the Executive, including the First Minister; who they are; to list their responsibilities; to list how many are from Northern Ireland, how many are from the rest of the UK, how many are from the Republic of Ireland and how many are from elsewhere; and if he can state whether their employment complies with Northern Ireland's fair employment legislation.

(AQW 151/99)

**Reply:** The First Minister has appointed three special advisers. Mr David Campbell and Mr David Kerr are from Northern Ireland, and Dr Graham Gudgin is originally from England.

The Deputy First Minister has also appointed three special advisers. Mr Colm Larkin and Mr Hugh Logue are originally from Northern Ireland, and Mr Brian Barrington is from Ireland.

The Minister of Education has appointed one special adviser — Mr Aidan McAteer from Belfast.

The Minister of Health, Social Services and Public Safety has selected Mr Leo Green as a special adviser, but he has not been formally appointed.

The role and duties of special advisers are as outlined in the code of practice on the appointment of special advisers, a copy of which has been placed in the Assembly Library.

The appointment of a special adviser is a matter for each individual Minister as the appointing authority. The First Minister and the Deputy First Minister are satisfied that no fair employment issues arise in relation to the appointments which they made and do not expect that any would arise in relation to those made by other Ministers.

#### Junior Ministers

**Mr Paisley Jnr** asked the Office of the First Minister and the Deputy First Minister what are the roles and responsibilities of the two recently appointed junior Ministers.

(AQW 154/99)

**Reply:** The two Junior Ministers will, subject to the direction of the First Minister/Deputy First Minister, jointly take over the day-to-day administration of

the Economic Policy Unit;  
the Equality Unit (including women's issues);  
the Public Service Office;  
Community relations;  
Victims;  
the Civic Forum;  
the Policy Innovation Unit;  
Public appointments policy;  
Freedom of information;  
Co-ordination of Executive business with the Assembly

under the direction and control of the First Minister and the Deputy First Minister.

#### Freedom of Information (Legislation)

**Mr Ford** asked the Office of the First Minister and the Deputy First Minister what plans they have to introduce freedom of information legislation in Northern Ireland.

(AQW 196/99)

**Reply:** As currently drafted, the Freedom of Information Bill before Parliament at Westminster extends to Northern Ireland. This Bill provides for a statutory right of access to information held by a wide range of public bodies in the transferred field, including Departments, district councils and executive and advisory non-departmental public bodies. However, freedom of information is a transferred matter, and it will be for the Executive Committee to decide whether to introduce separate legislation in Northern Ireland. The Executive Committee is expected to consider freedom of information policy in the near future.

#### Civic Forum

**Mr Paisley Jnr** asked the Office of the First Minister and the Deputy First Minister to confirm that the Civic Forum has not met and to provide projected costs for the running of this body once it starts to meet.

(AQW 208/99)

**Reply:** The Civic Forum falls within the responsibilities of the Office of the First Minister and the Deputy First Minister.

The Civic Forum has not met. It is due to come into operation within six months of the date of devolution.

No detailed assessment has yet been made of the running costs of the Forum, but £300,000 per annum has been provisionally allocated.

### Assembly Questions: Cost of Answers

**Mr McCartney** asked the Office of the First Minister and the Deputy First Minister the cost of responding to (a) a written and (b) an oral question to Ministers in the Assembly. (AQW 278/99)

**Reply:** It has not yet been possible to make an analysis of the cost of providing answers to either written or oral Assembly questions, but an exercise to determine the costs incurred in responding to questions will be undertaken in the course of the next 12 months.

## CULTURE, ARTS AND LEISURE

### National Stadium

**Mr Poots** asked the Minister of Culture, Arts and Leisure if he supports the development of a national stadium and the development of criteria to ensure that its location is accessible to as many people as possible. (AQW 184/99)

**The Minister of Culture, Arts and Leisure (Mr McGimpsey):** I support the need to examine the scope for Northern Ireland to have its own national stadium. There are, however, crucial issues to be addressed, including the potential use of a stadium and securing the significant funding required, both capital and revenue. My Department is investigating the potential for developing a viable scheme, including the scope to harness private-sector support.

The proposal is at an early stage of development, and consideration of a location for a stadium would be premature at the present time. However, accessibility for the public would be a key criterion to be taken into account in reaching any decision on the location of a stadium.

## EDUCATION

### EU Peace and Reconciliation Programme

**Mr K Robinson** asked the Minister of Education how much European Union Special Support Programme for Peace and Reconciliation (EUSPPR) funding has been taken up by education bodies; if he can identify for each sector — (a) controlled, (b) maintained, (c) integrated, (d) Irish-medium, (e) voluntary grammar — what sums were applied for and subsequently awarded; and whether he can confirm that these projects met the agreed specific objectives for each project. (AQW 56/99)

**The Minister of Education (Mr M McGuinness):** The European Union Special Support Programme for Peace and Reconciliation funding allocated to educational bodies from 1995 to 1999 totalled £14.4 million. The sums applied for and awarded were as follows:

Sector	Applied for (£ million)	Awarded (£ million)
a. Controlled	14.2	3.0
b. Maintained	21.5	4.1
c. Integrated	16.4	1.5
d. Irish-medium	8.6	2.0
e. Voluntary Grammar	0.9	0.2

The balance — £3.6 million — was allocated to the five education and library boards for other projects involving pupils from a variety of schools in their areas.

I can confirm from the information available to the Department in respect of those projects which have been completed that they met their agreed specific objectives and that the progress of the other projects is being monitored.

## FINANCE AND PERSONNEL

### Restructuring Budget

**Mr Paisley Jnr** asked the Minister of Finance and Personnel to provide a breakdown of the departmental restructuring budget by Department. (AQW 209/99)

**The Minister of Finance and Personnel (Mr Durkan):** Further to my answer of 17 January 2000, the information requested for 1999-2000, reflecting the transfer of powers at the beginning of last December, is contained in the following table. The resources are mainly to cover additional administrative costs arising from the creation of the new Departments and other costs associated with devolution. Provision of £2.2 million for the Office of the First Minister and the Deputy First Minister includes provision for the build-up of office support for the implementation of devolution and new expanded functions — for example, Executive Information Service, Executive Committee support, Private Offices, legislation and machinery of government. The provision of £2.9 million for the Department of Finance and Personnel includes centrally borne expenditure for new Government office accommodation, the refurbishment of Parliament Buildings for the Northern Ireland Assembly, the car pool to provide ministerial transport and additional staff to deal with increased work following devolution.

	£ million
Agriculture and Rural Development	0.1
Culture, Arts and Leisure	1.3
Education	0.4
Enterprise, Trade and Investment	0.1
Environment	0.7
Finance and Personnel (inc accommodation)	2.9
Health, Social Services and Public Safety	0.2
Higher and Further Education, Training and Employment	0.4
Regional Development	0.1
Social Development	0.4



Office of the First Minister and the Deputy First Minister	2·2
<b>Total</b>	<b>8·8</b>

## HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

### Sheep Dip (Organophosphates)

**Mr Poots** asked the Minister of Health, Social Services and Public Safety if she recognises the damage done to the health of sheep farmers and of meat-plant and hide-plant operatives due to the compulsory use of sheep dip containing organophosphorus chemicals up until 1992. (AQW 177/99)

**The Minister for Health, Social Services and Public Safety (Ms de Brún):** Up until 1992 there was a legal requirement under the Sheep Scab Order (NI) 1970 for all sheep to be dipped twice annually. Since 1992 compulsory treatment of sheep has been restricted to flocks infected with sheep scab. The 1970 Order requires dipping to be carried out using a licensed or authorised product but does not require the use of an organophosphate containing sheep dip.

The question whether single, prolonged or repeated exposure to low doses of organophosphates (OPs) could have long-term adverse health effects was considered by the Committee on Toxicity of Chemicals in Food, Consumer Products and the Environment (COT). Its report, published in November 1999, concluded that the balance of evidence does not support such exposure having peripheral neuropathy or clinically significant neuropsychological effects. If such effects do occur, the report concluded, they must be relatively uncommon. The report also identified gaps in knowledge and made recommendations regarding research.

Sheep farmers may potentially be exposed to OPs through their use of sheep dip. Animals treated with OP sheep dips cannot be presented for slaughter until the appropriate withdrawal period has been observed. Consequently risks of exposure to OPs among meat-plant operators are likely to be low, and those in people handling hides from which wool has been removed still lower.

A copy of the COT report has been placed in the Library.

Go dtí an bhliain 1992 ba riachtanas dlíthiúil faoin Ordú um Ghalar Scrathach Caorach (TÉ) 1970 é go dtumfaí na caoirigh uile faoi dhó sa bhliain. Ó 1992 is le tréada atá infhabhtaithe leis an ghalar scrathach amháin a bhaineann tumadh éigeantach na gcaorach. Faoi Ordú 1970, ní foláir gur le táirge ceadúnaithe nó údaraithe a dhéanfaí an tumadh ach ní gá go mbainfí úsáid as dip chaorach a bhfuil orgánafosfáit (OP) inti.

Rinne an Coiste um Thocsaineacht na gCeimiceán sa Bhia, i dTáirgí Tomhaltóra agus sa Timpeallacht (CT) iniúchadh ar an cheist seo an bhféadfadh iarmhairtí dochracha fadtéarmacha sláinte a bheith le teagmháil shingil, fhada nó arís is arís eile le dáileoga ísle d'orgánafosfáití (OF). Is é a conclúidíodh ina thuarascáil a foilsíodh i Samhain 1999 ná nach léir ó chothrom na fianaise go dtarlaíonn néarapaite imeallach ná éifeachtaí néarshíceolaíocha a bheadh suntasach go cliniciúil. Ba é a chonclúidigh an tuarascáil dá mbéadh a leithéid d'iarmhairtí, go gcaithfidh siad bheith sách neamhghnách. Shainaithin an tuarascáil fosta bearnaí san eolas agus rinne sí moltaí i dtaca le taighde.

D'fhéadfadh sé go dtiocfadh feirmeoirí caorach i dteagmháil le OFí le linn dóibh bheith ag úsáid dip chaorach. Ní féidir ainmhithe a cóireáladh le dipeanna caorach OF a thabhairt isteach le marú go dtí go mbíonn an tréimhse chuí aistarraingthe istigh. Dá bhrí sin, is dócha gurb íseal an baol atá ann go dtiocfadh oibreoirí monarchana feola i dteagmháil le OFí, agus is ísle fós an baol atá ann do dhaoine a bhíonn ag láimhseáil seithí ar baineadh an olann díobh.

Cuireadh cóip de thuarascáil an CT ar fáil sa leabharlann.

### Paramilitary Violence

**Mr Paisley Jnr** asked the Minister of Health, Social Services and Public Safety if she will report on the number of people hospitalised as a result of paramilitary violence since she became Minister. (AQW 210/99)

**Ms de Brún:** I am unable to report on this matter as the relevant information is not collected by my Department.

Ní thig liom tuairisciú ar an ábhar seo toisc nach mbailíonn mo Roinn an t-eolas ábhartha.

### Health Service Auxiliary Staff

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if she will examine the pay of auxiliary staff in the Health Service. (AQW 272/99)

**Ms de Brún:** Ancillary staff in the health and personal social services here receive the same levels of pay as ancillary staff in the National Health Service in England, Scotland and Wales. We maintain parity, in pay and terms and conditions of service here, with those decided by the Ancillary Staffs Council in Great Britain. I do not plan to examine the pay of these staff in the near future.

Faigheann na foirne coimhdeacha sna SSSP anseo na leibhéil chéanna pá agus a fhaigheann a macasamhail san NHS i Sasana, in Albain agus sa Bhreatain Bheag. Coinnímid cothroime pá, téarmaí agus coinníollacha oibre anseo lena bhfuil socraithe ag Comhairle na bhFoirne Coimhdeacha sa Bhreatain Mhór. Níl sé ar

intinn agam iniúchadh a dhéanamh ar phá na bhfoirne seo sa ghearrthodhchaí.

### **South Tyrone Hospital: Medical Services**

**Mr Armstrong** asked the Minister of Health, Social Services and Public Safety if she will make a statement on the medical services in the South Tyrone Hospital.  
(AQO 157/99)

**Ms de Brún:** Training recognition for general medicine is to be withdrawn from South Tyrone Hospital by July 2000. Every effort will be made to maintain these services in the hospital after that date. However, in the interests of safety some services may have to be temporarily transferred to other hospitals.

Fá Iúil 2000 bainfear aitheantas oiliúna don ghnáthleigheas ó Ospidéal Dheisceart Thír Eoghan. Déanfar gach iarracht leis na seirbhísí sin a choinneáil san ospidéal i ndiaidh an dáta seo. Mar sin féin, de gheall ar an tsábháilteacht, b'fhéidir go gcaithfí roinnt seirbhísí a bhogadh go sealadach go dtí ospidéal eile.

## **REGIONAL DEVELOPMENT**

### **Road Maintenance (Ards Borough Council Area)**

**Mr Shannon** asked the Minister for Regional Development to clarify what proportion of financial assistance is allocated for road maintenance and improvement in the Ards Borough Council area, compared with other local government authorities.  
(AQW 183/99)

**The Minister for Regional Development (Mr P Robinson):** The Department's budgets for road maintenance and improvements are allocated annually on the basis of need across district council areas and vary from year to year. For the five-year period 1994-99 the average annual expenditure on maintenance in the Ards Borough Council area was approximately £2.5m. This represents 3.0% of the total Roads Service maintenance budget for that period. For the same period the average annual expenditure on road improvements in the Ards Borough Council area was approximately £600,000, representing 3.1% of the total Roads Service budget for improvements during that period.

### **Ports**

**Mr R Hutchinson** asked the Minister for Regional Development how the impact upon the ports of Larne, Warrenpoint and Londonderry will be considered in any decision on the sale of Belfast port.  
(AQW 192/99)

**Mr P Robinson:** The Department employed ERM, a firm of economic consultants, specifically to advise on the impact of Belfast Harbour Commissioners' proposals

on the other Northern Ireland ports. The views of the other ports and Belfast Harbour Commissioners have also been sought on the matter.

In order to facilitate the decision-making process on the future of the port of Belfast the Department plans to publish a paper shortly on the various options. This will, *inter alia*, address the potential impact of any sale on the other ports.

### **Sewage-Treatment Works**

**Mr P Doherty** asked the Minister for Regional Development what proposals there are for the location of the new sewage-treatment works for the Omagh area, and what criteria will determine its location.  
(AQW 222/99)

**Mr P Robinson:** The Water Service has commissioned consultants to conduct an environmental and economic appraisal of the siting of the proposed Omagh waste water treatment works. This evaluation is almost complete, and I expect the report to be presented to me in the near future.

A large number of factors are considered during the site selection process. These include all relevant technical, land, engineering, economic, environmental, planning and local community considerations. I wish to consider all the issues very carefully, as I am aware of the concerns expressed by public representatives and residents about the siting of the proposed works. I hope to be in a position to make an announcement in about two to three months.

## **SOCIAL DEVELOPMENT**

### **Housing Executive Grants**

**Mr Shannon** asked the Minister for Social Development if he will review the legislation and policy affecting the issue of grants to Housing Executive tenants, with particular regard to the need for repayment of any financial assistance by recipients who reach pension age.  
(AQW 186/99)

**The Minister for Social Development (Mr Dodds):** There are no grants paid to Housing Executive tenants by the Housing Executive. However, the Member may have in mind the grants scheme administered by the Housing Executive to encourage improvement in housing conditions in the private sector. This scheme does provide for the repayment of a grant if conditions relating to sale or future occupancy are not complied with. The condition is designed to discourage abuse and speculation in any form.

I have yet to give full consideration to future housing policies, but I intend to examine the potential for greater flexibility in the scheme. However, the presence of

conditions which are designed to protect public funds and discourage abuse will also be prime considerations.

### **Relocation of Housing Executive Tenants**

**Mr Shannon:** asked the Minister for Social Development to review the current Housing Executive criteria for rehousing tenants who have been relocated following complaints from former neighbours.

(AQW 225/99)

**Mr Dodds:** There are no set criteria for determining relocation on foot of complaints from former neighbours. The Housing Executive is sensitive to the issues involved, and each case is considered on its merits following discussions between the tenant and Housing executive officials, taking account of the nature of the

complaint and the type of new accommodation required. In these cases there is usually a need for urgent action.

The Executive's housing selection scheme has recently been reviewed as part of the development of a common selection scheme for all social housing. The scheme, on which there was wide consultation, does not specify set criteria for dealing with relocation, the preference being to continue to deal with each case on its merits. The scheme does, however, identify a range of circumstances in which former tenants of any social landlord may be included on a disqualification register for a two-year period. In effect, they can be denied access to the waiting list for that period. This can be applied where, for example, the landlord is satisfied, on reasonable grounds, that the applicant has been guilty of serious antisocial behaviour. The scheme is planned for implementation in November this year.





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## Written Answers to Questions

Monday 7 February 2000

### ASSEMBLY COMMISSION

#### Fair Trade: Assembly Policy

**Rev Dr Ian Paisley** asked the Assembly Commission what steps it has taken to ensure that the Northern Ireland Assembly adopts a fair trade policy in line with War on Want's campaign in Northern Ireland. (AQW 234/99)

**Rev Robert Coulter:** I am replying on behalf of the Assembly Commission.

War on Want Northern Ireland has written to all Assembly Members asking for their support for the fair trade campaign, and I have arranged for this issue to be considered by the Commission as a matter of priority.

### OFFICE OF FIRST MINISTER AND DEPUTY FIRST MINISTER

#### North/South Implementation Bodies

**Ms Morrice** asked the Office of the First Minister and the Deputy First Minister whether they intend to apply the principles for appointments to public bodies issued by Sir Len Peach in 1996 in making the remaining appointments to the North/South implementation bodies.

(AQW 191/99)

**Reply:** No further appointments to the North/South implementation bodies are anticipated for the foreseeable future. Appointments to the North/South implementation bodies are made by the North/South Ministerial Council. They are not public appointments falling within the remit of the Northern Ireland Commissioner for Public Appointments. In putting forward nominees for appointment, regard is had to the needs of the bodies concerned and the contribution which those nominated could provide to the work of the bodies.

#### Openness and Transparency in Government

**Mr Neeson** asked the Office of the First Minister and the Deputy First Minister what policies they will pursue to ensure openness and transparency in government. (AQW 198/99)

**Reply:** The Executive Committee is fully committed to the principles of openness and transparency in

government. Consultation is regarded as an integral part of the policy development process, and Departments are encouraged to involve as wide as possible a range of interest groups in consultation. In addition, the Assembly Committees provide a scrutiny mechanism in relation to departmental business. The establishment of the Civic Forum will assist further in opening up the process of government, as will the implementation of the statutory duty in section 75 of the Northern Ireland Act 1998.

Most public bodies in Northern Ireland, including Departments, follow the code of practice on access to Government information, which is based on the presumption that information should be made widely available whenever possible. As currently drafted, the Freedom of Information Bill which is before Westminster extends to Northern Ireland. The Executive Committee will consider in the near future whether to bring forward separate legislation on freedom of information for Northern Ireland.

#### Programme for Government

**Mr Neeson** asked the Office of the First Minister and the Deputy First Minister what the expected date of the publication of their programme for government is. (AQO 122/99)

**Reply:** We have already agreed Budget provisions for the next financial year. In preparing a full programme for government, which will incorporate an agreed Budget linked to policies and programmes, as set out in the Belfast Agreement, our timescale foresees full scrutiny in the Assembly Committees and approval by the Assembly in the autumn. To this end we are planning on agreeing a draft programme for government by the summer.

However, the Executive Committee believes that it is essential that there be the fullest consultation on the development of the programme for government. The First Minister and the Deputy First Minister have already embarked on meetings with departmental Ministers and plan to meet party Leaders soon. In addition, Assembly Committees should be consulted in the near future. The social partners will also be consulted.

We expect that there will be a number of stages in developing this programme, which will be innovative, not only in Northern Ireland but, indeed, in the wider European context.

#### Trinity College, Dublin

**Rev Robert Coulter** asked the Office of the First Minister and the Deputy First Minister what discussions have taken place with the Irish Government about Trinity College, Dublin in the light of the Irish Government's promise in the Belfast Agreement to take further steps to demonstrate respect for the different traditions on the island of Ireland. (AQO 183/99)

**Reply:** There has been no discussion with the Irish Government on this subject.

### Act of Union

**Mr Leslie** asked the Office of the First Minister and the Deputy First Minister what plans they have publicly to mark the 200<sup>th</sup> anniversary of the Act of Union.  
(AQO 192/99)

**Reply:** As the Minister of Culture, Arts and Leisure, Mr Michael McGimpsey stated in his earlier answer, his Department will play a full role in celebrating this important event.

The National Museums and Galleries of Northern Ireland and the Public Record Office Northern Ireland are currently involved in the Act of Union virtual library project. This is an initiative to increase public awareness and understanding of this important event in Irish history.

The Minister of Culture, Arts and Leisure has established a working group to co-ordinate activities being organised in connection with the bicentenary and to ensure the historical accuracy of the information which will be collated for the celebrations. The group will also take an overview of the relevant artefacts associated with this period in history. We welcome his initiative in establishing this working group and look forward to its suggestions.

Whatever view Members may take of the Union, it is a major part of our heritage, and it is right that we should encourage an informed and balanced view of the event, particularly as its principal architect was Lord Castlereagh, a local politician. The First Minister hopes to address — in a personal capacity, of course — two conferences on this subject later this year.

## AGRICULTURE AND RURAL DEVELOPMENT

### Fishing Industry

**Mr Taylor** asked the Minister of Agriculture and Rural Development if she will make a statement about the quotas for 2000 for the fishing industry; how many people are employed in (1) fishing and (2) the fish-processing and packaging industry; and what the future of the fishing industry in County Down is to be.  
(AQW 82/99)

**The Minister of Agriculture and Rural Development (Ms Rodgers):** At the December Fisheries Council, Northern Ireland matters were given a high priority by the United Kingdom. Top of the industry's concerns was a 25% cut proposed for nephrops — the basis for our scampi industry. We succeeded in negotiating a cut of under 10%. This quota will be sufficient to cover landings of the same average level as in previous years.

Secondly, the commission proposed a range of cuts in Irish Sea catch limits for cod, whiting, plaice, haddock and herring. Here the position remains bleak. We face severe restrictions over the next year. For four out of five stocks, however, we improved the position: cod (up 7% against proposed cuts), plaice (up 4%), haddock (up 9%) and herring (up 24%).

Thirdly, the industry agreed to continue to develop a cod recovery plan. This will comprise measures to safeguard juvenile cod and reduce the catching of mature cod which form the spawning stock. We were very pleased to secure a declaration by the council committing the commission to bringing forward proposals for such a plan early in the new year. We were particularly pleased that Minister Woods supported our approach, and we look forward to co-operating with Ireland on this important Irish Sea issue. This is a significant development, which offers our industry hope of scientific management aimed at the long-term improvement of the stock.

Fourthly, I achieved a continuation of the arrangements whereby there is special treatment of haddock in the Irish Sea. This is a welcome indication of the flexibility of the common fisheries policy.

Fifthly, our fishermen suffer losses of quota in the Irish Sea arising from Ireland's invocation of the Hague Preference. The UK counter-revoked, and we carried out rational swaps which increased Irish Sea quotas by 782 tonnes.

The details of stock of interest to Northern Ireland are as follows:

Area VIIa	Commission Proposal (Tonnes)	Agreed 2000 TAC*
Cod	1,700	2,100
Whiting	2,640	2,640
Plaice	2,300	2,400
Sole	1,080	1,080
Herring	3,900	5,350
Area VII	Commission Proposal (Tonnes)	Agreed 2000 TAC*
Nephrops	17,200	21,000
Hake	18,550	23,600
Haddock (VIIa)	13,200 (+3,000)	13,200 (+3,400)
Saithe	6,000	6,500
Anglers	17,340	23,000
Pollack	17,000	17,000
Megrim	13,440	15,680

\*Total allowable catch

The most recent statistics indicate that there are 892 people employed in the fishing industry, and 876 people employed in the fish processing and packaging industry.

While the quotas for a number of Irish Sea stocks are weaker than last year, and consequently the industry will face a downturn in catches during 2000, there will still be significant landings of prawns, haddock and a range of other fish to suit local and export markets and keep the processing industry viable. I am convinced that there are good prospects for the industry, and you will be aware that the Council of Ministers in Brussels agreed a cod recovery plan which should result in an increase in the stock and higher landings in the Northern Ireland industry in the future.

### **Portavogie Harbour**

**Mr Taylor** asked the Minister of Agriculture and Rural Development what the proposed timetable is for the invitation to tender, period of construction and completion of the new ice plant at Portavogie harbour, and if she will make a statement. (AQW 84/99)

**Ms Rodgers:** The advertisement inviting tenders for the plant and equipment to be installed in the new ice plant at Portavogie harbour will appear in the European Official Journal by mid-February and will allow 52 days for receipt of tenders. It is anticipated that the contract for the plant and equipment will be awarded in May 2000. The tender process for the civil works — that is the building to house the plant and equipment — can only be undertaken when the successful tenderer for the plant and equipment has been identified. Civil tenders will be issued in May 2000, and it is expected that the contract will be awarded in mid-June. The construction of the project will commence at the end of July.

The design work for the replacement ice plant at Portavogie has been very complex and has therefore taken much longer than originally anticipated. However, the technical difficulties have now been resolved, and I expect work to progress as indicated above.

While the quotas for a number of Irish Sea stocks are weaker than last year, and consequently the industry will face a downturn in catches during 2000, there will still be significant landings of prawns, haddock and a range of other fish to suit local and export markets and keep the processing industry viable. I am convinced that there are good prospects for the industry, and you will be aware that the Council of Ministers in Brussels agreed a cod recovery plan which should result in an increase in the stock and higher landings in the Northern Ireland industry in the future.

### **Milk Quota**

**Mr Armstrong** asked the Minister of Agriculture and Rural Development to set out the arrangements under which the additional milk quota for the Northern Ireland milk industry will be allocated. (AQW 150/99)

**Ms Rodgers:** My Department has consulted the industry on the allocation of the additional milk quota granted to Northern Ireland. The results of the consultation exercise are still under consideration.

### **Farming Industry (Prospects) / Farmers (Retirement Scheme)**

**Mr Paisley Jnr** asked the Minister of Agriculture and Rural Development to make a statement on the future prospects of the Northern Ireland farming industry and to list proposals she has to implement an early retirement scheme for farmers. (AQW 161/99)

**Ms Rodgers:** It is likely that the Northern Ireland agriculture industry will continue to experience difficulties while the current relationship between sterling and other European currencies holds and while some markets remain oversupplied.

I am acutely aware of the severe financial difficulties that the industry has been experiencing in recent years and the impact that this is having throughout the rural community. One of my first initiatives on becoming Minister of Agriculture and Rural Development was to announce my intention of establishing a review team to come forward with a vision for the future of agriculture in Northern Ireland. I expect to be able to announce the composition of the team shortly and will be asking it to make recommendations by late spring or early summer.

An early retirement scheme is one of a number of discretionary elements of the Agenda 2000 agreement. Following industry consultation, I am presently considering the content of the plan covering the schemes that might be operated under the rural development regulation for the period 2000-06. Due consideration must, of course, be given to the issues of funding and value for money, but it is extremely unlikely that a scheme could be funded in the early years of the plan period. However, I will wish to reflect on the views of the Assembly Committee on Agriculture and Rural Development before coming to a decision.

### **Pigs**

**Mr Paisley Jnr** asked the Minister of Agriculture and Rural Development to make a statement about the pig compensation allowance scheme operating in the Republic of Ireland and what intentions, if any, she has to implement a similar scheme in Northern Ireland. (AQW 162/99)

**Ms Rodgers:** I am aware of the Republic of Ireland's intentions to provide up to IR£1 million of aid to certain pig producers in border counties and that EU state aid approval has not yet been given to the proposed scheme.

It would be difficult to implement a similar scheme in Northern Ireland for a number of reasons.



First, a comparable scheme would only be of benefit to about 30 producers as the rescue/restructuring provisions under which such aid is payable is limited to 3% of producers. This would not resolve the widespread problems of Northern Ireland industry and would not be an effective use of funds, even if these were available.

Secondly, the aid in the Republic is being linked to losses incurred as a result of the fire at the Lovell and Christmas factory in Ballymoney. Northern Ireland introduced a scheme in 1998 for the same reason, and it is unlikely that the EU would be supportive of a further request.

Thirdly, even if EU support could be obtained, there are no additional funds available in the Northern Ireland block, and it would, in any case, be extremely difficult to obtain the support of other UK Agriculture Ministers as this crisis is not confined to Northern Ireland.

I fully appreciate the severe difficulties currently facing pig producers, and I left Commissioner Fischler in no doubt as to the plight of our pig producers when I met him in Brussels on 24 January. I will continue to work closely with Nick Brown and Commissioner Fischler to see what can be done to alleviate the problems in the industry.

Furthermore, I am presently taking action to assist the industry in ways open to me.

I am consulting the industry on the use to which we should put the extra £400,000 of Government aid which has been made available for the better marketing of local pig meat.

I am writing to public bodies in Northern Ireland to encourage more uptake of locally produced pig meat.

I will shortly be having meetings with the main processor and retailer representatives, when I will be stressing the need for local sourcing and the promotion of welfare-friendly produce.

The Republic of Ireland's Agriculture Minister, Joe Walsh, and I have established a joint investigation into pig processing capacity on the island of Ireland.

### **Beef Production: Prices**

**Mr Poots** asked the Minister of Agriculture and Rural Development if she is aware that meat plants in Great Britain are paying £80 per head more for beef cattle than meat plants in Northern Ireland and how she intends to ensure that Northern Ireland beef farmers gain a fair return for their livestock in a United Kingdom context.

(AQW 176/99)

**Ms Rodgers:** I am aware that the average price paid to beef producers in Northern Ireland is approximately 20p per kg lower than the average in Great Britain. The

price paid to producers is a commercial matter, and I cannot intervene. Nevertheless, I am concerned at the disparity in prices within the UK which has arisen since the export ban was imposed in 1996. It is for this reason that the Government have committed £2 million to the implementation of the red meat strategy. This strategy, which was devised by the industry, aims to improve the position of Northern Ireland beef in its target markets and, thereby, to improve the returns to processors and producers.

### **Potatoes: Retailers' Purchasing Policy**

**Mr Poots** asked the Minister of Agriculture and Rural Development if she is aware that local companies which have received substantial grants from her Department are paying less for locally grown potatoes than for imported potatoes of similar quality, and if she has any intention of redressing this inequality.

(AQW 178/99)

**Ms Rodgers:** I am aware that the Department, through the Processing and Marketing Grant Scheme, has assisted local processors and packers.

The price paid for potatoes, whether local or imported, is, however, a separate and entirely commercial matter.

As regards imported potatoes, provided that they comply with EU rules, the Department cannot take any action to exclude or restrict them as that would be contrary to single market legislation which protects the free circulation of goods within the EU.

### **Food Labelling**

**Mr Poots** asked the Minister of Agriculture and Rural Development if she considers the current labelling of food adequately informs consumers of production methods.

(AQW 179/99)

**Ms Rodgers:** Responsibility for the Food Labelling Regulations (Northern Ireland) 1996 rests with Ms de Brún, the Minister of Health, Social Services and Public Safety. Nevertheless, I am aware that current legislation does not normally require details of production methods to be included on the label. I am sure it would be helpful to consumers and perhaps to those marketing produce if information on production methods were included on the packaging.

### **Imported Food**

**Mr Poots** asked the Minister of Agriculture and Rural Development what steps she intends to take to ensure that legislation applied to food produced in the United Kingdom is applied to imported food.

(AQW 180/99)

**Ms Rodgers:** Food produced in the EU is subject to extensive legislation to ensure that it is safe for consumers. Similarly, food may only be imported into



the EU from third countries after rigorous inspection of the source. Any evidence of failure of these systems would be brought to the attention of the Commission.

### BSE

**Mr Clyde** asked the Minister of Agriculture and Rural Development how many cases of bovine spongiform encephalopathy (BSE) were reported in Northern Ireland in the last six months and how many cases of BSE were reported in the Irish Republic for the same period.

(AQW 227/99)

**Mr Clyde** asked the Minister of Agriculture and Rural Development what action she has taken to get Northern Ireland declared a low incidence area of BSE.

(AQW 235/99)

**Mr Clyde** asked the Minister of Agriculture and Rural Development what action she has taken to get the live export ban lifted in Northern Ireland.

(AQW 236/99)

**Ms Rodgers:** As you also asked about low-incidence BSE status and proposals for lifting the export ban and your questions all concern the same subject, I am taking the liberty of answering them together.

In the six-month period ending 31 January 2000 there were two cases of BSE in Northern Ireland, and 63 in the Republic of Ireland.

I am making every effort to advance the case for Northern Ireland to be considered as a BSE low-incidence zone. I have raised this matter with the Prime Minister, and I have discussed it with the Minister of Agriculture, Nick Brown, on a number of occasions and have his support. I intend to take this to Assembly ministerial colleagues and the Agriculture Committee for consideration, and officials are finalising a proposal which can then go to Whitehall and Brussels. If this status can be achieved, it may be possible to negotiate a relaxation of export restrictions to allow for the export of live animals. However, I must stress that this will not be easy and could take some time.

### Gosford Castle

**Mr C Murphy** asked the Minister of Agriculture and Rural Development if she is aware that the condition of Gosford Castle has seriously deteriorated, contrary to the terms of the lease agreed with her Department, and to explain how she intends to have this matter addressed.

(AQW 238/99)

**Ms Rodgers:** I am aware that the condition of Gosford Castle has deteriorated, and my Department is currently pursuing action through its solicitor to have

this situation remedied or, alternatively, to recover the lease.

### Modulation

**Rev Dr Ian Paisley** asked the Minister of Agriculture and Rural Development to give an assurance that the spending by the Department of the modulation money and the matching money shall not be used to offset budgetary expenditure. (AQW 247/99)

**Ms Rodgers:** Modulation receipts and match funding will be used as necessary to fund schemes put forward to the European Commission under the Rural Development Regulation (Accompanying Measures) Plan. This plan allows for some enhancement of existing schemes and for increased uptake. All of these schemes provide support to farmers.

As I indicated when I spoke to the Agriculture and Rural Development Committee on 21 January, decisions on the use of the balance of modulation receipts and match funding will be taken later.

**Mr Paisley Jnr** asked the Minister of Agriculture and Rural Development whether she will use part of the £4.6 million in modulation surplus on a new entrants to farming scheme. (AQW 248/99)

**Mr Paisley Jnr** asked the Minister of Agriculture and Rural Development whether she has costed the Ulster Farmers' Union proposals given to her on 11 January for a rural and environment development scheme, a new entrants development scheme and a farm business development scheme. (AQW 249/99)

**Mr Paisley Jnr** asked the Minister of Agriculture and Rural Development to estimate the number of beneficiaries in each of the Department of Agriculture and Rural Development schemes under modulation. (AQW 251/99)

**Mr Paisley Jnr** asked the Minister of Agriculture and Rural Development if she can confirm the current agricultural schemes were developed with the knowledge of forthcoming additional funds from modulation.

(AQW 252/99)

**Mr Paisley Jnr** asked the Minister of Agriculture and Rural Development to list all of the schemes she has considered for modulation funding. (AQW 254/99)

**Ms Rodgers:** As these questions all concern the subject of modulation, I am taking the liberty of answering them together.

I cannot use modulation receipts to fund a new entrants to farming scheme as this is not one of the accompanying measures on which these receipts may be spent. As I indicated when I appeared before the

Agriculture and Rural Development Committee on 21 January, I wish to allow time for consultation and reflection on how we might use the uncommitted balance of match funding in future years. In principle, all schemes permitted by the Rural Development Regulation can be considered. However, I have to say that I am not convinced of the benefits of early retirement and new entrants schemes. In particular, I am concerned at the small number of beneficiaries in relation to the 29,000 or so farmers who will be affected by modulation.

I have not costed the Ulster Farmers' Union proposals sent to me on 11 January as it would require considerably more detail than was provided to enable this to be done. In any case, my immediate purpose was to submit a rural development regulation plan to the European Commission, and only accompanying measures are covered in this. Most of the Ulster Farmers' Union proposals were outside the scope of these measures. The proposals will be taken into account in my deliberations over the use of the uncommitted balance of the match funding receipts.

The estimated numbers of beneficiaries under the schemes to which modulation funding is currently to be applied are as follows:

Less favoured areas compensatory allowances	16,700 farmers
Countryside management scheme and organic farming scheme	5,000 farmers by 2006 (In addition, 4,500 farmers will continue to benefit from the environmentally sensitive areas scheme)
Forestry schemes	700 farmers, rising to 1,400 over the plan period

The schemes submitted to the European Commission under the rural development regulation plan were developed by the Department before it became known that modulation receipts would be available. However, the schemes were enhanced once it became known that such funding would be available.

Modulation funding in itself may be used only for accompanying measures — agri-environment schemes, forestry schemes on farms, aid to the less favoured areas and an early retirement scheme. All of these were considered for the rural development regulation plan, as the ex ante evaluation appended to that plan indicates. Use of the uncommitted balance of match funding is for future consideration.

## Farmers: Retraining

**Mr Savage** asked the Minister of Agriculture and Rural Development what retraining schemes she plans to introduce for those farmers facing redundancy.  
(AQW 274/99)

**Ms Rodgers:** In addition to a wide range of education, training and other programmes which aim to help farmers to improve the efficiency and profitability of their existing enterprises, the Department of Agriculture and Rural Development, through its colleges and Rural Enterprise Division, provides training and other support to assist farmers wishing to diversify their businesses. Support for farm business diversification was also provided under the last round of EU funding.

The Department is already piloting a multi-skilling programme in partnership with other training organisations and sponsored by the Department of Higher and Further Education, Training and Employment. This programme provides young people with the opportunity to train in agriculture and another discipline to develop the skills needed to secure off-farm employment and also farm part-time. It is expected that this programme will continue to be funded under the Northern Ireland transitional programme.

My Department, again with Department of Higher and Further Education, Training and Employment support, is undertaking a survey to investigate the education and training requirements of farmers and other members of farming families wishing either to diversify their businesses into non-traditional areas or to secure off-farm employment. The Department of Higher Education already sponsors a wide range of vocational education and training programmes which farmers and others can avail of.

My Department will be seeking to satisfy any additional training and support requirements of farming families and is investigating the possibility of securing extra EU funding for this purpose. In the draft operational plan submitted to Brussels there are proposals for a measure to be funded under PEACE II. This special measure will seek to promote economic renewal and social inclusion in rural areas by helping farmers and others in farming families to reskill to secure off-farm employment or diversify their businesses, identify and exploit new market opportunities and respond to changing circumstances by collaborative enterprise.

Another proposed PEACE II measure includes support for development of non-traditional farm-based diversification enterprises by young farmers on a collaborative cross-border basis.

Department of Agriculture colleges will shortly be introducing additional course provision to help people diversifying a farm business or developing other small rural enterprises. This modular programme will adopt

flexible and innovative delivery methods to suit the needs of participants.

### Interest Relief Scheme

**Mr Paisley Jnr** asked the Minister of Agriculture and Rural Development, in pursuance of AQW 163/99, if she can confirm whether the £100 million interest relief scheme has been formally submitted to her Department, and if she will make a statement. (AQW 310/99)

**Ms Rodgers:** The proposals in question have not been put formally to the Department, and it would therefore be inappropriate for me to make any statement about them.

### Agri-Environment Schemes, Afforestation and Less-Favoured Areas

**Mr Paisley Jnr** asked the Minister of Agriculture and Rural Development what were the levels of expenditure on agri-environment schemes, afforestation and less favoured areas compensatory allowances forecast for each year from 2000-01 to 2006-07 prior to the announcement by the Minister of Agriculture, Fisheries and Food on modulation, and how she intends to finance this expenditure; and if she will make a statement.

(AQW 317/99)

**Ms Rodgers:** Expenditure plans for the agri-environment, afforestation of agricultural land and less favoured areas support programmes in the period covered by the rural development regulation (2000 to 2006) were not set in advance of the statement by the Minister of Agriculture, Fisheries and Food on 7 December 1999, as these could only be established in the context of the Northern Ireland Rural Development Regulation Plan (Accompanying Measures), 2000-06, of which modulation is an integral part. The existing annual spending baseline within the Department for these three measures is £21.8 million. However, this baseline is relevant only in the period up to the end of 1999 in respect of the EU regulatory framework and 2001-02 in respect of the current comprehensive spending review period. It is also subject to review in the context of establishing the programme for government and the 2000 spending review.

### Modulation

**Mr Paisley Jnr** asked the Minister of Agriculture and Rural Development to confirm that if she proceeds with the current proposals on modulation, the funding and matching funding for modulation from the Treasury will not be additional in the way that the Minister of Agriculture, Fisheries and Food intended it to be.

(AQW 318/99)

**Ms Rodgers:** The finances deriving from modulation and match funding from the Treasury are fully additional to the resources available within the

Department's baseline provision for the measures contained within its rural development regulation plan (accompanying measures) 2000-06. Had these additional sources of funding not been available, expenditure on these measures would have been significantly lower than that currently proposed. Nor would there have been the surplus funds, amounting to just under £30 million, which will become available after 2001 and which have not yet been committed. The allocation of this additional sum will be decided in due course, after consultation with the industry and the Agriculture and Rural Development Committee.

### Departmental Special Advisers

**Mr Ford** asked the Minister of Agriculture and Rural Development to list those appointed as special advisers within her Department, detailing in each case the date the appointment was offered, the date employment commenced, the gender of the appointee, whether or not disabled, whether or not the appointment was as a result of open competition, and membership of any political party on the date appointment was offered.

(AQW 333/99)

**Ms Rodgers:** I have made no such appointments.

### Cod Recovery (Irish Sea)

**Mr McGrady** asked the Minister of Agriculture and Rural Development what discussions she has held with the representatives of the Fish Producers' Organisation concerning the cod recovery planned for the Irish Sea.

(AQO 125/99)

**Ms Rodgers:** A number of meetings were held with representatives of the fish producer organisations in the run-up to the December Fisheries Council in Brussels, and we agreed the need for a cod-recovery plan. As the Member will recall, I met with him and the Chief Executive of the Anglo-North Irish Fish Producers' Organisation on 31 January, at which the subject of the cod-recovery plan for the Irish Sea was discussed.

### Modulation

**Mr Neeson** asked the Minister of Agriculture and Rural Development if she will accept that under her current proposals for modulation the significant increase in expenditure announced by the Minister of Agriculture, Fisheries and Food will not occur in Northern Ireland.

(AQO 176/99)

**Ms Rodgers:** No. Northern Ireland is in exactly the same position as the rest of the United Kingdom.

### Farmers: Retirement Scheme

**Mr Fee** asked the Minister of Agriculture and Rural Development if she will consider introducing a retirement pension scheme for farmers. (AQO 177/99)

**Ms Rodgers:** I am unable at this time to consider the introduction of a retirement scheme for farmers. An



early- retirement scheme is one of the discretionary elements of the rural development regulation. I have recently submitted to the EU Commission a plan outlining the measures that are to operate in Northern Ireland for the period 2000-06. It has not been possible to make provision for an early-retirement scheme. It would be a most expensive scheme to run and is therefore not affordable.

### **All-Ireland Structures and Policies**

**Mr McHugh** asked the Minister of Agriculture and Rural Development if she agrees that a move to all-Ireland-type structures and policies would increase her negotiating strength in Europe. (AQO 178/99)

**Ms Rodgers:** The Member is well aware that agriculture was one of those areas identified in the Good Friday Agreement and the 18 December statement as likely to benefit from increased North/South co-operation. I look forward to pursuing this with my opposite numbers from the Irish Government within the framework of the North/South Ministerial Council.

### **Modulation**

**Mr Close** asked the Minister of Agriculture and Rural Development which of the accompanying measures on which the modulated money must be spent she feels will deliver most benefit to the environment. (AQO 193/99)

**Ms Rodgers:** All of the measures on which it has been decided to spend the modulated money will bring benefit to the environment.

The less-favoured areas payments will have stronger environmental conditions attached.

An increase in afforestation will provide greater tree cover and more habitats for wildlife.

However, the main environmental benefit is likely to be from the agri-environment schemes under which producers receive payments for farming in more environmentally sensitive ways.

## **CULTURE, ARTS AND LEISURE**

### **Sports Grounds: Safety**

**Mr Hilditch** asked the Minister of Culture, Arts and Leisure if he will advise the Assembly on how the recently announced funding for safety of sports grounds is to be allocated. (AQO 127/99)

**The Minister of Culture, Arts and Leisure (Mr McGimpsey):** A Northern Ireland committee of the Football Trust is being set up to oversee the introduction and running of the funding scheme. The committee will establish the policy, criteria and application

process. It will determine priorities and the level of funds to be allocated to clubs.

### **National Museum / Gallery of Art**

**Dr Adamson** asked the Minister of Culture, Arts and Leisure what steps are currently being taken to create a National Museum/Gallery of Art for Northern Ireland. (AQO 128/99)

**Mr McGimpsey:** The need for increased provision for the display of creative arts in Northern Ireland is widely recognised. I understand that a free-standing landmark gallery of international quality will be a key feature of the first corporate plan of the National Museums and Galleries of Northern Ireland when it is published for consultation in the near future.

### **National Sports Stadium**

**Mr Ford** asked the Minister of Culture, Arts and Leisure if he will conduct a feasibility study into the building of a new national sports stadium for Northern Ireland. (AQO 145/99)

**Mr McGimpsey:** I fully support the need to examine the scope for Northern Ireland to have its own national stadium. There are, however, crucial issues to be addressed, including the potential usage of a stadium and the significant level of capital and revenue investment required. My Department is currently investigating the potential for developing a viable scheme, particularly the scope to harness private-sector support. Following the completion of these investigations, I will consider how to proceed.

### **Maritime Museum (Belfast)**

**Dr Birnie** asked the Minister of Culture, Arts and Leisure what consideration his Department has given to a maritime museum for the city of Belfast. (AQO 190/99)

**Mr McGimpsey:** The National Museums and Galleries of Northern Ireland are already in possession of an important maritime collection, and their draft corporate plan highlights the need to consider how best these can be displayed and augmented. At this point the development of a museum which would incorporate a maritime theme has not been developed beyond the concept stage, and it is not possible to be definitive about the museum's location.

### **Lisburn Library**

**Mr Close** asked the Minister of Culture, Arts and Leisure to confirm a start date for the construction of a new library in Lisburn, to confirm that the site has been identified and that this is the first priority in the Library Service capital development programme. (AQO 191/99)

**Mr McGimpsey:** The Department is considering a proposal from the South Eastern Education and Library Board to build a library in Lisburn funded through the



private finance initiative. The proposal is still at an early stage in the process, and I cannot, therefore, predict a precise start date for construction.

I can, however, confirm that the board has identified a preferred site and that a new library for Lisburn is the first priority for the board's library capital development.

## THE ENVIRONMENT

### General Exchequer Grant

**Mr Shannon** asked the Minister of the Environment whether the penny product figures used in the general Exchequer grant formula prior to the year 2000-01 were accurate. (AQW 371/99)

#### The Minister of the Environment (Mr Foster):

Having corrected the penny product figures used for distribution of the general Exchequer grant for 2000-01, the Rate Collection Agency was asked to examine data provided for previous years. It has now been confirmed that inaccurate information was also provided in relation to 1997-98.

As most district councils were informed last year of their final grant entitlement for 1997-98, it has been necessary for Local Government Division of my Department to determine what adjustments may be required and when they might be applied. Urgent consideration is now being given to how this matter can be rectified, and district councils will be notified of the outcome as quickly as possible.

I have instructed my Department to review the formula as a matter of urgency in light of the difficulties experienced as to its operation.

## HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

### Malnutrition

**Mr Byrne** asked the Minister of Health, Social Services and Public Safety if she accepts the finding of the Malnutrition Advisory Group (MAG) that malnutrition is a serious public health problem in Northern Ireland, and if she will propose the creation of a special task force to deal with this issue. (AQW 149/99)

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** Poor diet is one of the most significant factors contributing to ill health here, and it is also recognised that the management of malnutrition in the community is particularly important. The aim of the recently issued quality standards is to ensure effective patient-centred

multi-disciplinary assessment and care planning, including assessment of dietary status.

Nutrition and diet is one of a number of important issues on which I will be considering the need for further action.

Tá drochréim bia ar cheann de na tosca is tábhachtaí a bhaineann le heasláinte anseo, agus aithnítear chomh maith go bhfuil tábhacht ar leith le bainistiú an mhíchothaithe sa phobal. Is é is aidhm do na Caighdeáin Cháilíochta a foilsíodh ar na mallabhaí ná a chinntiú go mbeidh measúnú agus pleanáil cúraim éifeachtaigh, otharlárnaigh agus ildisciplínigh ann, le measúnú ar stádas cothaithe san áireamh.

Tá cothú agus réim bia ar cheann de roinnt saincheisteanna tábhachtacha a mbeidh mé ag breathnú ar an ghá le gníomh ina leith.

### Drugs Policies

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if there is any delay in the disbursement of funds, in relation to Northern Ireland drug policies, in the introduction of reforms and the appointment of a drugs co-ordinator, and to make a statement. (AQO 186/99)

*The answer given to question AQO 129/99 on Monday 31 January 2000 was intended to be the answer to question AQO 186/99 also.*

### South Tyrone Hospital: Accident and Emergency Services

**Mrs Carson** asked the Minister of Health, Social Services and Public Safety if she will review the accident and emergency hours at South Tyrone Hospital. (AQW 200/99)

**Ms de Brún:** Accident and emergency and acute surgical services were temporarily transferred from South Tyrone to Craigavon Area Hospital in September 1999. I will examine the future provision of these services as part of my overall consideration of the long-term future of South Tyrone Hospital.

I am very aware of how important hospital services are to local communities in particular. I shall want to ensure that decisions about the future of such services are based on the fullest possible information.

Aistríodh seirbhísí timpiste, éigeandála agus géarmhainliacha go sealadach ó Thír Eoghain Theas go hOtharlann áitiúil Craigavon i Meán Fómhair 1999. Scrúdóidh mé soláthar na seirbhísí amach anseo agus mé ag cur thodhchaí Otharlainne Thír Eoghain Theas san áireamh.

Is maith a thuigim tábhacht seirbhísí otharlainne don ghnáthphobal ach go háirithe. Déanfaidh mé

cinnte go bhfuil cinnidh faoi thodhchaí na seibhísí bunaithe ar eolas cuimsitheach.

### **Cardiac Services (Dungannon Area)**

**Mrs Carson** asked the Minister of Health, Social Services and Public Safety what changes are envisaged to the cardiac services in the Dungannon area.  
(AQW 201/99)

**Ms de Brún:** I understand that training recognition for general medicine is likely to be withdrawn from South Tyrone Hospital by July 2000. The Southern Health and Social Services Board is discussing the potential implications of this with the Armagh and Dungannon Trust.

Tuigim go mb'fhéidir go dtarraingeofar siar aitheantas traenála dón tseirbhís ghinearálta liachta ó Otharlann Thír Eogain Theas faoi cheann Iúil na mílaoise. Tá Bord Sláinte agus Seirbhísí Sóisialta an Deiscirt ag plé na n-impleachtaí a d'fhéadfadh a bheith ann le hIontaobhas Ard Mhaca agus Dún Geanainn.

### **Sexual Abuse of Children**

**Mr Weir** asked the Minister of Health, Social Services and Public Safety if the joint protocol procedures whereby the RUC and social services jointly investigate sexual abuse of children offer the best method of investigation.  
(AQW 224/99)

**Ms de Brún:** There is no room for complacency on anyone's part with respect to allegations of child sexual abuse or other forms of abuse against children. Maximising co-operation between those with statutory responsibility for investigating child abuse is an important element of both protecting the rights of the child and minimising the distress caused.

Ní tráth bogáis é ag aon duine i dtaca le hainíde chollaí ar pháistí nó cineálacha eile ainíde ar pháistí. Is cuid thábhachtach é de chosaint chearta na bpáistí agus laghdú an chrá a tharlaíonn, uasmhéadú na comhoibre eatarthu siúd ar a bhfuil freagracht reachtúil as ainíde ar pháistí a fhiosrú.

### **Care Packages**

**Mrs E Bell** asked the Minister of Health, Social Services and Public Safety how many people in Northern Ireland are waiting for care packages to be funded to facilitate discharge from hospital.  
(AQW 266/99)

**Ms de Brún:** The Department has not routinely collected this information. An annual survey has been carried out in late January/February to provide a "snapshot" figure. That survey will be carried out at the

end of February this year. A report of the position will be due around mid-March.

The Department has commissioned Regional Information Branch to design and put in place a mechanism to collect and report this information. That mechanism will be developed during the year 2000-01.

Níor bhailigh an Roinn an t-eolas seo ar bhonn rialta. Rinneadh suirbhé bliantúil go mall i Mí Eanáir/Mí Feabhra le figiúirí d' 'am na huaire' a sholáthar. Déanfar an suirbhé sin arís ag deireadh Mhí Feabhra i mbliana. Beidh tuairisc ar an toradh le fáil thart faoi Mhí Mhárta.

Thug an Roinn ar an Bhrainse Eolais Réigiúnaigh córas a dhearadh agus a chur i bhfeidhm chun an t-eolas seo a bhailiú agus a thuairisciú. Déanfar forbairt ar an chóras sin le linn na bliana 2000-01.

**Mrs E Bell** asked the Minister of Health, Social Services and Public Safety how many people in Northern Ireland are waiting for packages of care to be funded to ensure that they can remain in their own homes.  
(AQW 267/99)

**Ms de Brún:** The Department has not, as a routine, collected this information. The Department has commissioned Regional Information Branch to design and put in place a mechanism to collect information on persons waiting at home or in another community setting for care packages to be arranged, and to report to the Department on a quarterly basis. Such a system will be developed during the year 2000-01.

Níor bhailigh an Roinn an t-eolas ar bhonn rialta. Thug an Roinn ar an Bhrainse Eolais Réigiúnaigh córas a dhearadh agus a chur i bhfeidhm chun eolas ar dhaoine atá ag fanacht sa bhaile nó i suíomh eile sa phobal ar phacáiste cúraim a bheartú agus tuairisc faoi seo a thabhairt don Roinn ar bhonn ráithiúil. Déanfar forbairt ar an chóas seo le linn na bliana 2000-01.

## **HIGHER AND FURTHER EDUCATION, TRAINING AND EMPLOYMENT**

### **Departmental Buildings: Union Flag**

**Mr Paisley Jnr** asked the Minister of Higher and Further Education, Training and Employment what policy he will pursue in relation to the flying of the Union flag from departmental buildings. (AQW 169/99)

**The Minister of Higher and Further Education, Training and Employment (Dr Farren):** I will have full regard to any decision taken by the Executive Committee with regard to the flying of flags from public buildings. In the meantime, I intend to review the issue

of the flying of the Union flag from my departmental buildings, having regard to the provisions of the Good Friday Agreement and, in particular, paragraph 5 of the section on rights, safeguards and equality of opportunity, which acknowledges the need, in creating the new institutions, to ensure that symbols and emblems are used in a manner which promotes mutual respect rather than division.

### Entrants

**Mr Paisley Jnr** asked the Minister of Higher and Further Education, Training and Employment what he intends to do to increase the number of entrants to higher and further education from the Protestant community. (AQW 264/99)

**Dr Farren:** It is not possible from existing data to provide an accurate assessment of the religious composition of entrants to higher and further education institutions.

It is not my policy to earmark a specific level of places in higher and further education institutions in Northern Ireland for any particular religion or denomination.

The principal aim of the 10,000 additional places allocated over the years 1999-2002 to higher and further education institutions in Northern Ireland is to widen access to and increase participation in tertiary education by Northern-Ireland-domiciled students. Recently published figures show that the number of local students admitted to Queen's University, Belfast, and the University of Ulster last Autumn increased by 7% in a year. I am considering how the number of tertiary places might be further increased, but this is subject to consultations and the availability of resources.

As regards Northern Ireland students who choose to study elsewhere, my authority extends only to student support. All Northern-Ireland-domiciled student applications for support are assessed against the same criteria regardless of where the student chooses to study. I intend to have arrangements for the support of Northern-Ireland-domiciled students reviewed.

### Unemployed People: Educational Qualifications

**Mr Beggs** asked the Minister of Higher and Further Education, Training and Employment to advise of the percentage of those unemployed, by constituency, who have no educationally recognised qualifications. (AQW 284/99)

**Dr Farren:** I am unable to provide the information requested. Statistics on unemployed people are published monthly by the Department of Enterprise,

Trade and Investment in its 'Labour Market Statistics' publications.

There are two data sources on unemployed people — the claimant count and the labour force survey. The claimant count figures are derived from records of claimants at social security offices. While these figures are broken down by parliamentary constituency, the educational qualifications of the claimants are not recorded. The data from the labour force survey, which is a sample survey, are not statistically reliable at the constituency level.

### Departmental Special Advisers

**Mr Ford** asked the Minister of Further and Higher Education, Training and Employment to list those appointed as special advisers within his Department, detailing in each case, the date the appointment was offered, the date employment commenced, the gender of the appointee, whether or not disabled, whether or not the appointment was a result of open competition, and membership of any political party on the date appointment was offered. (AQW 332/99)

**Dr Farren:** I have made no such appointment.

## REGIONAL DEVELOPMENT

### Regional Strategic Framework

**Mr McGrady** asked the Minister for Regional Development what assessment he has made of the evidence collected from consultations held in October and November 1999 in respect of the draft regional strategic framework, and if he will make a statement. (AQW 185/99)

**The Minister for Regional Development (Mr P Robinson):** The independent panel which conducted the public examination of the draft regional strategic framework was tasked with assessing the consultations and representations made during October and November 1999. I received the report of the panel on 31 January 2000, and I am arranging for its publication. I intend to make a statement shortly about the next steps in the process.

### Railways

**Mr Neeson** asked the Minister for Regional Development what action he intends to take to upgrade the rail system in Northern Ireland. (AQW 194/99)

**Mr P Robinson:** My Department will be providing financial assistance to the Northern Ireland Transport Holding Company and Translink in 2000-01 for work on the following major railway projects which have already started: reinstating the line between Antrim and

Bleach Green; construction of Bangor bus and rail station; construction of Coleraine bus and rail station.

I will decide on which new projects to support when I receive the transport companies' business plan for 2000-01.

### **Pedestrian Crossings**

**Mr McCarthy** asked the Minister for Regional Development what plans he has to reassess the current criteria for the provision of pedestrian crossings. (AQW 195/99)

**Mr P Robinson:** My Department's Roads Service is currently reviewing the assessment criteria used to determine the need for pedestrian crossings. It is anticipated that this review will be completed in early spring.

### **Railways: Aldergrove**

**Mr Ford** asked the Minister for Regional Development what plans he has to reopen the railway station at Aldergrove. (AQW 197/99)

**Mr P Robinson:** I understand that, while there was a halt near RAF Aldergrove in the 1940s, there has never been a station at the civil airport. The possibility of providing a station at Belfast International Airport has been considered by Translink, but the evidence is that too few passengers would use the station to justify the capital investment required.

### **Sprucefield Area (Regional Centre)**

**Mr Poots** asked the Minister for Regional Development whether he recognises the strategic importance of the Sprucefield area as a regional centre. (AQW 199/99)

**Mr P Robinson:** The strategic importance of the Sprucefield area as a regional centre is recognised in the draft regional strategic framework which has recently been the subject of a public examination.

This document identifies the area as being suitable for the development of major employment activities and mixed-use development.

I just received the report of the panel on 31 January 2000, and I am arranging for its publication. I intend to make a statement shortly about the next steps in the process.

### **Road Schemes: Finance**

**Mrs Carson** asked the Minister for Regional Development how the Department will finance the road schemes announced for the period 1999-2000 to 2003-04, and what the criteria will be for prioritising road development. (AQW 203/99)

**Mr P Robinson:** Funds for road schemes for the period 1999-2000 to 2003-04 are made available from within the Northern Ireland block. In addition, in May

1998 the Chancellor of the Exchequer provided an additional £70 million for programmes including roads, schools and housing as part of his economic strategy for Northern Ireland. These additional funds were dependent on proceeds from the sale of the port of Belfast. If the sale does not proceed, it is likely that there will be an impact on the roads programme.

The priority of road schemes is assessed against a broad range of criteria, such as strategic planning policy, traffic flows, numbers of accidents, potential travel time savings, environmental impact and value for money. In the final analysis, I will be responsible for deciding annually which schemes will proceed.

### **A26 Road (Ballymena-Ballymoney)**

**Mr Paisley Jnr** asked the Minister for Regional Development what is the completion date of the A26 road between Ballymena and Ballymoney. (AQW 213/99)

**Mr P Robinson:** My Department's Roads Service has no immediate plans to upgrade the remaining single carriageway section of the A26 between Ballymena and Ballymoney to dual carriageway standard, although this will be kept under review in the light of traffic flows and journey times.

The Roads Service has, however, commenced a study of this section of road and intends to prepare a strategy to improve the safety record along the route. This study is being carried out in conjunction with the RUC. As soon as the results of the study are known, it is hoped, safety improvements can be identified which could be implemented this year.

### **Road Traffic (Newry Area): Public Inquiry**

**Mr Bradley** asked the Minister for Regional Development if a date has been set for the commencement of the public inquiry to investigate road traffic problems in the Rathfriland Road / Damolly Road area of Newry. (AQW 214/99)

**Mr P Robinson:** The Department's Roads Service proposes to hold the public inquiry, locally in the Newry area, in early spring this year. Public representatives and the general public will be advised of the date, time and venue of the inquiry when arrangements have been finalised.

### **Roads: Gritting**

**Mr Kennedy** asked the Minister for Regional Development if there are any plans to carry out a review of the current gritting schedules, particularly in the constituency of Newry and Armagh. (AQW 215/99)

**Mr P Robinson:** The overall salting schedule is reviewed annually by the Roads Service to ensure that all routes, including those in Newry and Armagh, which



meet the existing qualifying criteria, are included in the schedule. Any significant increase in the salting schedule could only be achieved by relaxing the existing criteria, which were established following a comprehensive review by Roads Service in 1996, and diverting resources from elsewhere in my roads budget. I will, however, be consulting the Regional Development Committee about the priority which should be accorded to this aspect of roads expenditure.

**Mr Kennedy** asked the Minister for Regional Development to confirm the data used by his Department in the calculation of traffic volumes required to determine the gritting of minor roads and if these are applied consistently throughout Northern Ireland.

(AQW 216/99)

**Mr P Robinson:** The criteria used to determine which roads are included in the Department's salting schedule are applied consistently across the country. They provide that main through routes carrying 1,500 or more vehicles per day are salted during wintry conditions. In addition, some other routes that carry more than 1,000 vehicles per day are salted provided there are special circumstances — for example, sharp bends or severity of gradients.

To determine which routes meet these criteria, the peak winter traffic flows on all likely routes are obtained using automatic traffic counters.

### Roads (Ards Borough)

**Mr Shannon** asked the Minister for Regional Development if he will review the funding which is allocated for road maintenance and improvement in the Ards Borough Council area.

(AQW 218/99)

**Mr P Robinson:** I will be considering, as part of work on a long-term transport strategy, the need to maintain properly the existing road network. This will include examining the criteria used in prioritising capital and maintenance schemes within the available resources. I am very conscious that I have inherited a significant roads maintenance backlog and that the existing levels of funding fall far short of what is required. These are issues which I will also be pursuing in my input to the programme of government and consideration of public expenditure priorities.

### Comber Bypass

**Mr Shannon** asked the Minister for Regional Development to indicate the proposed timescale for the completion of the Comber bypass, the amount of financial assistance being sourced in the private sector for its completion and whether its completion is dependent upon the actions of private developers.

(AQW 219/99)

**Mr P Robinson:** A scheme to construct stage 2 of the Comber bypass is included in the Department's current

major works planning programme, with a scheduled start date in 2003-04. Completion of the scheme is not dependent on financial assistance from the private sector or the actions of private developers. However, departmental officials have met representatives from a consortium of private developers to explore options for advancing the scheme to accommodate their residential development proposals. If the planning application for these proposals is successful the developers have indicated a willingness to contribute towards the cost of the bypass, which is required to provide access to their development.

### Flood Prevention (County Tyrone)

**Mr P Doherty** asked the Minister for Regional Development what measures are in place to prevent flooding of the A5 and business premises in Omagh.

(AQW 223/99)

**Mr P Robinson:** In order to help prevent the recurrence of flooding in Omagh, my Department's Water Service is to construct a new pumping station at Campsie to transfer storm water to the river Camowen during periods of high river levels. Work is expected to start in June 2000 and to be completed by the end of the year.

The Department's Roads Service is reminding relevant landowners of their responsibilities to maintain their private drainage systems in order to avoid spillage of water and debris from their properties into road drains. Such spillage was a contributory factor to recent flooding on the A5, particularly in the Newtown Stewart area.

Furthermore, I understand that, following the flooding of the A5 north of Strabane, the Rivers Agency of the Department of Agriculture and Rural Development has completed works to repair breaches in the floodbanks along the Burnedennet River in order to restore flood protection to normal levels at that location.

### Roads (County Tyrone)

**Mr Gibson** asked the Minister for Regional Development if he will indicate what upgrading will be made to the A5 Aughnacloy/Londonderry trans-European route, and what is the expected start date for these improvements.

(AQW 229/99)

**Mr Gibson** asked the Minister for Regional Development to provide the start dates and the contractual costs for the Omagh bypass (stage 3), the Strabane bypass and the Newtownards bypass.

(AQW 230/99)

**Mr P Robinson:** I have taken the above two questions together. In the latter question, I assume, the Member's reference to the Newtownards bypass is intended to be to the Newtown Stewart bypass.

My Department's Roads Service proposes to carry out the following schemes to upgrade the A5 Aughnacloy to Londonderry route:

road realignment and widening scheme at Leckpatrick (estimated cost £1.7m);

Strabane bypass stage 2 (estimated cost £3.5m);

Newtownstewart bypass (estimated cost £6.5m; and  
Omagh throughpass stage 3 (estimated cost £4.5m).

The above costs are current estimates and are not contractual costs since the award of contracts has not yet been made. It is hoped that the Leckpatrick scheme will start in early 2000/2001. The other schemes are dependent upon the completion of the necessary statutory procedures, although it is hoped that all 3 schemes will start in 2001-02.

### **Lislea Community Centre: Street Lighting**

**Mr Fee** asked the Minister for Regional Development if he will take steps to improve road safety at the community centre, Lislea, South Armagh, by instructing the Roads Service to provide two additional street lights at the entrance to the centre. (AQW 233/99)

**Mr P Robinson:** My Department's Roads Service only installs lighting on rural roads if the density of development exceeds certain criteria or if it is needed as a measure to reduce personal injury accidents.

The density of development in this case is significantly below the minimum level required to

warrant lighting, and there have been no reported after-dark accidents in the vicinity in the last five years.

In the circumstances, I do not propose to instruct the Roads Service to provide street lighting at this location.

### **Public Water Supply**

**Mr McElduff** asked the Minister for Regional Development if any plans exist to connect hundreds of homes in rural areas to the public water supply, and if he will make a statement. (AQW 239/99)

**Mr P Robinson:** Approximately 1% of properties (6,000) across Northern Ireland are not connected to a mains water supply. The provision of a mains water supply to a property is governed by the cost of connection to the mains network and the engineering practicalities of supply. The Department for Regional Development's Water Service will connect properties to mains water supplies if the costs of connection are £2,900 or less. I commenced a review of the allowable cost limit some weeks ago, and I will ensure that Assembly Members are informed of the outcome of this review when an appropriate conclusion has been reached.

### **Roads: Gritting**

**Mr McElduff** asked the Minister for Regional Development what plans he has to review existing policy on salting the roads, estates and footpaths in rural areas. (AQW 240/99)

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**Mr P Robinson:** My Department's current criteria for the salting of roads are applied consistently across Northern Ireland. They provide that main through routes carrying 1,500 or more vehicles per day are salted during wintry conditions. In addition, some other routes that carry more than 1,000 vehicles per day are salted provided that there are special circumstances — for example, sharp bends or gradients. Roads in estates and rural areas do not generally meet the criteria and are not therefore salted. Neither are footpaths.

Any significant increase in the salting schedule, such as that required to include those roads and footpaths, could only be achieved by diverting resources from elsewhere in my roads budget. Nevertheless, I will be consulting the Regional Development Committee about the priority that this aspect of roads expenditure should have.

### **Public Water Supply**

**Mr McElduff** asked the Minister for Regional Development if he will increase the allowable cost limit per household unit to address the urgent need of many people to be connected to the public water supply and if he will make a statement (AQW 242/99)

**Mr P Robinson:** The Department for Regional Development's Water Service will connect properties to mains water supplies if the costs of connection are £2,900 or less. I commenced a review of the allowable cost limit some weeks ago, and I will ensure that Assembly Members are informed of the outcome of this review when an appropriate conclusion has been reached.

## **SOCIAL DEVELOPMENT**

### **Newry Social Security Office**

**Mr Fee** asked the Minister for Social Development, if he will confirm whether steps are being taken to replace the Social Security Office in Newry, and if he can give details of the intended location of any new offices and details of the projected total costs of the project. (AQW 237/99)

**The Minister for Social Development (Mr Dodds):** The Social Security Agency is committed to finding a new social security office in Newry which will provide suitable accommodation for both its customers and its staff. A process is under way to establish the most cost-effective solution. At present it is too early to say what the location and cost will be.

## Written Answers to Questions

Tuesday 8 February 2000

### OFFICE OF FIRST MINISTER AND DEPUTY FIRST MINISTER

#### Omagh Bomb

**Mr Paisley Jnr** asked the Office of the First Minister and the Deputy First Minister what discussions the First Minister has had with the Chief Constable in regard to progress in the investigations into the Omagh bomb incident. (AQW 205/99)

**Reply:** Policing and security are not devolved matters. However, the First Minister and the Deputy First Minister have had discussions with the Chief Constable on a range of security matters, including the Omagh investigation.

### CULTURE, ARTS AND LEISURE

#### National Lottery Grants

**Mr Gibson** asked the Minister of Culture, Arts and Leisure what guidance he has given the lottery-awarding bodies in Northern Ireland to reflect local circumstances in making allocations of grants. (AQW 218/99)

**The Minister of Culture, Arts and Leisure (Mr McGimpsey):** I have not yet issued any guidance to lottery-distributing bodies in Northern Ireland.

The national lottery is a reserved matter, and overall responsibility rests with the Secretary of State for Culture, Media and Sport in London. Policy and financial directions were issued to the Arts and Sports Councils in Northern Ireland by the former Department of Education Northern Ireland, which acted as an agent for the Department for Culture, Media and Sport. This responsibility will now pass to my Department, and at an appropriate time I will consider whether there is a need for further guidance in relation to the distribution of lottery proceeds. Current guidance reflects the need to take account of local circumstances in making allocations of grants.

### EDUCATION

#### State Secondary Schools (Mid Down)

**Mr Shannon** asked the Minister of Education if he is aware of the crisis in the provision of secondary state school places in the mid-Down area and, if so, if he will clarify what he intends to do to address the situation. (AQW 270/99)

**The Minister of Education (Mr M McGuinness):** The statutory responsibility for determining the level of secondary school provision in the area is a matter in the first instance for the South Eastern Education and Library Board. I understand that the board is currently carrying out a major review of school provision in its area and that this will consider the overall demand for places in the mid-Down area.

#### Council for Catholic Maintained Schools

**Mr Kennedy** asked the Minister of Education to list the amounts paid to the Council for Catholic Maintained Schools for the years 1997-98 and 1998-99 under each of paragraphs 11, 13, 14, and 15 of schedule 8 to the Education Reform (Northern Ireland) Order 1989. (AQW 281/99)

**Mr M McGuinness:** All grant aid from the Department of Education to the Council for Catholic Maintained Schools is payable under paragraph 15 of the Education Reform (Northern Ireland) Order 1989.

The amounts payable in the financial years 1997-98 and 1998-99 in respect of expenditure by the Council on (i) staff salaries and (ii) members' emoluments, and in respect of (iii) total recurrent expenditure and (iv) total capital expenditure were as follows:

	1997-98	1998-99
	£	£
(i) Staff salaries	1,213,706	1,260,295
(ii) Members' emoluments	31,240	28,674
(iii) Total recurrent expenditure	1,617,000	1,638,000
(iv) Total capital expenditure	92,984	97,802

**Mr Kennedy** asked the Minister of Education how many full-time non-teaching posts are currently retained by the Council for Catholic Maintained Schools. (AQW 282/99)

**Mr M McGuinness:** I understand that the council currently has 55 full-time non-teaching staff.

### HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

#### National Flag (Public Buildings)

**Mr Paisley Jnr** asked the Minister of Health, Social Services and Public Safety to list the buildings associated



with the Department of Health, Social Services and Public Safety on which the national flag will be flown.

(AQW 245/99)

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** The issue of the flying of flags at public buildings has been raised with the First Minister and the Deputy First Minister, and I have decided to suspend the flying of the British national flag alone at Department of Health, Social Services and Public Safety buildings until the matter is resolved.

Tógadh ceist fholuain na mbratach ar fhoirgnimh phoiblí leis an Chéad-Aire agus an LeasChéad-Aire, agus rinne mé an cinneadh go gcuirfear foluain bhratach náisúnta na Breataine leis féin ar fionraí ar fhoirgnimh na Roinne go dtí go dtiocfar ar réiteach an ábhair seo.

### Drug Abuse

**Mr Paisley Jnr** asked the Minister of Health, Social Services and Public Safety to make a statement about her departmental responsibilities for tackling drug abuse.

(AQW 257/99)

**Ms de Brún:** My Department's responsibilities cover both prevention and treatment aspects of drug misuse. Through the Health Promotion Agency, information and education materials have been developed to highlight the dangers associated with drug misuse. The four health and social services boards provide a range of services, including health promotion, detoxification, counselling and testing for hepatitis C and HIV.

In addition, guidance for doctors and other health professionals is provided on the management of drug misuse.

Clúdaíonn freagracht mo Roinne idir chosc agus chóireáil ar ghnéithe mí-úsáide drugaí. Le hAisínteacht Fhorbairt na Sláinte, forbraíodh ábhair eolais agus oideachais le daoine a chur ar an eolas faoi na contúirtí a bhaineann le mí-úsáid drugaí. Cuireann na ceithre boird sláinte agus leasa shóisialaigh réimse seirbhísí ar fáil agus ina measc tá cur chun cinn na sláinte, díthocsainiú, comhairliú do heipitíteas C agus VEID.

Mar bharr air sin, tá treoir curtha ar fáil do dhochtúirí agus do phroifisiúnaigh eile sláinte ar bhainistiú mí-úsáide drugaí.

### Hospital Waiting Lists

**Mrs E Bell** asked the Minister of Health, Social Services and Public Safety if she will consider restoring some of the acute beds closed in the 1980s to help to reduce waiting lists.

(AQW 268/99)

**Ms de Brún:** I am very concerned about the size of our waiting lists and the length of time that many people are having to wait for essential hospital treatment. This situation is unacceptable and is one of a number of

interlinked problems currently facing our hospital services which I am considering as a matter of urgency. In deciding on the way forward, I shall be looking at all available options, including the question of capacity.

Tá mé iontach buartha faoi fhad na liostaí feithimh agus faoin fhad ama a chaithfidh daoine fanacht le cóireáil riachtanach ospidéil. Tá na cúrsaí seo doghlactha ach níl ann ach ceann de fhadhbanna idirnascaithe atá os coinne ár seirbhísí atá mé ag tabhairt faoi mar ábhar práinne. Agus mé ag mach namh ar an bhealach chun tosaigh, beidh mé ag amharc ar na roghanna uile atá ar fáil agus ceist na hacmhainne ina measc siúd.

## HIGHER AND FURTHER EDUCATION, TRAINING AND EMPLOYMENT

### Walsh Visa Programme

**Mr Paisley Jnr** asked the Minister of Higher and Further Education, Training and Employment to make a statement about the equality testing his Department has in place to ensure that entrants to the Walsh visa programme are representative of the community as a whole.

(AQW 263/99)

**Minister of Higher and Further Education, Training and Employment (Dr Farren):** The Department has ensured that information concerning the programme is available to all sections of the community through the job centre network across Northern Ireland. Public press notices have been placed in all three local daily newspapers, and all MLAs have personally received programme information for dissemination in local constituencies. The objective of this is to establish a community-wide awareness base to generate applicants and entrants from all areas and sections of the community. The Department will monitor the community background of applicants to encourage balanced participation rates.

## REGIONAL DEVELOPMENT

### A26 Road

**Mr Paisley Jnr:** asked the Minister for Regional Development to list all Assembly Members who have made representations to him about improvements and upgrades of the A26.

(AQW 259/99)

**The Minister for Regional Development (Mr P Robinson):** Representations about improvements and upgrades of the A26 route have been made to me by Rev Dr Ian Paisley MP MEP MLA and yourself.

### Traffic: Motorcycles

**Mr Paisley Jnr:** asked the Minister for Regional Development what his policy is on the use of motorcycles



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to reduce congestion and whether he plans any concessions to motorcyclists in recognition of the vital part they play in reducing congestion. (AQW 260/99)

**Mr P Robinson:** The document 'Moving Forward: Northern Ireland Transport Policy Statement', which was published in November 1998 by the then Department of the Environment for Northern Ireland, outlined a range of issues which would be addressed in the regional transport planning process. The document indicated that consideration would be given to the contribution motorcycles can make and specific measures to assist motorcyclists. My policy and plans in this area will be developed as part of this process.

## **SOCIAL DEVELOPMENT**

### **Disability Living Allowance / Social Security Fraud**

**Mr Paisley Jnr** asked the Minister for Social Development to outline the current position regarding investigations into disability living allowance and Social Security Agency fraud, and if he will make a statement.

(AQW 262/99)

**The Minister for Social Development (Mr Dodds):** Fraud is wrong. It penalises the people most in need. Money lost through fraud would be better spent helping to improve housing, health and a wide range of public services.

The Social Security Agency is committed to reducing the level of fraud and error, not only in disability living allowance but in all benefits. To help it to achieve this aim, the agency published a strategy document — 'Tackling Fraud and Error in Social Security' — which details a wide-ranging, innovative programme of initiatives to reduce fraud and error throughout the social security system. The agency has earmarked over £40 million to be invested in this programme of work over the next three years.

The research carried out to date provides a sound benchmark, indicating that the level of fraud across all the benefits, excluding pensions, is about 3%, or £73 million. An additional 300 staff are now employed on security- and fraud-related duties. In the past two years the agency has saved the taxpayer about £73 million in prospective benefit fraud.

The level of fraud in disability living allowance is about 2·4% of disability living allowance benefit expenditure, which equates to about £8·4 million.

Current initiatives in disability living allowance include a risk assessment of cases to secure benefit processes. The work focuses on securing the gateway, by requiring supporting evidence before a decision on a new claim is made and the carrying out of periodic reviews of existing claims.

The agency will continue to seek new ways of ensuring that resources are targeted effectively at known areas of risk and that money lost through fraud and error is kept to a minimum.

## Written Answers to Questions

11 February 2000

### OFFICE OF FIRST MINISTER AND DEPUTY FIRST MINISTER

#### Deputy First Minister: Rome Visit

**Mr Paisley Jnr** asked the Office of the First Minister and Deputy First Minister, in pursuance of AQW 246/99, if it can confirm the list of those business and political figures met by the Deputy First Minister while in Rome. (AQW 311/99)

**Reply:** During his three-day visit to Rome the Deputy First Minister met, among others, the following:

Pope John Paul II  
 Senator George Mitchell  
 Corinne Boggs, United States Ambassador to the Holy See  
 George McGovern, United States Ambassador to the United Nations agencies in Rome  
 Tom Foglietta, United States Ambassador to Italy  
 Sir Tom Richardson, HM Ambassador to Italy  
 Mark Pellew, Her Majesty's Ambassador to the Holy See  
 Joe Small, Irish Ambassador to Italy  
 Eamon O'Tuathail, Irish Ambassador to the Holy See  
 Congressman Bob Borski  
 Richard Krzyzanowski, Crown Cork Seal  
 Michael Stack, Crown Cork Seal  
 Luca Battistotti, European Commission, Rome  
 Dara Bahadori, Financial Services, Geneva  
 Rolando Scapellato  
 Steve Jankun  
 Stephan Volcke, Volcke Aersol  
 Dr Gentili, University of Florence

### AGRICULTURE AND RURAL DEVELOPMENT

#### Flooding (West Tyrone)

**Mr McElduff** asked the Minister of Agriculture and Rural Development if she will conduct a review of flood-alleviation measures in the Newtownstewart, Drumquin, Castlederg, Omagh and Strabane areas of West Tyrone, and if she intends to consult with the Rivers Agency, relevant Departments and a delegation of residents from Newtownstewart to apprise herself of the need for increased funding and priority in this matter. (AQW 241/99)

**The Minister of Agriculture and Rural Development (Ms Rodgers):** I have already visited some of the areas in West Tyrone which have been worst affected by

recent flooding. I met with local elected representatives and residents and saw the problems at first hand. All watercourse-related flooding incidents in the area have been investigated by the Rivers Agency with a view to establishing their cause and assessing whether measures could be taken to alleviate the problems. Repairs have been carried out and blocked watercourses cleared where that was appropriate. Those issues involving risk to life and property which require more detailed consideration are under investigation.

Given the scale of these problems, it will require time to develop and, where viable, implement solutions. The priority of this general work area has been recognised, and the Rivers Agency's capital works budget for the 2000-01 and 2001-02 financial years had already been increased by £2 million and £3 million respectively over the 1999-2000 level.

#### Ardglass Fishing Harbour

**Mr McGrady** asked the Minister of Agriculture and Rural Development what progress has been made towards the provision of a new boat-repair facility at the fishing harbour in Ardglass. (AQW 243/99)

**Ms Rodgers:** The provision of a boat-repair facility at Ardglass is the responsibility of the Northern Ireland Fishery Harbour Authority. The Authority has recently submitted proposals to the Department for a three-year capital works programme, which does not include any proposal for a fishing vessel repair facility at Ardglass harbour.

I understand that the harbour authority is aware of a demand from fishermen based in Ardglass for a slipway / dry dock or similar repair facility at their port. However, in drawing up their forward capital works programme the authority had to prioritise a wide range of projects, including much-needed improvements at both Kilkeel and Portavogie, against the funding available. Furthermore, the authority, having responsibility for the overall harbour estate, is very conscious that the existing slipway capacity at Kilkeel and Portavogie is more than adequate for the demands of the local fleet.

I am sorry that my reply cannot be more helpful.

#### Pigs: Random Selected Testing

**Mr Paisley Jnr** asked the Minister of Agriculture and Rural Development to confirm whether her Department has started a random selected testing programme on pig stock, and if she agrees that the commencement of any such programme would be detrimental to the industry. (AQW 250/99)

**Ms Rodgers:** No new programme of random selected testing has commenced on pig stock. Any current testing and any programmes under consideration have as their aim the improvement of the viability of the industry and of the quality of the product.



### NIAPA Protests

**Mr Paisley Jnr** asked the Minister of Agriculture and Rural Development if she supports the Northern Ireland Agricultural Producers' Association (NIAPA) protests at beef processor plants across Northern Ireland, and if she will make a statement. (AQW 255/99)

**Ms Rodgers:** I understand that the protests by the Northern Ireland Agricultural Producers' Association (NIAPA) at meat plants related to the prices being paid for fat cattle. I can appreciate the frustration of producers in Northern Ireland, who are being paid an average of 20p per kilogram less than their counterparts in Great Britain. However, this is a commercial matter for resolution between the parties, and I do not, therefore, intend to make a statement.

### Agrimonetary Compensation

**Mr Paisley Jnr** asked the Minister of Agriculture and Rural Development to make a statement about agrimonetary compensation and the Ulster Farmers' Union (UFU) and National Farmers' Union (NFU) national campaign on this subject. (AQW 256/99)

**Ms Rodgers:** The purpose of agrimonetary compensation is essentially to provide a level playing field for all those receiving direct aids and market supports throughout the EU. I am very aware of, and appreciate, the views of the UFU and the NFU in relation to the payment of such compensation. I am also aware of the implications for the UK and the inherent resourcing problems. Any additional compensatory payments made under the agrimonetary arrangements applying from 2000-02 would fall largely to the UK Exchequer and would have to be considered against competing calls on the public purse. The issue is, of course, one that has to be addressed at UK level and cannot be tackled on a regional basis. Any compensation must be paid throughout the UK, or not at all.

I will continue to do my utmost to assist the industry here and can advise you that I have recently written to UK Agriculture Minister, Nick Brown, strongly advocating that the Government think again about the UK's current policy in relation to agrimonetary compensation.

### EU Grant Aid

**Mr Savage** asked the Minister of Agriculture and Rural Development what action she has taken to ensure that the United Kingdom Government take full advantage of all the grant aid available for the agricultural industry from the EU and that Northern Ireland farmers receive their fair share of such aid. (AQW 273/99)

**Ms Rodgers:** I have discussed the issue of agrimonetary compensation with UK Agriculture

Ministers on more than one occasion. I have secured a further meeting with Mr Nick Brown later this week to pursue the issue.

### Flooding (West Tyrone)

**Mr Gibson** asked the Minister of Agriculture and Rural Development if she will indicate what measures she is prepared to introduce to relieve flooding problems in West Tyrone, with particular regard to the Foyle catchment area north of Strabane. (AQW 298/99)

**Ms Rodgers:** I have already visited some of the areas in the Foyle catchment area north of Strabane which have been worst affected by recent flooding. I met with local elected representatives and residents and saw the problems at first hand. All watercourse-related flooding incidents in the area have been investigated by the Rivers Agency with a view to establishing their cause and assessing whether measures could be taken to alleviate the problems. Repairs have been carried out, and blocked watercourse cleared, where that was appropriate. Those issues involving risk to life and property which require more detailed consideration are under investigation. Given the scale of these problems, it will require time to develop and, where viable, implement solutions. The priority of this general work area has been recognised, and the Rivers Agency's capital works budget for the 2000-01 and 2001-02 financial years had already been increased by £2 million and £3 million respectively over the 1999-2000 level.

### Cockles (Strangford Lough)

**Mr Taylor** asked the Minister of Agriculture and Rural Development what representations she has received about the industrial harvesting of cockles at Strangford Lough; whether this operation is damaging the environment; and if she will make a statement. (AQW 324/99)

**Ms Rodgers:** I have received 14 written representations about the mechanical harvesting of cockles from Strangford Lough and the likely adverse effect such activity would have on the foreshore and the resultant disturbance to over-wintering bird populations.

A report on the subject of the mechanical harvesting of cockles indicates that this method of harvesting has the potential to cause damage to the wildlife interests of the lough. I have therefore included in the Assembly's legislative programme a Bill which will amend the Fisheries Act (Northern Ireland) 1966 to control unregulated mechanical harvesting of cockles.

## CULTURE, ARTS AND LEISURE

### Hydroelectric Plants

**Mr J Wilson** asked the Minister of Culture, Arts and Leisure what impact hydroelectric plants have on fish life in Northern Ireland. (AQW 286/99)

**The Minister of Culture, Arts and Leisure (Mr McGimpsey):** The protection measures required under the provisions of the Fisheries Act (Northern Ireland) 1966, and negotiated with hydro-developers through the exemption permits issued under the Act, provide the best possible fishery protection measures. The conditions imposed in the exemption certificates require that the most modern fishery protection methods available be installed. These measures are designed to suit the physical characteristics of each individual site, which, of course, vary from location to location. The protection measures in place at hydroelectric sites considerably reduce the impact on fish stocks. A hydro-monitoring study, commissioned by the Department of Enterprise, Trade and Investment and Northern Ireland Electricity, will be published in the spring. This will provide, *inter alia*, detailed information on the effectiveness of the measures in place to protect fish stocks.

**Mr J Wilson** asked the Minister of Culture, Arts and Leisure how many, and for which sites, exemptions were issued by his Department under section 58 of the Fisheries Act for hydroelectric plant sites under the Non-Fossil Fuel Obligation Orders. (AQW 289/99)

**Mr McGimpsey:** Six exemptions have been issued under section 58 of the Fisheries Act (Northern Ireland) 1966 for hydroelectric plants. Three of the sites are located near Benburb on the River Blackwater, one near Randalstown on the River Maine, one near Sion Mills on the River Mourne, and one near Cullybackey on the River Maine.

**Mr J Wilson** asked the Minister of Culture, Arts and Leisure whether any hydroelectric plant operators have been prosecuted during the last two years for not having screens fitted to their plants. (AQW 290/99)

**Mr McGimpsey:** No.

**Mr J Wilson** asked the Minister of Culture, Arts and Leisure how many hydroelectric plant operators were reported to the Fisheries Conservancy Board by river bailiffs for not having screens fitted to their plants. (AQW 291/99)

**Mr McGimpsey:** One. An investigation file was passed to the board's solicitor, who advised against prosecution.

### Angling

**Mr Morrow** asked the Minister of Culture, Arts and Leisure to outline his plans to promote angling as one of the most popular recreational pursuits in Northern Ireland. (AQW 304/99)

**Mr McGimpsey:** I recognise that angling is a popular recreational pursuit in Northern Ireland and that it has a very important contribution to make to the development of the local economy. I am looking at promoting and developing this important recreational resource from a number of different aspects.

First, the Department is responsible for managing the public angling estate, which comprises 62 waters located throughout Northern Ireland, covering both coarse and game angling waters. Over the next year I will be looking at what might be done to further develop and promote the public angling estate to make it more attractive to the public.

Secondly, I am seeking funding in the next round of EU structural funds for an angling development programme, within a water-based tourism measure, to build on the work already carried out under the very successful salmonid enhancement programme. If this bid is successful, funding should be available to assist both public and private sector fisheries with a view to creating quality game, coarse and sea angling facilities for the benefit of both local residents and tourist anglers.

Thirdly, the Sports Council, which has statutory responsibility for the development of sport, including angling, will continue to work with the governing bodies for angling to develop programmes to sustain competitions, to host major international events and to promote angling for people with disabilities.

Finally, officials from my Department are represented on the Northern Ireland Tourist Board's angling product marketing strategy group, which is aimed at promoting the Northern Ireland angling product in overseas markets.

### Special Advisers

**Mr Ford** asked the Minister of Culture, Arts and Leisure to list those appointed as special advisers in his Department and to detail in each case the date appointment was offered, the date employment commenced, the gender of the appointee, whether the appointment was a result of open competition, and whether the appointee was a member of any political party on the date appointment was offered. (AQW 325/99)

**Mr McGimpsey:** I can confirm that, to date, no special advisers have been appointed in the Department of Culture, Arts and Leisure.

## EDUCATION

### Department of Education

**Mr Kennedy** asked the Minister of Education if he will confirm what title is used for his Department on correspondence and letter-headings. (AQW 279/99)

**The Minister of Education (Mr M McGuinness):** The title used by my Department on correspondence and letter-headings is "Department of Education", in line with article 3, paragraphs (3) and (7), of the Departments (Northern Ireland) Order 1999 (SI 1999/283 (NI 1)).

### Donard Special School (Banbridge)

**Mr Watson** asked the Minister of Education what plans he has to build a new school to replace the existing facilities of the Donard Special School in Banbridge. (AQW 294/99)

**Mr M McGuinness:** The new school for Donard was included in the school building programme which I announced on 9 February. Subject to further planning of the project to bring it up to tender stage, it is hoped that work will be able to start later this year.

### Schools Ancillary Staff

**Mr Douglas** asked the Minister of Education to advise what measures are being devised to end the short-term (10-month) contracts for secretarial staff and classroom assistants in our schools. (AQW 297/99)

**Mr M McGuinness:** Review of the terms and conditions of service of secretarial staff and classroom assistants is a matter for their employing authorities and staff representatives. I understand that discussions are ongoing.

### School Pupils: Suspensions and Expulsions

**Ms Ramsey** asked the Minister of Education if he will report on the measures he has taken to ensure that all schools record and report all suspensions and expulsions of students. (AQW 373/99)

**Mr M McGuinness:** The procedures to be followed by schools are set out in the Schools (Suspension and Expulsion of Pupils) Regulations (Northern Ireland) 1995.

Under these regulations, school principals are required to give written notification of the suspension of a pupil, along with the reason and the duration, to the relevant education and library board and, in the case of a pupil suspended from a Catholic maintained school, to the local diocesan education office as well. A pupil may be expelled from a school only after a period of suspension. Before a pupil can be expelled, there must be pre-expulsion consultations with the parents and

representatives of the education and library board. Therefore, in the case of a suspension or an expulsion, both the school and the education and library board will have a written record. In addition, absence from school on suspension will be recorded as such on the school attendance records.

## ENTERPRISE, TRADE AND INVESTMENT

### Hydroelectric Schemes

**Mr J Wilson** asked the Minister of Enterprise, Trade and Investment how many hydroelectric plants are currently installed on Northern Ireland's rivers. (AQW 287/99)

**The Minister of Enterprise, Trade and Investment (Sir Reg Empey):** An estimated 25 hydroelectric schemes are currently installed on Northern Ireland's rivers.

**Mr J Wilson** asked the Minister of Enterprise, Trade and Investment if there are any pending plans for future hydroelectric schemes on Northern Ireland's rivers. (AQW 288/99)

**Sir Reg Empey:** Three schemes contracted to Northern Ireland Electricity plc under the Non-Fossil Fuel Obligation (NFFO) Orders made in 1994 and 1996 have yet to be commissioned. The commissioning of additional hydroelectric schemes on Northern Ireland's rivers is a matter for the private-sector and community-development bodies.

### Angling

**Mr Morrow** asked the Minister of Enterprise, Trade and Investment what assessment he has made of the economic value to the tourist sector of anglers visiting Northern Ireland, and if he will make a statement. (AQW 303/99)

**Sir Reg Empey:** Estimates from the Northern Ireland Tourist Board surveys carried out at points of entry to Northern Ireland indicate that in 1998 around 8,800 anglers visited Northern Ireland, contributing an estimated £1.25 million to the economy. An angling marketing group has been established to implement a strategic plan to market angling holidays both nationally and internationally.

### Redundancy

**Mr Paisley Jnr** asked the Minister of Enterprise, Trade and Investment how many people have been made redundant in Northern Ireland in both the public and the private sectors since he was appointed Minister. (AQW 309/99)

**Sir Reg Empey:** Between December 1999 and January 2000 there were 1,021 redundancies confirmed to the Department of Enterprise, Trade and Investment. Of these, 1,013 were in the private sector, and eight in the public sector.

### Special Advisers

**Mr Ford** asked the Minister of Enterprise, Trade and Investment to list those appointed as special advisers in his Department, detailing in each case the date appointment was offered, the date employment commenced, the gender of the appointee, whether or not disabled, whether or not the appointment was a result of open competition, and whether the appointee was a member of any political party on the date appointment was offered. (AQW 327/99)

**Sir Reg Empey:** No special advisers have been appointed in the Department of Enterprise, Trade and Investment.

## THE ENVIRONMENT

### River Pollution

**Mr Morrow** asked the Minister of the Environment how many incidents of river pollution were reported in the past 12 months; what the source of these incidents was; in the cases where the offenders were detected, how many were brought to court; how many incidents of river pollution were the result of negligence of other Government Departments; what the number of fish killed in each reported incident was; and what compensation was made to various fishing clubs that control the stretches of rivers involved. (AQW 299/99)

**The Minister of the Environment (Mr Foster):** During 1999 a total of 2,415 water-pollution incidents were reported to the Environment and Heritage Service (EHS) and its agents. Of the total number of incidents reported, 1,510 were substantiated. The source from which the pollution arose in each case is detailed in the table below.

Pollution Source	Number of incidents
Agriculture	438
Industry	349
Sewage and water	347
Domestic	156
Transport	53
Other	167
TOTAL	1,510

It is the policy of EHS to initiate prosecution proceedings where appropriate, taking into account the severity of the incident and the enforcement action considered necessary to prevent recurrence of the pollution.

Final returns on prosecution action in relation to pollution incidents occurring during 1999 are not yet available. To date, however, 11 cases have been successfully prosecuted, and 29 have been referred to the DPP's office and are at various stages in the legal process. A number of other cases are still under consideration.

The number of incidents attributed to Government Departments was 249, of which the Water Service was notified about 246, the Roads Service two, and the Construction Service one.

Twenty-eight of the incidents recorded by EHS during 1999 involved fish kills. Details of compensation paid to angling clubs are not held by my Department.

**Mr Morrow** asked the Minister of the Environment if he can confirm that river pollution in recent years has been on the increase and to outline the steps he is taking to ensure that these do not recur. (AQW 300/99).

**Mr Foster:** Since 1996 the number of substantiated pollution incidents reported to EHS has shown a steady year-on-year decrease, falling from 2,055 in 1996 to 1,510 in 1999.

When a pollution report is made, EHS aims to:

locate the pollution source, identify the polluter and, if appropriate, collect sufficient evidence to secure a prosecution;

secure from the polluter the necessary action to prevent continuation or repetition of pollution;

and recover costs, where possible, from the polluter.

EHS also pursues a policy of proactive pollution prevention. A number of approaches to this are being undertaken, including the following:

the production of pollution prevention guidelines on a wide range of issues;

river corridor surveys where river quality is impaired or is failing to comply with water quality standards;

industrial-estate surveys to undertake risk assessments, with the aim of reducing industrial pollution;

survey of oil depots;

survey of timber treatment premises; and

the promotion of sustainable urban drainage techniques.

As part of its strategy for maximising the reporting of incidents, EHS introduced the water pollution hotline number — 0800 807060 — at the beginning of 1988. The response to date suggests that increased public awareness and the availability of a Freefone number are encouraging the public to report incidents more quickly. The number has been advertised in newspapers and angling magazines and at a number of high-profile events since its introduction. Wallet cards detailing the Freephone number have also been distributed widely.



**Mr Morrow** asked the Minister of the Environment what proposals he has for further legislation to address the problems associated with river pollution.

(AQW 301/99)

**Mr Foster:** I propose later this year to bring into operation the provisions of part II of the Water (Northern Ireland) Order 1999. These will provide enabling powers for my Department to impose charges for the issue of discharge consents, to enforce the requirements of pollution-prevention notices before pollution can occur, to issue notices requiring persons to carry out anti-pollution work, and to extend current powers to make pollution-prevention regulations to include industry and agriculture. I intend that all the necessary regulations to give effect to these measures will be in place by the end of the year, subject to consultation with the Assembly's Environment Committee and other interested parties.

**Mr Morrow** asked the Minister of the Environment what assessment he has made of the efficacy of current legislation to control river pollution.

(AQW 302/99)

**Mr Foster:** Current legislation on the control of river pollution is the Water Act (Northern Ireland) 1972. This provides adequate powers for the control of discharges and non-consented discharges to surface waters and water in underground strata. The penalty under summary conviction can be up to a maximum of £20,000. In 1998, 90 cases were presented for prosecution, of which 84 received fines totalling £36,965.

The water quality of rivers is also monitored regularly, and over the three-year period from 1996 to 1998, 82% of those chemically monitored were classed as being fairly good to very good. In 1998 this figure rose to 93.7%.

However, I also proposed to introduce, later this year, the provisions of part II of the Water (Northern Ireland) Order 1999, which will further strengthen the powers available to reduce or prevent water pollution.

## FINANCE AND PERSONNEL

### Life Expectancy

**Ms Ramsey** asked the Minister of Finance and Personnel if he will provide a breakdown of life-expectancy rates by community trust board area.

(AQW 292/99)

**The Minister of Finance and Personnel (Mr Durkan):** Life expectancy statistics are not currently available by community trust areas. Estimates of life expectancy for Northern Ireland's four health and social service board areas and 26 local government districts are given in the table below.

### Expectation of life at Birth (1994-98)

	Males	Females
Northern Ireland	73.9	79.3
Eastern Board area	73.8	79.5
Ards	74.4	79.9
Belfast	72.4	78.8
Castlereagh	75.9	80.0
Down	73.0	78.8
Lisburn	75.2	80.1
North Down	75.8	80.6
Northern Board area	74.3	79.7
Antrim	73.4	79.2
Ballymena	74.5	78.9
Ballymoney	74.4	78.4
Carrickfergus	74.5	78.9
Coleraine	74.6	80.2
Cookstown	74.9	80.9
Larne	74.0	80.6
Magherafelt	73.6	80.5
Moyle	73.7	80.6
Newtownabbey	75.0	79.5
Southern Board area	73.8	79.0
Armagh	74.5	79.3
Banbridge	72.4	78.8
Craigavon	74.0	79.6
Dungannon	72.5	78.6
Newry and Mourne	73.2	78.2
Western Board area	73.2	78.6
Fermanagh	73.2	79.3
Limavady	75.1	79.1
Derry	72.1	77.4

### Mortality and Morbidity Rates

**Ms Ramsey** asked the Minister of Finance and Personnel if he will provide a breakdown of mortality and morbidity rates by committee trust board area.

(AQW 293/99).

**Mr Durkan:** Mortality statistics are not currently available by community trust areas. Latest estimates of mortality rates per 1,000 population for Northern

Ireland's 26 local government districts and the four health and social services board areas are given in the table below. Crude mortality rates for any area (the number of deaths per 1,000 population) are affected by the age distribution of the resident population. Accordingly, it is recommended that mortality rates for areas be compared using age-standardised mortality rates.

There are no direct measures of morbidity available.

	Crude mortality rate 1996-98	Age — standardised mortality rate 1996-98
Northern Ireland	9.0	9.0
Eastern Board	9.9	8.8
Ards	9.3	8.8
Belfast	10.9	9.3
Castlereagh	9.8	8.2
Down	9.5	9.7
Lisburn	7.3	8.2
North Down	10.4	8.0
Northern Board	8.6	8.8
Antrim	7.5	9.4
Ballymena	9.6	9.4
Ballymoney	8.7	8.7
Carrickfergus	8.5	8.9
Coleraine	8.8	8.2
Cookstown	7.7	7.6
Larne	9.8	8.8
Magherafelt	8.2	9.3
Moyle	9.2	7.9
Newtownabbey	8.7	8.8
Southern Board	8.3	9.1
Armagh	8.6	8.9
Banbridge	8.3	8.7
Craigavon	7.9	8.5
Dungannon	8.6	10.0
Newry and Mourne	8.2	9.7
Western Board	8.1	9.5
Fermanagh	10.2	9.6
Limavady	6.3	8.0
Derry	7.4	10.4
Omagh	8.2	9.0
Special Advisers	8.1	9.1

### Special Advisers

**Mr Ford** asked the Minister of Finance and Personnel to list those appointed as special advisers in his Department, detailing in each case the date

appointment was offered, the date employment commenced, the gender of the appointee, whether or not the appointment was a result of open competition, and membership of any political party on the date appointment was offered. (AQW 329/99)

**Mr Durkan:** The Department has not appointed any special advisers to date.

### Management Trainee Programme

**Ms Lewsley** asked the Minister of Finance and Personnel how many candidates were recruited to the management trainee programme in 1996 and how many of those recruited were still on the programme at 31 December 1999. (AQW 336/99)

**Mr Durkan:** Twenty people were recruited to the 1996 management trainee scheme. Twelve remained on the scheme at 31 December 1999.

## HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

### Ulster Hospital: Bed Crisis

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety to review funding to the Ulster Hospital in order to address the present bed crisis. (AQW 269/99)

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** Out of its share of the extra resources for winter pressures, the Eastern Health and Social Services Board has earmarked £269,000 for the Ulster Hospital specifically to fund the additional costs incurred as a result of the present bed crisis. To ensure that this funding is sufficient the board will be reviewing the actual activity undertaken by the hospital and will allocate further funds as required.

As a sciar de na hacmhainní breise do bhrú an gheimhridh, tá £269,000 curtha i leataobh ag Bord Sláinte agus Seirbhísí Sóisialta an Oirthir d'Oispidéal Uladh, go díreach le maoiniú a sholáthar do na costais bhreise mar gheall ar an ghéarchéim leapacha atá ann faoi láthair. Le cinntiú gur leor an maoiniú seo, beidh an bord ag déanamh athbhreithnithe ar an ghníomhaíocht atá ar bun ag an ospidéal faoi láthair agus cionroinnfidh an bord tuilleadh maóinithe de réir mar is gá.

### Cancer Units: Funding

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety if she will review funding of cancer units throughout Northern Ireland. (AQW 271/99)

**Ms de Brún:** In doing so, I am very aware of how important it is to improve our cancer services. Cancer is

one of the major causes of death in this country, and survival rates are lower than in other European countries.

I am determined to ensure that the fight against cancer should be adequately resourced. Accordingly, it is my intention to use the anticipated additional £9 million in 2000-01 from the proceeds of the increase in tobacco duties for this purpose. These extra resources will support the further development of the cancer units and the enhancement of palliative-care services.

Is maith is eol dom a thábhachtaí atá sé ár seirbhísí ailse a fheabhsú. Is í an ailse ceann de phríomhchúiseanna an bháis sa tír seo agus tá rátaí marthanais níos ísle ná i dtíortha eile na hEorpa.

Tá mé meáite ar chinntiú go mbeidh acmhainní cuí curtha ar fáil don troid in éadan na h-ailse. Dá thairbhe sin, tá sé de rún agam úsáid a bhaint as an £9 milliún sa bhreis atáimid ag súil le fáil sa bhliain 2000/1 ó na fáiltais ó mhéadú dleachtanna ar an tobac chuige seo. Tacóidh na hacmhainní breise seo leis an fhorbairt sa bhreis sna haonaid ailse agus le méadú ar sheirbhísí cúraim mhaolaithigh.

### Muckamore Abbey Hospital

**Mr J Wilson** asked the Minister of Health, Social Services and Public Safety if any account has been taken of the concerns of the Society of Parents and Friends of Muckamore Abbey Hospital over the proposals for relocation of residents, and if she will make a statement.

(AQW 295/99)

**Ms de Brún:** The concerns of the Society of Parents and Friends of Muckamore Abbey Hospital have been taken into account.

In the light of these, the North and West Belfast Health and Social Services Trust will shortly be consulting with the society, and other interested parties, on the formulation of proposals.

Glacadh san áireamh imní Chumann na dTuismitheoirí agus Chairde Otharlann Mhainistir Mhaigh Chomair.

Dá bhrí sin, beidh Iontaobhas Sláinte agus Sóisialta Bhéal Feirste Thuaidh agus Thiar ag gabháil i gcomhairle leis an Chumann gan mhoill comh maith le páirtithe leasmhara eile chun moltaí a chur in eagar.

### Air Ambulance Service

**Mr Kennedy** asked the Minister of Health, Social Services and Public Safety if there are any plans to provide an air ambulance service, given its proven success in other parts of the United Kingdom, and if she will make a statement.

(AQW 305/99)

**Ms de Brún:** The final report on a strategic review of the provision of ambulance services here was

received by my Department, and the question of an air ambulance service is addressed in that report.

I wish to study the report's findings and recommendations, and the comments received on them, before reaching any decisions on the viability of any air ambulance service.

Fuarthas an tuarascáil dheiridh ar athbhreithniú straitéiseach ar an soláthar seirbhísí otharcharr anseo ag mo Roinn, agus pléitear ceist aersheirbhís otharchairr taobh istigh den tuarascáil sin.

Ba mhian liom ar dtús staidéar a dhéanamh ar thátail agus ar mholtaí na tuarascála, agus ar an mhéid a bheidh le rá fúthu, sula ndéanfaínn aon chinntí maidir le hinmharthanacht aersheirbhís otharchairr.

### Hospitals Expenditure

**Mr Paisley Jnr** asked the Minister of Health, Social Services and Public Safety what disaggregation of expenditure by injury / cause of illness is provided by hospitals in Northern Ireland.

(AQW 312/99)

**Ms de Brún:** The information is not readily available in the form requested. Health and social services trusts do not allocate costs or expenditure by injury / cause of illness.

Níl an t-eolas, mar a iarradh é, infhaighte. Ní dháilíonn iontaobhais seirbhísí sláinte agus sóisialta costais nó caitheachas de réir dochair/cúis tinnis.

**Mr Paisley Jnr** asked the Minister of Health, Social Services and Public Safety to provide a breakdown of expenditure by hospitals in Northern Ireland and by admission criteria for each of the last five years.

(AQW 313/99)

**Ms de Brún:** The information in the form requested is not readily available and could be provided only at disproportionate cost.

Níl fáil go réidh ar an eolas a d'airr tú agus ní fhéadfaí é a fháil ach ar chostas a bheadh díréireach.

### Crime Victims: Medical Care

**Mr Paisley Jnr** asked the Minister of Health, Social Services and Public Safety how many victims of crime were treated in Northern Ireland hospitals in each of the last five years.

(AQW 314/99)

**Ms de Brún:** The information in the form requested is not readily available and could be provided only at disproportionate cost.

Níl fáil go réidh ar an eolas a d'airr tú agus ní fhéadfaí é a fháil ach ar chostas a bheadh díréireach.

**Mr Paisley Jnr** asked the Minister of Health, Social Services and Public Safety what arrangements her

Department has for recovering costs of medical care provided to victims of crime. (AQW 315/99)

**Ms de Brún:** There are no arrangements for recovering such costs.

Níl socruithe déanta leis na costais seo a fháil ar ais.

**Mr Paisley Jnr** asked the Minister of Health, Social Services and Public Safety what financial value can be accrued from cost recovery from those found guilty of crimes which rendered victims in need of Health Service attention in the last five years. (AQW 316/99)

**Ms de Brún:** The information in the form requested is not available.

Níl an t-eolas ar fáil san fhoirm a iarradh.

### Minor Injuries Unit (Larne)

**Mr O'Connor** asked the Minister of Health, Social Services and Public Safety what action is being taken to ensure the provision of a community hospital minor injuries unit for the Larne area. (AQW 319/99)

**Ms de Brún:** Following a review of acute hospital services in its area in 1998, the Northern Health and Social Services Board recommended that Antrim Area Hospital should become the focus for acute services in the southern part of the board's area, with local hospital services, including day surgery, outpatient services and diagnostic facilities, being developed at Whiteabbey. The board also recommended that a minor injuries unit should be developed in Larne.

I am at present considering how our hospital services can be developed in a way which ensures high-quality hospital care for all those who need it. In doing so, I am very aware of how important hospital services are to local communities in particular. Before any changes are made, therefore, I shall want to ensure that decisions about the future of such services are based on the fullest possible information.

I ndiaidh an athbhreithnithe a rinneadh in 1998 ar ghéarsheirbhísí otharlainne laistigh dá limistéar, mhol Bord Sláinte, agus Seirbhísí Sóisialta an Tuaiscirt gur chóir na géarsheirbhísí a dhíriú ar Otharlann Cheantar Aontroma sa taobh ó dheas de limistéar an bhoird, ag fágáil seirbhísí áitiúla otharlainne, comh maith le máinliacht lae, seirbhísí na n-othar seachtrach agus áiseanna fáithmheasa á bhforbairt san otharlann ar an Mhainistir Fhionn. Molann an bord comh maith gur chóir aonad mionghortaithe a fhorbairt i Látharna.

Faoi láthair, tá mé ag déanamh machnaimh ar an dóigh is fearr lenár seirbhísí otharlainne a fhorbairt le cinntiú go mbíonn cúram oispidéil ardchailíochta ar fáil do chách a bhfuil sé de dhíth air/uirthi. Chuige sin, tuigim tábhacht na seirbhísí otharlainne don phobal áitiúil go háirithe. Sular ndéanfar athrú ar bith, mar sin,

déanfaidh mé cinnte go mbeidh cinnidh faoi thodhchaí na seirbhísí bunaithe ar an eolas is iomláine a d'fhéadfaí a fháil.

### Contraception

**Mr O'Connor** asked the Minister of Health, Social Services and Public Safety if she will confirm that in Northern Ireland morning-after pills are available only on prescription from registered general practitioners. (AQW 321/99)

**Ms de Brún:** Emergency contraception, including the morning-after pill, is available on prescription from general medical practitioners. It is also available from family planning clinics, including some youth clinics and hospital accident and emergency units.

Tá frithghiniúnt éigeandála, mar aon leis an 'phiolla lá arna mharach' ar fáil le hoideas ó ghnáthdhochtúirí ginearálta. Tá sé ar fáil comh maith ó chlinicí pleanáil clainne comh maith le clinicí óige agus aonaid otharlainne timpistí agus éigeandála.

### Occupational Therapy (East Antrim)

**Mr O'Connor** asked the Minister of Health, Social Services and Public Safety what action has been taken to reduce occupational therapy waiting times in the East Antrim constituency. (AQW 322/99)

**Ms de Brún:** A further 1.5 WTE occupational therapy staff are being appointed in Homefirst Community Trust, serving East Antrim. The trust has agreed a strategy to target, by June 2000, clients waiting six months or more.

Ceapfar 1.5 de fhoireann teiripe saothair lán-aimseartha in Iontaobhas Pobail Homefirst ag freastal ar Anontroim Thoir. D'aontaigh an tiontaobhas ar straitéis le díriú ar chliaint atá ag fanacht le 6 mhí nó níos faide faoi Mheitheamh 2000.

## HIGHER AND FURTHER EDUCATION, TRAINING AND EMPLOYMENT

### Long-Term Unemployment

**Mrs Nelis** asked the Minister of Higher and Further Education, Training and Employment if he will examine the need to overhaul the intensive activity period for the long-term unemployed in the New Deal programme for over-25-year-olds. (AQW 335/99)

**The Minister of Higher and Further Education, Training and Employment (Dr Farren):** Northern Ireland is one of 29 areas throughout the United Kingdom which are currently testing the effectiveness of new approaches to helping long-term unemployed adults back into work. The New Deal 25-plus pilots were



introduced in November 1998 and will operate until April 2001. Northern Ireland is by far the largest pilot area, with 30,000 of the overall 90,000 available places.

The intensive activity period is a key feature of the pilots, which offers participants a 13-week programme aimed specifically at getting them into a job or improving their employability.

An evaluation of the New Deal 25-plus pilots is currently under way, and the results will be published and made available later in the year. Until the evaluation is complete it would be inappropriate to make any substantive changes to any aspect of the New Deal 25-plus programme. Any future provision for the long-term unemployed, post-April 2001, will, of course, fully take into account the results of the evaluation.

## REGIONAL DEVELOPMENT

### Roads Service Budget

**Mrs Nelis** asked the Minister for Regional Development to outline the proposed allocation from his budget to the Roads Service west of the Bann. (AQW 277/99)

**The Minister for Regional Development (Mr P Robinson):** The allocation of my Department's Roads Service budget to the four Roads Service divisions and across district council areas has not yet been determined. I will announce the details as soon as they have been finalised.

### Special Advisers

**Mr Ford** asked the Minister for Regional Development to list those appointed as special advisers in his Department, detailing in each case the date appointment was offered, the date employment commenced, the gender of each appointee, whether or not disabled, whether or not the appointment was a result of open competition, and membership of any political party on the date appointment was offered. (AQW 349/99)

**Mr P Robinson:** My special adviser, of male gender, was offered and commenced employment on

31 January 2000. I am not aware of any disability that he may have. He was appointed in accordance with the Civil Service Commissioners (Northern Ireland) Order 1999 and, to the best of my knowledge, is not a member of any political party.

## SOCIAL DEVELOPMENT

### Housing Executive Waiting List: Medical Priority

**Mrs Nelis** asked the Minister for Social Development if he will investigate the allocation policy of the Housing Executive in respect of the medical priority waiting list for housing. (AQW 276/99)

**The Minister for Social Development (Mr Dodds):** Following a comprehensive consultation exercise, a common selection scheme for the allocation of future tenancies by both the Housing Executive and housing associations is planned for implementation later this year.

One of the factors which drove the need for a review of the existing allocation scheme was recognition of the difficulty in matching an applicant with medical problems to appropriate accommodation. Representatives of public bodies responsible for health and welfare needs were fully involved in the review and the final design of the proposed common selection scheme. Operation of the scheme will include liaison between the Housing Executive and other agencies, in an attempt to ensure that an individual's health and other support needs are addressed as part of the allocation process.

In the meantime, allocations must continue to be made on the basis of the current scheme approved by the Department. It is envisaged that the next review, which will give an indication of the effectiveness of allocation policy, will take the form of an evaluation exercise when the common selection scheme has been in operation for a sufficient time.



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